AGENDA

WALLA WALLA COUNTY BOARD OF COMMISSIONERS

MONDAY, JULY 29, 2019

(PLEASE NOTE SLIGHTLY EARLIER START TIME THIS DATE)

9:15 COUNTY COMMISSIONERS

Chairman Kimball

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:

 Review submitted Employee Payroll Action Forms

c) Consent Agenda Items:

- Resolution ______ Minutes of County Commissioners' sessions of July 22 and 23, 2019
- Resolution _____ Proclaiming August 6, 2019 as "National Night Out in Walla Walla"
- Execute small works contract with Southern Folger Detention Equipment Company, LLC
- 4) Payroll action and other forms requiring Board approval

BOARD OF COUNTY COMMISSIONERS WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF PROCLAIMING AUGUST 6, 2019 AS "NATIONAL NIGHT OUT IN WALLA WALLA"

RESOLUTION NO. 19

WHEREAS, local law enforcement agencies and others are once again cooperating to bring a nationwide crime, drug and violence prevention program, entitled "National Night Out", to the area on August 6, 2019; and

WHEREAS, the "National Night Out" event provides a unique opportunity for Walla Walla County to join forces with thousands of other communities across the country in promoting cooperative, law enforcement-community crime prevention efforts; and

WHEREAS, it is appropriate to recognize and publicize such an event; now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that they sign a proclamation declaring August 6, 2019, as "National Night Out in Walla Walla".

Passed this <u>29th</u> day of <u>July, 2019</u> by Board members as follows: <u>Present or</u> Participating via other means, and by the following vote: <u>Aye</u> Nay Abstained Absent.

Attest:

Diane L. Harris, Clerk of the Board

Todd L. Kimball, Chairman, District 2

James K. Johnson, Commissioner, District 1

Gregory A. Tompkins, Commissioner, District 3

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

PROCLAMATION

- WHEREAS, National Night Out is an annual community-building campaign that promotes law enforcement-community partnerships and neighborhood camaraderie to help make our county a safer, more caring place to live. National Night Out enhances the relationship between neighbors and law enforcement while bringing back a true sense of community, and it provides a great opportunity to bring all emergency responders and neighbors together under positive circumstances; and
- WHEREAS. National Night Out is designed to heighten crime and drug prevention awareness; generate support for and participation in local anti-crime efforts; strengthen neighborhood spirit and law enforcement-community partnerships; and send a message to criminals letting them know that county citizens are organized and fighting back; and
- WHEREAS the safety of our communities depends on both law enforcement and the citizens they serve working together to prevent and fight crime and keep all citizens safe, and local law enforcement agencies and others are once again cooperating to bring this nationwide crime, drug and violence prevention program, "National Night Out", to the Walla Walla area on August 6, 2019; and
- WHEREAS, the Walla Walla County Sheriff's Office, Walla Walla and College Place Police Departments, fire departments, and emergency response and other agencies support joint crime and drug and violence prevention efforts by participating in National Night Out locally and bringing citizens and emergency responders together; and
- WHEREAS, it is essential that all citizens of Walla Walla County be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs and violence in Walla Walla County; now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that they support "National Night Out 2019" locally and hereby proclaim

Tuesday, August 6, 2019, as NATIONAL NIGHT OUT IN WALLA WALLA

and encourage county citizens to join in the fight against crime, support the efforts of city and county law enforcement, and learn more about cooperative local law enforcement-community crime prevention efforts by attending this unique free, informative event, to be held in Pioneer Park.

Dated this 29th day of July, 2019, at Walla Walla County, Washington.

BOARD OF COUNTY COMMISSIONERS WALLA WALLA COUNTY, WASHINGTON

Todd L. Kimball, Chairman, District 2

James K. Johnson, Commissioner, District 1

Attest:

Diane L. Harris, Clerk of the Board

WALLA WALLA COUNTY, STATE OF WASHINGTON SMALL WORKS CONTRACT

THIS CONTRACT, made this 22^{N} day of 2^{1} , 2^{1} , 2^{1} , by and between Walla Walla County, hereinafter called "County", and Southern Folger Detention Equipment Company, LLC, hereinafter called "Contractor", WITNESSETH:

WHEREAS, The County has desires to enter into a contract with Contractor to perform certain labor and furnish certain materials for County Corrections Department, Walla Walla County, Washington as per plans and specifications and proposal attached hereto,

THE CONTRACTOR AGREES AS FOLLOWS:

1. To comply with the special terms and conditions attached hereto and incorporated herein by reference.

2. To furnish all labor, materials, equipment, permits, etc., necessary or required and to perform all the work necessary or incidentally required for that part of the construction of the aforesaid project per the special terms and conditions attached hereto and incorporated herein by reference.

3. To complete all of the work specified in the attached plans and specifications within 180 calendar days after the date of this agreement.

4. Except as provided in Paragraph 17, to provide Security in the amount of the Contract Amount to be withheld for thirty (30) days after final acceptance by the County or receipt of all releases from the Departments of Labor and Industries and Revenue; and settlement of any filed liens, which ever is later. Security may be in the form of a bond, letter of credit, or escrow agreement naming the County as principal and providing that release of the same shall only be on the written request of the County.

5. To pay for all materials, skill, labor and equipment, etc., used in or in connection with the performance of this contract, when and as bills or claims therefore become due, and to save and protect the premises and the County from all claims and mechanics' liens on account thereof, and to furnish satisfactory evidence to the County when and if required, that they have complied with the above requirements. In the event the Contractor has not provided sufficient Security as required in paragraph 4 above, or otherwise required by RCW 39.08.010, the County, at its option, may provide to be billed for and pay for any or all materials directly from the suppliers thereof.

6. To begin work no later than September 15, 2019 and shall be completed no later than March 15, 2020.Contractor to clean up after its work, and if this is not done expeditiously, after notification by the County, said clean up may be done by the County and charged to the account of the Contractor.

7. To proceed with the work and to abide by the County's decision as to the allotment of all storage and working space on the project.

8. That no extension of time of performance of this contract shall be recognized by the County without the County's written consent provided to the Contractor.

9. To pay for any expense the County may suffer as a result of the Contractor's failure through causes within said Contractor's control to carry out the provision of this

Walla Walla County Small Works Contract less than \$150K (rev. 4/19) Page 1 of 9 agreement.

10. Indemnification and hold harmless. To the fullest extent permitted by law, the Contractor agrees to indemnify, defend and hold the County and its departments, elected and appointed officials, employees, agents and volunteers, harmless from and against any and all claims, damages, losses and expenses, including but not limited to court costs, attorney's fees and alternative dispute resolution costs, for any personal injury, for any bodily injury, sickness, disease or death and for any damage to or destruction of any property (including the loss of use resulting therefrom) which 1) are caused in whole or in part by any act or omission, negligent or otherwise, of the Contractor, its employees, agents or volunteers or Contractor's subcontractors and their employees, agents or volunteers; or 2) are directly or indirectly arising out of, resulting from, or in connection with performance of this Agreement; or 3) are based upon the Contractor's or its subcontractors' use of, presence upon or proximity to the property of the County. This indemnification obligation of the Contractor shall not apply in the limited circumstance where the claim, damage, loss or expense is caused by the sole negligence of the County. In the event of the concurrent negligence of the Contractor, its subcontractors, employees or agents, and the County, its employees or agents, this indemnification obligation of the Contractor shall be valid and enforceable only to the extent of the negligence of the Contractor, its subcontractors, employees and agents. This indemnification obligation of the Contractor shall not be limited in any way by the Washington State Industrial Insurance Act, RCW Title 51, or by application of any other workmen's compensation act, disability benefit act or other employee benefit act, and the Contractor hereby expressly waives any immunity afforded by such acts. The foregoing indemnification obligations of the Contractor are a material inducement to County to enter into this Agreement, are reflected in the Contractor's compensation, and have been mutually negotiated by the parties.

Contractor's initials acknowledging indemnity terms:

10.01 Participation by County – No Waiver. The County reserves the right, but not the obligation, to participate in the defense of any claim, damages, losses or expenses and such participation shall not constitute a waiver of Contractor's indemnity obligations under this Agreement.

10.02 Survival of Contractor's Indemnity Obligations. The Contractor agrees all Contractor's indemnity obligations shall survive the completion, expiration or termination of this Agreement.

10.03 **Indemnity by Subcontractors**. In the event the Contractor enters into subcontracts to the extent allowed under this Agreement, the Contractor's subcontractors shall indemnify the County on a basis equal to or exceeding Contractor's indemnity obligations to the County.

11. **Insurance.** The Contractor shall, at its own expense, obtain and continuously maintain the following insurance coverage. All insurers providing such insurance shall be acceptable to the County and be licensed to do business in the State of Washington and admitted by the Washington State Insurance Commissioner. Coverage limits shall be

Walla Walla County Small Works Contract less than \$150K (rev. 4/19) Page 2 of 9 the minimum limits identified in this Agreement, or the coverage limits provided or available under the policies maintained by the Contractor without regard to this Agreement, whichever are greater.

1

1.01 (General Commercial Liability -	\$1,000,000 Minimum, Each Occurrence
		\$2,000,000 Minimum, Annual Aggregate

Coverage shall include personal injury, bodily injury and property damage for Premises/Operations Liability, Products/Completed Operations, Personal/Advertising Injury, Contractual Liability, Independent Contractor Liability, and Stop Gap/Employer's Liability. Coverage shall not exclude or contain sub-limits less than the minimum limits required, unless approved in writing by the County.

11.02. Business Automobile Liability -	\$500,000 Minimum, Each Occurrence \$1,000,000 Minimum, Annual Aggregate

Coverage shall include liability for any and all owned, non-owned and hired motor vehicles. Coverage may be satisfied by way of endorsement to the General Commercial Liability policy.

11.03 The Contractor shall maintain workers Compensation insurance in accordance with the State of Washington Labor Code for all employees, agents and volunteers eligible for such coverage under the Industrial Insurance Act.

11.04 All Contractor's and contractor's subcontractors' insurance policies and additional named insured endorsements shall provide primary insurance coverage and be non-contributory. Any insurance, self-insured retention, deductible, risk retention or insurance pooling maintained or participated in by the County shall be excess and not contributory to such insurance policies. All Contractor's and Contractor's subcontractors' liability insurance policies must be endorsed to show this primary coverage.

11.05 Upon request, the Contractor shall provide a full and complete certified copy of all requested insurance policies to the County. The County reserves the right, but not the obligation, to revise any insurance requirement, not limited to limits, coverages and endorsements, or to reject any insurance policies which fail to meet the requirements of this Agreement. Additionally, the County reserves the right, but not the obligation, to review and reject any proposed insurer providing coverage based upon the insurer's financial condition or licensing status in Washington. Any deductibles and/or self-insured retentions exceeding \$20,000, stop loss provisions, and/or exclusions contained in such policies must be approved by the County in writing. For any deductibles or self-

Walla Walla County Small Works Contract less than \$150K (rev. 4/19) Page 3 of 9 insured retentions exceeding \$20,000 or any stop-loss provisions, the County shall have the right to request and review the Contractor's most recent annual financial reports and audited financial statements as a condition of approval.

11.06 Contractor hereby agrees to a waive subrogation with respect to each insurance policy maintained under this Agreement. When required by an insurer, or if a policy condition does not permit Contractor to enter into a pre-loss agreement to waive subrogation without an endorsement, then Contractor agrees to notify the insurer and obtain such endorsement. This requirement shall not apply to any policy which includes a condition expressly prohibiting waiver of subrogation by the insured or which voids coverage should the Contractor enter into such a waiver of subrogation on a pre-loss basis.

11.07 The County, its departments, elected and appointed officials, employees, agents and volunteers shall be named as additional insureds on Contractor's and Contractor's subcontractors' insurance policies by way of endorsement for the full available limits of insurance maintained by the Contractor and subcontractor, and all coverage shall be primary and non-contributory. A statement of additional insured status on a Certificate of Insurance shall not satisfy these requirements.

11.08 The Contractor shall, within 10 days of the execution of this contract, for each required insurance policy, provide a Certificate of Insurance, with endorsements attached, evidencing all required coverages, limits, deductibles, self-insured retentions and endorsements and which is conditioned upon the County receiving thirty (30) days prior written notice of reduction in coverages, cancellation or non-renewal. Each Certificate of Insurance and all insurance notices shall be provided to the Risk Management Department, 314 W. Main Street, Room 216, Walla Walla, WA, 99362.

11.09 The insurance maintained under this Agreement shall not in any manner limit or qualify the liabilities or obligations of the Contractor under this Agreement. All insurance policy deductibles and self-insured retentions for policies maintained under this Agreement shall be paid by the Contractor.

11.10 Compensation and/or payments due to the Contractor under this Agreement are expressly conditioned upon the Provider's strict compliance with all insurance requirements. Payment to the Contractor shall be suspended in the event of non-compliance. Upon receipt of evidence of Contractor's compliance, payments not otherwise subject to withholding or set-off will be released to the Contractor.

12. To adequately and properly protect the work to be performed hereunder, to be responsible for damages to persons and property occasioned by its failure to do so, to be responsible for any defective or improper work or material caused by its failure to do so, it being understood that the standards of protection shall not be less than those specified in the general contract or required by law.

Walla Walla County Small Works Contract less than \$150K (rev. 4/19) Page 4 of 9 13. To not assign this contract, or sublet the same, or any party thereof covering work to be performed at the site of the project named in this agreement, and not to assign any payments hereunder without first obtaining the written consent of the Owner.

14. To be bound by the terms of the contract with the County, general conditions, special conditions and specifications and addenda, and to conform to and comply with the drawings and specifications and addenda and to furnish such shop drawings or samples as may be required.

15. To comply with RCW 39.12 - Prevailing wages on public works: All workmen for the Contractor and subcontractors shall provide "intent to pay prevailing wages" forms prior to invoice payments and provide complete "affidavit of wages paid" forms before retained funds are released. The Contractor shall contact the Department of Labor & Industries, Industrial Statistician, and pay all applicable fees required.

16. That the County shall have the right to order, in writing, the deletion or addition of the parts of the work, or materials as omitted from or added to the general contract on the above-named contract price for such omitted or added work or materials; that no extra work shall be allowed or changes made by the Contractor, or paid for by the County unless authorized by the Owner in writing before the work and/or changes are begun. The work shall not be invoiced until a fully authorized "change order" has been processed.

17. To furnish to the County a performance and payment surety bond or Security acceptable to the County in an amount equal to the contract price conditioned upon and covering the faithful performance of, and compliance, with, all the terms, provisions and conditions of this contract and payment for all labor, materials equipment and supplies used in the prosecution of the work provided herein, to be withheld for thirty (30) days after final acceptance by the County or receipt of all releases from the Departments of Labor and Industries and Revenue; and settlement of any filed liens, which ever is later. Security may be in the form of a bond, letter of credit, or escrow agreement naming the County as principal and providing that release of the same shall only be on the written request of the County. At the option of the contractor, the County may, in lieu of the bond, retain ten percent of the contract amount for a period of thirty days after date of final acceptance, or until receipt of all necessary releases from the department of revenue. the employment security department, and the department of labor and industries and settlement of any liens filed under chapter 60.28 RCW, whichever is later. The recovery of unpaid wages and benefits must be the first priority for any actions filed against the retainage.

18. To guarantee his work against all defects of materials or workmanship, as called for in the plans, specifications and addenda for a period of one year from the date of completion and acceptance of the project, unless the project specifications require a longer guarantee period.

19. That if notification of any claims have been made against the Contractor arising out of labor or materials furnished the project covered by this agreement, or otherwise on account of any actions or failures to act by the Contractor in the performance of this agreement, the County may, at its discretion, withhold such amounts otherwise due or to become due hereunder, to cover said claims and any costs or expenses arising, or to arise, in connection therewith pending legal settlement thereof,

Walla Walla County Small Works Contract less than \$150K (rev. 4/19) Page 5 of 9

subject to the limitations of RCW 39.08.010 and 60.28.010. This right of the County shall not be exclusive of any other rights of the County herein or as provided by law.

20. That in case the Contractor shall fail to correct, replace or re-execute faulty or defective work done and/or materials furnished under this contract as required by the County, or shall fail to complete or diligently proceed with this contract within the time provided herein, or of the Contractor or any subcontractor shall be unable to proceed with the work because of any action by one or more employees of the Contractor or by a person or labor organization purporting or attempting to represent any employee of the Contractor, the County, upon notice to the Contractor, shall have the right to correct, replace or re-execute such faulty or defective work, or to take over this contract and complete same, and to charge the cost thereof to the Contractor, together with any damages suffered by the County, and any delays caused in the performance of this contract.

21. That in case of default on the part of the Contractor under the terms of this agreement, the material and equipment of the Contractor shall be left on the job for the use of the County in completing the work covered by the terms of this agreement.

22. To comply with all federal and state laws, codes and regulations and all municipal ordinances and regulations effective where the work is to be performed under this contract, and to pay all costs and expenses connected with such compliance, to pay all fees, permits and taxes, including sales and use taxes, on all goods and services purchased by the Contractor, and also to pay all taxes imposed by any state or federal law for any employment insurance, pensions, old age retirement funds or any similar purpose and hold the Owner harmless from any and all loss or damage occasioned by the failure of the Contractor to comply with the terms of this clause.

23. It is understood and agreed that the Contractor named herein will have equipment, labor and supplies on this project and that the use thereof by the Contractor must, at all times, comply with all local, state and federal regulations respecting safety rules, OSHA and WISHA regulations and any and all others applicable, and levied, assessed or extracted from the general Contractor herein, and the Contractor hereby agrees to reimburses and hold harmless the County on account of such claim, fine or penalty which may be paid by the general Contractor which arises out of or is due to any action on the part of the Contractor, its agents, employees, suppliers or subcontractors.

24. Disputes pertaining to this contract shall be resolved in accordance with the American Arbitration Association "Construction Industry Arbitration Rules".

25. To pay all royalties and license fees, and further agrees to defend all suits or claims for infringement of any patent rights involved in the work of the Contractor under this agreement, and further agrees to save the County harmless from loss, cost or expense on account of such use or infringement by the Contractor.

26. The Contractor shall make an assignment of the work to the proper craft in accordance with decisions of record or in accordance with the prevailing practice in the locality of the job. In the event there is a possibility of work stoppage over a dispute of assignment the County shall be notified.

27. Intentionally omitted.

28. The State of Washington is named as an express third-party beneficiary of this contract and has full rights as such.

Walla Walla County Small Works Contract less than \$150K (rev. 4/19) Page 6 of 9

29. The Contractor shall be an Equal Opportunity Employer and shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, handicap, marital status or national origin.

<u>30</u>.Termination for Public Convenience: The County may terminate the contract in whole or in part whenever the County determines, in its sole discretion, that such termination is in the best interests of the County. Whenever the contract is terminated in accordance with this paragraph, the Contractor shall be entitled to payment for actual work performed at unit contract prices for completed items of work. An equitable adjustment in the contract price for partially completed items of work will be made, but such adjustment shall not include provision for loss of anticipated profit on deleted or uncompleted work. Termination of this contract by the County at any time during the term, whether for default or convenience, shall not constitute a breach of contract by the County.

31. Taxes The Contractor understands and acknowledges that the County will not withhold federal or state income taxes. Where required by state or federal law, the Contractor authorizes the County to make withholding for any taxes other than income taxes (i.e., medicare). All compensation received by the Contractor will be reported to the Internal Revenue Service at the end of the calendar year in accordance with the applicable IRS regulations. It is the responsibility of the Contractor to make the necessary estimated tax payments throughout the year, if any, and the Contractor is solely liable for any tax obligation arising from the Contractor's performance of this Agreement. The Contractor hereby agrees to indemnify the County against any demand to pay taxes arising from the Contractor's failure to pay taxes on compensation earned pursuant to this Agreement. The County will pay sales and use taxes imposed on goods or services acquired hereunder as required by law. The Contractor must pay all other taxes including, but not limited to: Business and Occupation Tax, taxes based on the Contractor's gross or net income, or personal property to which the County does not hold title. The County is exempt from Federal Excise Tax.

32. <u>Background Check.</u> The contractor, contractor's employees, any authorized subcontractors or subcontractor's employees must pass criminal background checks to the satisfaction of the Walla Walla County Corrections Department prior to beginning work. If background checks are not passed, the County may terminate this agreement.

WALLA WALLA COUNTY AGREES AS FOLLOWS:

1. To employ, and does hereby employ, the Contractor to do the work described in paragraph 2 hereof, subject to the provisions of this agreement.

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 \$44,351 and 18/100's Dollars (\$44,351.18), including state sales tax.

3. To pay the Contractor with 30 calendar days upon receipt of a properly prepared voucher, which claims the correct amount of labor, materials, equipment, etc., provided and concurred by the County.

4. That the failure of the County to make payments as and when herein provided shall, in addition to all other rights, entitle the Contractor to suspend all work and shipments during the continuance of such default on the part of the County, and shall

Walla Walla County Small Works Contract less than \$150K (rev. 4/19) Page 7 of 9

further entitle the Contractor to an extension of time for the performance of the work covered by this agreement for the period for which the work was suspended.

THIS AGREEMENT constitutes the entire understanding of the parties and supersedes any prior proposals or agreements.

IN WITNESS WHEREOF, the County and Contractor have set their hands and seals the day and year above written.

CONTRACTOR By: Registration No. SOUTH FDR JE

Address of Contractor

Southern Folger Detention Equipment Company, LLC 4634 S. Presa St. San Antonio, TX 78223

BOARD OF COUNTY COMMISSIONERS IN AND FOR WALLA WALLA COUNTY

Chairman

Commissioner

Commissioner

Date of Signing

Walla Walla County Small Works Contract less than \$150K (rev. 4/19) Page 8 of 9

Attest:

Clerk of the Board

Approved as to Form:

Nolte

Deputy Prosecuting Attorney

Walla Walla County Small Works Contract less than \$150K (rev. 4/19) Page 9 of 9



Dr. antion Equipment Corpany

4634 S. Presa Street San Antonio TX 78223-1000 210-533-1231 Phone • 210-533-2211 Fax

Quote Number7521Quote Date05/06

Bill To:

05/06/2019

Supplier:

Southern Folger 4634 S. Presa St

Russell Jackson (210) 533-1231 x 201 rjackson@southernfolger.com

SCOPE OF WORK:

San Antonio, TX 78223

Walla Walla Co Jail 300 West Alder St Walla Walla, WA 99362

Norris (Norrie) Gregoire (509) 524-2822 ngregoire@co.walla-walla.us

Supply & Install locks and cylinders & parts Cylinders for 110 series locks with B keycode: 2ea Admin Office, 2ea Property Room, 2ea BAC room, 2ea H4, 2ea H1, 2ea J1, 1ea H2

Cylinders for 110 series locks with T keycode: 2ea Classification, 2ea AB main door, 2ea C pod outer door, 2ea D pod outer door, 2ea I pod main door, 2ea E entrance, 2ea GF main door, 2ea H main door, 2ea stairwell

Cylinders for 17M series locks on cuffports with T keycode: 1ea B cuffport, 1ea C cuffport, 1ea D cuffport, 1ea E cuffport,

See below additional locks/ hardware for other doors/ areas. Work to be performed during normal business hours/ Monday-Friday, 8am-5pm.

This work to be done in conjunction with on-site training (2 days) per quote 6436. Both this quote and quote 6436 to be done at same time or additional travel charges will apply.





ESTIMATE: 7127

Product	Description	Sales Price		v Total Price
Lock 122EMLL R	etro RHRB, 120V, (A pod Do	or 1) \$2,129.00	1	\$2,129.00
003-0017-001, Sp	ring Latchbolt (A pod door 3)	\$6.12	1	\$6.12
Lock, 110-04, K1S	, no knob, keycode B (door H	3) \$2,340.00	1	\$2,340.00
074-0309-001, Sol	Assy, 115VAC (book front C	ont) \$315.36	1	\$315.36
074-0900-003 dea	dlock lever assy, RH, (control	door) \$125.28	1	\$125.28
075-3051-823, Mo	gul AR 110 cylinder (keycode	B) \$453.00	13	\$5,889.00
075-3051-823, Mo	gul AR 110 cylindər (keycodə	T) \$453.00	18	\$8,154.00
075-3001-710, Mo	gul cyl AR MK, RH17 (keycoc	le T) \$453,00	4	\$1,812.00
005-2460-001, Sw	itch SAIA, XCR3_J7 (I pod ini	ner) \$28.80	1	\$28.80
010-1546-200, AR	mogul Key, (keycode B)	\$28.00	20	\$560.00
010-1546-200, AR	mogul Key, (keycode T)	\$28.00	20	\$560.00
Lock, 56EL, LHRB	, 120VAC (need code)(WWR) \$2,962.00	1	\$2,962.00
Lock, 122EMLL Re	etro, LHRB, 120V (B pod cell	2) \$2,129.00	1	\$2,129.00
Lock, NS402E-01,	LHRB, 24VDC, (I pod cell 2)	\$1,932.00	1	\$1,932.00
005-2412-002, 311	SX3-T microswitch (I pod up	cell 1) \$42.48	2	\$84.96
Lock, 126EMLL Re	tro, RHRB 120V (E pod in, k	ey NT) \$2,665.00) 1	\$2,665.00
625-5000-001, 523	DPS (E pod cell 4 & cell 6)	\$1,080.00	2	\$2,160.00
Cylinder, Medeco I (I pod down cell 6	3HC keyed to keycode KA1 & F pod 1)	\$367.00	2	\$734.00
Installation of lock/	cylinders & parts	\$5,840.00	1	\$5,840.00

S&H (Estimated)		\$300.00
TOTAL:		\$40,726.52
	Total Price provided does not included Taxes,	if applicable.



Detention Equipment Company

Southern Folger only accepts Purchase Orders or Credit Cards on all orders for parts and/or service.

- · Please ensure your Purchase Order clearly states following information:
 - · Reference our quote number
 - · Shipping Address and/or address of location service will occur
 - · Accounts Payable point of contact (including name and phone number) with Billing Address

Order will not be processed until Purchase Order or Credit Card information has been received.

If claiming exemption from sales and/or use tax, provide a valid sale/use tax exemption certificate or proper reference to exemption specification. Lack of tax exemption evidence will require Southern Folger to bill applicable sales/use fax.

Sims Conditions & Exclusions

Terms

This proposal is based on execution of a numually agreeable contract and schedule during SFDEC Business Hours (M-P, 8AM-SPM) (excluding SFDEC holidays) which will incorporate this proposal in its entirety. SFDEC will provide schedule input for locarporation inter your schedule using durations and sequencing to support the overall completion and owner acceptability of the project.

SPDEC will begin engineering submittels (if required) upon receipt of a valid PD or with an initial Letter of Intent to contract with a notice to proceed until receipt of an executed contract.

3. This proposal is based on having free and clear access to a minimum of 10 devices per man per day

4. Deviations from these items will result in an increase in price.

5 . Pricing is only valid for thirty (30) days from the date of this quotation and thereafter will be subject to

6. Ninety days after receipt of a Letter of Intent all quotes are subject to a price escalation if a purchase order last not been received. One Fhandred Eighty (180) days after receipt of a purchase order all quotes are subject to a price escalation if all project information has not been submitted. (i.e., hardware schedule, ect.)

7. Should any additional parts or repairs be required, you will be notified of the price and upon approvel they will be added to the orde

8 Pricing is based on a factory direct discount not available to detention contractors or distributors

SEDEC is not responsible for delays that occur due to facility's training or clearance regularements. Delays of this nature will result in additional charges not specified in this proposal.

Lead Time - As of the date of this quotadon, our lead times are as fallows;

A. Submituals (If requirer(): 4 weeks after receipt of acceptable purchase order and all project documents. (i.e. Plans, specifications and all addende)

B. Initial shipment of products: 8 weeks after receipt of all information required fabrication, including approved shop drawings, submittals, bardware.echedules, and an approved keying.

C. Scheduling of personnel is subject to current workload and physical location of personnel. Normal conditions allow for two to farce weeks for scheduling unless there are SFDEC personnel in the area.

D. Lead times are subject to change without notice. Final shipping subodule will only be determined after

receipt of all approvnia.

Standord Rates Haliday (Sundays; SPDBC Holidays) After Hours Normal Hours (M-F; SPM-8AM; Saturday) (MI-P; 8AM-5PM) SI00/12 \$150/HR \$200/HR Labor & Travel Hours A 4 hour minimum labor charge will be applied to time and material proposals.

Milenge \$0.60/Mile

Per Dien \$45/Day

Exclusions

A. This proposal excludes performance and payment bonds. If a bond is required, add 0.72% to nor price for our standard one-year warranty.

B. We specifically exclude the following:

- Finish paint and painting
 Caulk and caulking

- All non-security and security sealants
 Conduit, wire and wiring
 Any electrical or electronic controls work
- Alip order the solucious controls investigation of a subsettory o

- All structured steel monitors unless specifically indicated above Prime and Drisk paint touch-up and cleaning. We will touch-up surfaces which have been disturbed by our welding on items we 10.

- Install only, 1. Refuse containers and trash removal from site 12. Portable tolloss (3. Temporsry utilifies 14. Pornits, permit fees, license requirements, testing or inspection fees 15. All allowances

Warranty

Equipment and manufacturing workmanship are warranted sysinst defects for one (1) year after installution. Warranty is linited to repair or replacement of equipment deemed to have fielde under regular conditions of normal use and accludes failures attributable to minute or wandalism.

Warminy document available upon request.

COUNTY COMMISSIONERS (Continued)

- d) Action Agenda Items:
 - County vouchers/warrants/electronic payments as follows: 4210543 through 4210753 in the amount of \$1,363,842.98
 - Proposal 2019 07-29 COMM Approving new credit card services provider
 - Proposal 2019 07-29 CDD Approval of revised business hours for Community Development Department
- e) Miscellaneous business to come before the Board
- f) Review reports and correspondence; hear committee and meeting reports
- g) Review of constituent concerns/possible updates re: past concerns

9:45 COMMUNITY DEVELOPMENT DEPARTMENT

a) Consent Agenda Items:

1) Approval of final plat Gray Lynn Farms Planned Unit Development (SUB19-014/PUD18-001)

b) Action Agenda Items:

 Resolution _____ - Appointment of individuals for interim responsibilities at the Community Development Department



Walla Walla County Community Development Department

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

То:	Board of County Commissioners
From:	Lauren Prentice, Principal Planner
Date Prepared:	July 24, 2019
Agenda Date:	July 29, 2019
RE:	Consent Agenda Item – SUB19-014 Gray Lynn Farms Planned Unit Development Final Plat Approval

Recommended Motion

I move approval of the consent agenda.

<u>Request</u>

Approval of the final plat map for the Gray Lynn Farms Planning Unit Development (application SUB19-014).

Background

The Gray Lynn Farms Planned Unit Development (PUD) final plat application was submitted to the Walla Walla County Community Development Department by the developer, Gray Lynn Farms, LLC. Approval of the PUD results in the creation of five rural residential lots (Lots 10-14: approximately 1.5 to 3.2 acres) and one open space lot (Tract A: 13-acres). The site is located generally south of Gray Lynn Drive (APN 350601140023; Lot 4 of the S&K Mountain Short Plat SUB17-004). Yellowhawk Creek borders the property to the south.

The proposed development would "cluster" 5 new residential lots in about 12-acres in the upland northwest portion of the 25-acre parcel and dedicate the lower-elevation/southwestern 13+ acres that front Yellowhawk Creek as private, undeveloped open space. A large portion of Tract A is located within shorelands regulated under the County's new Shoreline Master Program (SMP). Access to Tract A will be provided for non-commercial recreational use by the owners and guests of all five residential lots within the PUD as required by Section 5.6 of the SMP.

The County's Hearing Examiner, Gray McLean, granted preliminary plat (SUB18-020) and planned unit development (PUD18-001) of the subdivision on March 6, 2019, with conditions of approval (Attachment C, Pages 17-19).

The property is zoned Rural Residential 5-acres (RR-5) and the residential density is one dwelling unit per 5-acres as required by Walla Walla County Code (WWCC) Chapter 17.18. The site will be served by on-site exempt domestic wells and sanitary sewer disposal systems.

A standard subdivision in the RR-5 zone would generally allow for five 5-acre rural residential lots on 25-acres (the gross site area included in this plat). Instead, the applicant took advantage of the PUD standards (Chapter 17.37 Walla Walla County Code), which allow for certain development standards to be modified by the Hearing Examiner if the applicant can show that there is a "public benefit" to be gained by allowing for a deviation from the standards. The Hearing Examiner concluded that the establishment of Tract A as an open space tract provides a public benefit in accord with WWCC 17.37.240 under at least two subsections: A. additional or better related open space and B. preservation of a natural asset. Conditions were included in the Hearing Examiner's PUD approval to ensure that this public benefit will be maintained (Attachment C, Condition 14, Page 18).

In Condition 12 (Attachment C, Page 18) the Hearing Examiner required that the applicant submit written proof verifying sufficient potable water supply to serve all five residential lots in the plat. To fulfill this requirement the applicant submitted a report by Water Right Solutions, LLC (Bill Neve) which is provided here in Attachment D.

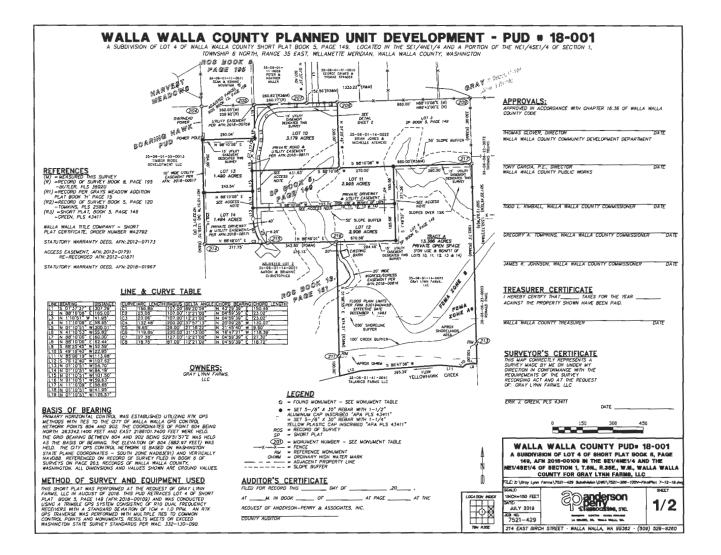
The final plat has been reviewed by all appropriate agencies for conformance with the conditions of approval (Building/Fire, Environmental Health, Public Works, Planning); staff is recommending that the final plat be approved. Required private road improvements have been completed.

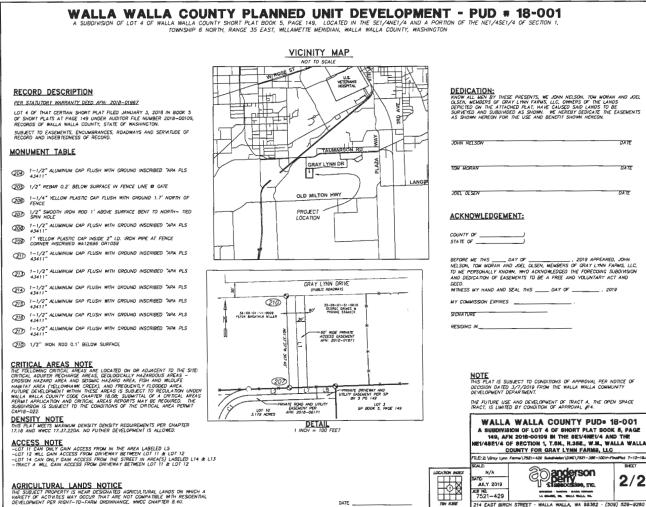
Final plat approval is the last step in the land division process. Lots can be sold only after the final plat has been recorded with the County Auditor. Approval by the Board can be via the motion recommended above, as the subdivision ordinance does not require approval of a resolution.

Attachments

- A. Proposed Final Plat Map
- B. Final Plat Application
- C. Notice of Decision (3/7/2019) and Hearing Examiner's Findings of Fact, Conclusion of Law, and Decision (3/6/2019)
- D. Potable Water Supply Report by Water Right Solutions, LLC. (3/18/2019)

ATTACHMENT A





DATE .

75H 835

214 EAST BIRCH STREET . WALLA WALLA WA 99382 (509) 529-9280

WALLA WALLA COUNTY COMMUNITY DEVELOPMENT DEPARTMENT 310 W Poplar St., Suite 200 Walla Walla, WA 99362 509-524-2610 permits@co.walla-walla.wa.us

FINAL PLAT APPLICATION

This application shall be subject to all additions to and changes in the laws, regulations and ordinances applicable to the proposed development until a determination of completeness has been made pursuant to Chapter 14.07. *Review WWCC Chapter 16.36 prior to submitting application.*

Applicant Information

Name:	Gray Lynn Farms, LLC			
Mailing	g address: 45 Wolf Fork Place			
City:	Walla Walla	State:	e: WA Zip: 99362	
Phone:	206-605-0807	Email:]: joelo@cdjrofwallawalla.com	
Name,	mailing address, and telephone number of	applicant's r	's representative, if any:	

Property Owner(s) Information (if different than applicant)		
Name:		Phone:
Mailing address:		
City:	State:	Zip:
Names, addresses, and telephone numbers	s of additional owners (each o	owner must be listed)
Surveyor Information		
Name: Erik Green, P.L.S.		Phone: 509-529-9260
Mailing address: P.O. Box 1687		
City: Walla Walla	State:WA	Zip:99362
Property Information		
Site address or general location of propert	y:25.44 acres located sout	h of Gray Lynn Drive, with access off
Gray Lynn Place.		
Parcel number(s):35-06-01-14-0023		
Zoning:Rural Residential 5		

FINAL PLAT APPLICATION

Project Information

Name of Plat: <u>Gray Lynn Farms</u> Year of Preliminary Plat Approval <u>2019</u>

Name of Private Road:*_____

The following *must* be submitted with this completed form for the application to be complete:

- Application fee of \$380.00 payable to Walla Walla County.
- A Plat Certificate (obtained from a title company).
- Electronic Copy of the surveyed plat.
- Electronic Copy of improvement plans, profiles and specifications.
- 🖾 A copy of any covenants proposed for the development.

The signature of each applicant or the applicant's representative, and each property owner if different than the applicant(s), is required per 14.07.025 WWCC.

(We) (I) certify that the information furnished within this application, including all submittals and attachments, is true and correct to the best of (my) (our) knowledge.

Applicant Signature: Gray Lynn Farms LLC. J.C.O. John Nelson	Date: 5/9/19
Property Owner Signature:	Date: 5/9/19
Additional Applicant(s) / Representative	Date:
Additional Property Owner(s)	Date:

ATTACHMENT C

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

File No. SUB18-020

NOTICE OF DECISION

Date of Notice:	3/7/2019
Date of Decision:	3/6/2019
Applicant:	GRAY LYNN FARMS, LLC
Type of Application:	PRELIMINARY SUBDIVISION, PLANNED UNIT DEVELOPMENT, CRITICAL AREAS PERMIT
File Number:	SUB18-020, PUD18-011, CAP18-022

Enclosed is the Hearing Examiner's decision from the January 18, 2019 agenda.

Walla Walla County Code Section 14.11.060 allows for the reconsideration of the final decision. The request must be submitted to the administrator within ten (10) days of the final decision or action; the submittal period ends **March 18, 2019**. Reconsideration of the final decision must be granted or denied by the Hearing Examiner prior to an appeal being submitted to Walla Walla County Superior Court. Pursuant to Walla Walla County Code Sections 14.11.020 and 14.11.040 the Hearing Examiner's decision may be appealed to the Walla Walla County Superior Court. The appeal must be submitted to the Walla Walla County Superior Court within twenty-one (21) days of the final decision or action date. The Hearing Examiner's decision will be considered final if no appeals are filed within the allowed time frame described in Walla Walla County Code Chapter 14.11.

Please review Chapter 14.11 for the County's appeal requirements.

The complete project file is available for inspection at the Walla Walla County Community Development Department (CDD) office during normal office hours Monday through Friday from 8 AM to 4 PM. Please contact the CDD at the phone number above to arrange for inspection.

Feel free to contact me at 509-524-2620 if you have any further questions.

Lauren Prentice, Principal Planner Walla Walla County Community Development Department

Enc. SUB18-020 Findings, Conclusions and Decision



Walla Walla County Hearing Examiner

310 W. Poplar Street, Suite 200, Walla Walla, WA 99362

BEFORE THE HEARING EXAMINER FOR WALLA WALLA COUNTY

FINDINGS, CONCLUSIONS AND DECISION APPROVING

GRAY LYNN FARMS Planned Unit Development & Preliminary Plat

FILE NUMBER:	SUB18-020/PUD18-001
OWNER/APPLICANT:	Gray Lynn Farms, LLC Joel Olsen, Member 45 Wolf Fork Place Walla Walla, WA 99362
TYPE OF APPLICATION:	Preliminary Subdivision and Planned Unit Development Application to subdivide 25 vacant acres, located in an RR-5 zone, into 6-parcels, comprised of 5 relatively clustered rural-residential lots where single-family homes will be constructed (lots averaging 2.4-acres in size) and one 'private open-space tract' of about 13.4-acres, along with some associated improvements, including an internal private road of about 700 feet.
LOCATION/TAX PARCELS:	The project is on a single tax parcel, APN 350601140023, located south of Gray Lynn Drive, accessed by Gray Lynn Place, north of Yellowhawk Creek, east of the College Place city limit.
STAFF RECOMMENDATION:	Approval.
SUMMARY OF DECISION:	APPROVED, subject to conditions
DATE OF DECISION:	March 6, 2019

I. CONTENTS OF RECORD.

Exhibits:

1. Community Development Department Staff Report and Recommendation (of APPROVAL) to the Hearing Examiner regarding the Gray Lynn Farms Preliminary Plat and Planned Unit Development File No. SUB18-0120/PUD18-001, prepared by Lauren Prentice, Principal Planner, dated January 15, 2019 [hereinafter referenced as the "Staff Report"];

- 2. Preliminary plat application (SUB18-020), received on Aug. 24, 2018, with attached documents
- 3. Planned Unit Development application received 8/24/2018 (PUD18-001)
- 4. Critical Areas Permit application received 8/24/2018 (CAP18-022)
- 5. Slope Stability and Liquefaction Assessment dated 8/17/2018
- 6. Preliminary Plat Map dated August 2018
- 7. Water Rights Summary dated 06/14/2018 (*complete copy reviewed by Examiner, noting that some copies in materials omitted page 2 of the cover letter provided with the report)
- 8. SEPA Checklist dated 8/17/2018 (SEPA18-021)
- 9. Notice of Application ODNS and publishing, posting, and mailing affidavit
- 10. Email from Joy Bader (Walla Walla County Public Works) dated 11/07/2018
- 11. Email from Darrell Sowards (Walla Walla County Surveyor) dated 10/17/2018
- 12. Letter from the Washington State Department of Ecology dated 11/01/2018
- 13. SEPA Determination of Non-Significance dated 12/31/2018
- 14. SEPA Staff Evaluation Report dated 12/28/2018
- 15. Notice of Public Hearing and publishing and mailing affidavits
- 16. Public Comment letter from Virginia and Joseph Young received 1/15/2019
- 17. Public Comments, written remarks submitted by the Youngs at the public hearing
- Written comment (email message dated 01/17/2019) submitted for Dr. Kuechenmeister at the public hearing
- 19. Sign-in sheet from public hearing
- 20. Post-hearing memo dated Jan. 25, 2019, from Ms. Prentice to the Examiner, with email of same date from applicant representative, clarifying and recommending certain conditions of approval as requested by the Hearing Examiner during the public hearing.

*Additional, untimely public comments transmitted to staff after the public hearing are not included in the Record. Members of the public who attended the public hearing or submitted timely written comments effectively and fully presented a wide range of concerns shared by many neighbors, and conditions of approval have been added or modified in response to valid concerns, so late comments would be unlikely to change the course of human events.

Testimony/Comments: The following persons participated in the open-record hearing held on January 18, 2019, and provided testimony under oath as part of the record:

- 1. Lauren Prentice, Principal Planner, for the Walla Walla County Community Development Department;
- 2. John Nelson, Member of Gray Lynn Farms LLC, the applicant;
- 3. Tom Moran, Member of Gray Lynn Farms LLC, the applicant;
- 4. Pat Hobkirk, local resident, lives along Gray Lynn Drive;
- 5. Thomas Young, local resident, lives along Gray Lynn Drive;
- 6. Gilles Nicaule, local resident, lives along Gray Lynn Drive;
- 7. Marie Gilla, local resident; and
- 8. Brian Hansen, Civil Engineer, applicant's surveyor and representative.

II. SUMMARY OF PROCEEDINGS.

The applicant, Gray Lynn Farms LLC, seeks approval of a development project known as the *Gray Lynn Farms Preliminary Plat and Planned Unit Development (PUD)*, a 5-lot single-family residential subdivision/PUD with a 13+ acre 'private open space' tract of a vacant 25-acre site, all zoned Rural Residential (RR-5).

A standard preliminary plat application in the RR-5 zone would generally allow 5 residential lots on 25-acres, provided special circumstances did not exist. In this matter, the applicant also seeks PUD approval, to allow for residential lots that will be smaller than 5-acres, and narrower lot widths than normally required by development standards for the underlying zoning district. The proposed development would essentially cluster 5 new residential lots in about 12-acres in the upland northwest portion of the 25-acre parcel, and dedicate the lower-elevation/southwestern 13+ acres that front Yellowhawk Creek as private, undeveloped open space.

The pending preliminary plat and PUD applications were submitted in August of 2018. (Exhibits 2 and 3). After reviewing application materials for completeness, County staff issued a Notice of Application for the project on or about October 18, 2018, using the optional SEPA Determination of Non-Significance (ODNS) process. The County mailed and published a Notice of Application for the project, followed by a 14-day comment period for the matter. (Ex. 9). No one submitted timely comments following the notice, although the county received and considered several written comments from some local residents and state agencies that are included in the record and addressed in the Staff Report.

The County's SEPA Responsible Official issued a final SEPA Determination of Non-Significance (DNS) for the project on December 31, 2018. *(Ex. 13).* No one appealed the SEPA DNS issued for the project within the time period provided by law (Jan. 14, 2019) or otherwise.

On January 7, 2019, the open-record public hearing for the application was duly noticed in accord with law. *(Ex. 15).* In addition to the mailed notices transmitted to owners of property within 500 feet of the project and parties of record, notice was also displayed on the County's website and published in the county's local newspaper. *(Ex. 1, page 2; Ex. 15).* Written comments from the Department of Ecology and the County's Public Works Department are included in the record as Exhibits 10 and 11, and a written comment received from Virginia and Joseph Young is included in the record as Exhibit 16.

The hearing occurred on January 18, 2018, wherein the undersigned Examiner presided, with city staff, applicant representatives, and interested members of the general public in attendance. Materials and written comments shared during the public hearing, and post-hearing supplementary materials requested by the hearing examiner, were added to the record by the Examiner, as numbered and identified above.

Upon consideration of all the evidence, testimony, codes, policies, regulations, and other information contained in the file, the undersigned issues the following findings, conclusions and Decision approving the preliminary plat and PUD, subject to conditions, as set forth below.

III. <u>APPLICABLE LAW</u>.

Jurisdiction.

Under WWCC 2.50.070(A)(1), (2), and (B), the Hearing Examiner is granted jurisdiction and authority to conduct public hearings and issue final decisions for preliminary subdivision and PUD applications. The hearing examiner's decision shall be based upon the policies of the comprehensive planning documents of the county, the standards set forth in the various development regulations of the county or any other applicable program adopted by the board of county commissioners. When addressing a preliminary subdivision/PUD application, the hearing examiner may grant or deny the application, or may attach reasonable conditions, modifications and restrictions found necessary to make the project compatible with its location and to carry out the goals and policies of the applicable comprehensive plan, or other applicable plans or programs adopted by the board of county commissioners. *WWCC 2.50.070(C)*.

Approval Criteria for Preliminary Plat (also known as a preliminary subdivision).

As provided in WWCC 16.14.030, decisions on applications for a preliminary subdivision or preliminary short subdivision shall be based on a determination as to whether:

A. The proposed subdivision of land complies with the applicable codes, plans and policies in Chapter 16.04.050 or their successors; and

B. The proposed lots are served with adequate means of access, fire protection, water supplies and means of sanitary sewage disposal; and

C. The proposed division of land provides adequate measures for the control of drainage and stormwater; and

D. The public health, safety and general welfare will be served by permitting the proposed division of the land.

WWCC 16.14.050, referenced above, reads as follows:

Applications shall be approved, approved with conditions or denied based on a determination that the application complies with the following adopted county and state rules, regulations, plans and policies, including, but not limited to:

A. RCW 43.21C SEPA;

B. RCW 58.09 Survey— Recording;
C. RCW 58.17 Subdivisions;
D. RCW 36.70A Growth Management;
E. RCW 36.70B Local Project Review;
F. WWCC Title 11 Stormwater;
G. WWCC Title 12 Streets, Sidewalks, and Public Places;
H. WWCC Title 17 Zoning;
I. WWCC Title 18 Environment;
J. Walla Walla County Shoreline Master Program;
K. Walla Walla County board of public health rules and regulations;
L. Walla Walla County Comprehensive Plan; and
M. This title.

As required by state law, the County's preliminary plat approval criteria is substantially similar to state subdivision mandates found in RCW 58.17.110(2), which reads as follows:

"A proposed subdivision and dedication <u>shall not be approved unless</u> the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication. []" RCW 58.17.110(2).

Approval Criteria for a Planned Unit Development.

WWCC Chapter 17.37 provides standards and procedures regarding applications for a Planned Unit Development, also known as a "PUD". "The purpose of the planned unit development option is to provide greater flexibility and encourage more design creativity than is generally done under traditional lot by lot development, while insuring substantial compliance with the goals and policies of the comprehensive plan; and permitting more advantageous use of sites through the arrangement of structures, circulation, parking, open spaces, and transfer of development rights." WWCC 17.37.170.

WWCC 17.37.240 mandates that "all planned unit development projects shall demonstrate that there is a public benefit to be gained by a permitted degree of deviation from the underlying zoning district such as:

- A. Additional or better related open space;
- B. Better or more convenient services;
- C. Preservation of a natural asset;
- D. Additional public use facilities; or
- E. Other public benefit features.

Findings. Conclusions and Decision Approving Gray Lynn Farms Preliminary Plat and Planned Unit Development – File No. SUB18-020/PUD18-001 Page 5 of 19

Burden of Proof.

As explained in WWCC 14.03.010, applicants for project approvals bear the burden of proof of showing compliance with all applicable standards in the Walla Walla County Code.

IV. ISSUE PRESENTED.

Whether substantial evidence demonstrates that the applicant has met its burden of proof to satisfy the criteria for preliminary plat and PUD approval?

Short Answer: Yes, subject to conditions of approval.

V. FINDINGS OF FACT.

- 1. Any statements in previous or following sections of this document that are deemed findings are hereby adopted as such, including without limitation the summary of proceedings provided above.
- 2. The Staff Report and Recommendation of Approval, shared with the Examiner in the week before the hearing, *(the "Staff Report", Ex. 1)*, includes a number of findings and conditions suggesting how the underlying plat and PUD application satisfies provisions of applicable law, is consistent with the county's Comprehensive Plan, and is designed or conditioned to comply with applicable development standards and guidelines. For reasons explained below, with additional conditions necessary to ensure compliance with applicable County requirements, the Examiner finds that the proposal can be approved.

Summary of Public Hearing.

3. The County's Principal Planner assigned to review the application, Ms. Prentice, testified at the public hearing to provide a thorough summary of the County's staff review process for the proposed preliminary plat and PUD application and staff's recommendation of approval, subject to certain conditions of approval. She explained that Yellowhawk Creek is located at the bottom of the project site, and that the proposal's smaller, generally clustered residential lots' placement on upland portions of the property, should provide a public benefit by restricting development activity to areas located uphill and away from the

creek. Ms. Prentice confirmed that no one sought to appeal the final DNS issued for the project.

- 4. Mr. Nelson and Mr. Moran appeared together, as Members of the Gray Lynn Farms, LLC entity, the applicant in this matter. They explained that they plan to live on some of the new lots that would be created in this application, as do other members of the LLC. They confirmed that they accept the Staff Report and recommended conditions of approval without requests for changes.
- 5. Several neighboring property owners and residents provided comments at the public hearing, expressing general concerns about losing views from their properties, concerns about water availability in the area if additional demands for irrigation or drinking water are placed on local groundwater sources, concerns about archaeological resources that might be discovered on the site, the desire to have utilities undergrounded, a general desire to preserve undeveloped open space adjacent to their properties, questions as to why and how the large 25-acre parcel can be subdivided in the first place because they understood that it would remain as-is for some reason, and skepticism that any 'public benefit' will be provided by the private open-space tract if the owners are permitted to use the tract for potentially bothersome recreational activities, like dirt-bike, "four-wheeling", or ATV riding on the sandy surface, which could disturb local residents and possibly harm the creek below with dust, mud, petroleum leaks, and the like.
- 6. In response to public comments, County officials and applicant representatives agreed to work together after the hearing to propose additional language for consideration by the Examiner to address legitimate concerns raised during public hearing comments, focusing on protecting potential cultural resources that might be discovered on the site during development activities, and reasonable restrictions on the types of activities that will be allowed in the proposed open-space tract that abuts the creek. These recommended additional or modified conditions of approval were transmitted the Examiner in the form of a memo from Ms. Prentice and an attached email from the applicant's representative, all dated January 25, 2019, now included in the record as Exhibit 20.
- 7. The Examiner carefully reviewed information in the record regarding the proposed source of potable water supplies to serve the proposed new residential lots. The record includes evidence establishing that the parcel addressed in this preliminary plat application has certain ground and surface water rights, that the applicant representatives believe the water rights are adequate to serve the new plat, and that no County or state agency provided any comments or records to rebut the applicant's expectation that there will be adequate water supplies to serve the final plat.

- 8. However, given the level of concern legitimately expressed by local residents that water supplies may not be adequate, and the lack of specific analysis provided by the applicant to rebut claims made by neighboring residents regarding the potential for shortages in adequate water supply, an additional condition of approval has been added that will require the applicant to provide a qualified consultant/engineer report certifying the adequacy of potable water supplies to serve the new residential lots before final plat approval.
- 9. This is consistent with Washington Supreme Court guidance provided in a significant case regarding the timing for when subdivision applicants must verify that a project has adequate water service. In a detailed decision involving a dispute as to whether appropriate provisions for potable water supplies must be made at the time of preliminary plat approval, final plat approval, or later when a building permit might be issued, the Washington Supreme Court analyzed state subdivision statutes, and reinstated a superior court ruling that *final subdivisions* shall not be approved unless appropriate provisions are first made for potable water, among other things, and that such decision cannot wait for the building permit phase. See JZ Knight v. The City of Yelm et al., 173 Wn.2d 325; 267 P.3d 973 (2011). ("RCW 58.17.110 [] requires the City to make findings of "appropriate provisions" for potable water *before final plat approval* and cannot delay the showing until the building permit stage.") The same is true with this proposed new plat.
- 10. Subdivision (aka "plat") approval proceeds in two steps preliminary plat approval and final plat approval. This decision involves only the preliminary plat approval phase for the Gray Lynn Farms Project.
- 11. In the *Knight* case, the Supreme Court reinstated a written condition of approval for a preliminary plat, which mandated that adequate water supply for the plat must be established before final plat approval. The proposed conditions of approval in the Staff Report for this project should be modified to make it perfectly clear for all parties that the final plat cannot be approved by the County until after the applicant provides proof to establish that they have adequate water supplies and infrastructure to serve their project.

Site Visit.

12. On the day of the public hearing, the Examiner conducted a site visit to the project location and the surrounding area, including surrounding roads and properties, to personally observe conditions discussed in the application materials and the hearing record.

Summary of staff review.

13. The Staff Report credibly explains that there is no basis to expect any significant impacts to critical areas as a result of this proposal, given that it has been designed and can be conditioned to comply the requirements of the County's Critical Area Ordinance (CAO) – WWCC Chapter 18.08 and Shoreline Master Program (SMP).

- 14. *Access:* Access to the site will be from a private road, south of Gray Lynn Drive. The proposed PUD would require extension of an existing private road by 700-feet to serve the new lots (Page 3, Exhibit 7: SEPA Environmental Checklist). A summary of the County's minimum requirements for the private road was provided by Joy Bader (Walla Walla County Public Works) in her November 7, 2018 email (Exhibit 10).
- 15. *Neighborhood Characteristics:* The site is surrounded by rural residential and urban residential uses. The city limits for College Place is located northwest of the site where there is existing residential development with lot sizes averaging about 10,000-square feet. Directly west of the site is the Soaring Hawk development which is another Rural Residential 5 PUD; the Soaring Hawk PUD was approved by the County in 2006 and contains 11 lots which are about 1.5-acres each. Larger rural lots and agricultural uses are located east and south of the site, many of which are undeveloped.
- 16. *Traffic Impacts:* This proposal is expected to result in additional traffic from five additional dwelling units when fully developed. The Public Works Department reviewed the proposal and did not recommend that any further traffic analysis was required.
- 17. *Cultural Resources:* Application materials were distributed to DAHP and CTUIR; neither agency submitted comments on this proposal. During prior development on this site an intensive cultural resources study was conducted and one resource was found (archaeological isolate 45WW408). The applicant included more information on cultural resources in the SEPA Environmental Checklist (Exhibit 8, Pages 10-12). Public comments at the hearing, and additional language developed during post-hearing discussions between the applicant and staff, has been used by the Examiner to add an additional condition of approval to ensure that the inadvertent discovery of cultural resources will be appropriately addressed.
- 18. *Stormwater:* The proposal will have to comply with the County's stormwater regulations and retain all stormwater on site (WWCC Title 11). The Public Works Department did not submit any specific comments about stormwater but will review storm drainage plans prior to construction of any improvements.
- 19. *Wastewater Disposal:* On-site septic systems will be designed to serve the proposal. Application materials were sent to the Walla Walla County Environmental Health Department who did not submit comments or raise objections to the proposal.
- 20. *Water:* The proposal would utilize wells (Page 5 of Exhibit 7: SEPA Environmental Checklist). The applicant provided a Water Right Summary Report prepared by Bill Neve (Exhibit 7). This report by Bill Neve provides information on two water rights certificates for this proposal; there is a surface water right and a ground water right. While the applicant has satisfied its obligation to submit evidence that the plat expects to receive adequate water supplies, as noted above, an additional condition of approval has been

added to require the applicant to verify the adequacy of water supplies before final plat approval.

- 21. *Schools.* The development is within the Walla Walla School District. The school district did not respond to the Notice of Application.
- 22. *Fire Protection.* The proposed development will be served by Walla Walla County Fire District No. 4. No comments were submitted by the fire district or Walla Walla County's Building Official/Fire Marshal.
- 23. *Comprehensive Plan.* The proposed plat and planned unit development is supported by the following Countywide Planning Policy and goals and policies from the Walla Walla County Comprehensive Plan.

Countywide Planning Policy 10.6: The use of innovative land use techniques that may include planned unit developments, transfer of development rights, cluster development, density bonuses, etc., should be given priority in rural areas to both lessen the inpacts upon the environment and traditional agricultural / forestry uses and to more economically provide services.

Chapter 6 – Rural and Resource Lands Element

Goal RL-1 In rural areas consider both human uses and the natural environment by encouraging rural development that maintains the rural character of the land and supports natural resource-based economic activities, fish and wildlife habitats, rural lifestyles, outdoor recreation, and other open space.

Policy RL-1 Give preference to land uses in rural areas that are related to agriculture, mining, rural residential development, tourism, outdoor recreation, and other open space activities.

Policy RL-2 Allow limited new development that is consistent with the current rural character of the County.

Policy RL-4 Provide for a variety of rural densities to:

- Maintain rural character, agriculture and resource extraction
- Recognize existing development patterns and rural communities
- Buffer natural resource lands
- Retain open space
- Minimize the demand and cost of public infrastructure improvements
- Allow rural property owners reasonable economic opportunities for the use of their land
- 24. As explained in the Staff Report, the zoning for this property is Rural Residential 5-acres; residential uses are allowed in this zone. According to WWCC 17.37.180A, a residential planned unit development may be permitted in any zoning district where residential uses are allowed. Per WWCC 17.37.200A, the minimum project size required for a residential PUD is 5-acres. The proposal meets this requirement; the project size is 25.44-acres. According to WWCC 17.37.220A, residential dwelling unit density shall be determined by the density permitted in the underlying zoning classification. The RR-5 zoning district density is 1 lot/dwelling per 5 acres. The applicants have proposed the maximum number

of residential lots allowed under the current zoning: five. The five residential lots would range in size from 1.484-acres to 3.179-acres.

- 25. As proposed, the PUD would also include a 13.386-acre open space tract for the benefit of three of the residential lots within the subdivision (Lots 10-12). The application materials do not propose any improvements or development within Tract A, the open space tract. For reasons explained elsewhere in this Decision, the open space tract must be open for use by owners/residents of all five residential lots created by this project.
- 26. As required by WWCC 17.37.240, planned unit development projects shall demonstrate that there is a public benefit to be gained by a permitted degree of deviation from the underlying zoning district such as:
 - Additional or better related open space;
 - Better or more convenient services;
 - Preservation of a natural asset;
 - Additional public use facilities; or
 - Other public benefit features.
- 27. The applicant has proposed deviation from standard lot size and lot width requirements for the underlying RR5 zone. The public benefit that they propose is establishment of an open space tract and a lot configuration which keeps the proposed residential development in the upland area farther away from Yellowhawk Creek, which is a significant natural asset.

The requested PUD merits approval, because it provides a sufficient public benefit.

- 28. Based on the record, observations during the site visit, and the requirements set forth in WWCC 17.37.240, the Examiner finds and concludes that the proposed plat/PUD design provides a sufficient public benefit, and that the PUD merits approval.
- 29. The public benefit(s) provided through approval of this PUD include without limitation: a dedicated open space area that can be used by owners/residents of the new plat and will continue as an attractive scene to look upon from surrounding, existing uphill homes; more efficient use of property that allows for more convenient services like electrical lines, cable, and courier deliveries among others; preservation of the lands within the open-space tract, which is by itself a natural asset appreciated by local residents; and protection for the ecosystem within and immediately surrounding portions of Yellowhawk Creek, by concentrating residential development uphill away from the creek and preserving shoreline areas within the open space tract.
- 30. Shoreline Master Program requirements applicable to PUD. As explained in the Staff Report, Yellowhawk Creek has recently been designated as a shoreline and is regulated under the County's updated Shoreline Master Program (SMP). The applicant has not proposed any development or improvements within shoreline jurisdiction. All five

residential lots would be located outside of shoreline jurisdiction. However, the new SMP regulations include a public access requirement for multi-unit residential development, including land divisions with more than four lots. According to Section 4.6, Regulation G-8, "the public access requirement is met where a single-family residential development of greater than four (4) parcels but less than ten (10) parcels provides community access to the shoreline or to a common waterfront lot/tract for non-commercial recreational use of the property owners and guests within the proposed subdivision." There are other options in SMP Section 5.6 – Public Access, for example providing physical or visual access opportunities to the general public, the option in Regulation G-8 would essentially be the minimum requirement. If access to Tract A is provided to all five residential lots within this subdivision, not just Lots 10-12, the new plat/PUD development would be consistent with the community access requirement in SMP Regulation G-8. The applicant did not indicate any desire to provide physical access to the general public in the open-space tract. Accordingly, a condition of approval is included to mandate access rights within the openspace tract for all owners/residents of the five newly created residential lots in the new plat/PUD.

As Conditioned, the application meets requirements for Preliminary Plat approval

- 31. Preliminary Plat approvals are not based upon popularity or potential expenses that could be incurred by an applicant as part of the development project. Instead, the Examiner is bound and required to apply applicable approval criteria. Nothing more, and nothing less.
- 32. WWCC 16.14.030 sets forth the County's approval criteria for this preliminary plat application, which expressly requires a determination that: "A. The proposed subdivision of land complies with the applicable codes, plans and policies in Chapter 16.04.050 or their successors; and B. The proposed lots are served with adequate means of access, fire protection, water supplies and means of sanitary sewage disposal; and C. The proposed division of land provides adequate measures for the control of drainage and stormwater; and D. The public health, safety and general welfare will be served by permitting the proposed division of the land."
- 33. WWCC 16.04.050, referenced in the previously cited code provision, requires that applications shall be approved, approved with conditions or denied based on a determination that the application complies with the following adopted county and state rules, regulations, plans and policies, including, but not limited to: A. RCW 43.21C SEPA; B. RCW 58.09 Survey— Recording; C. RCW 58.17 Subdivisions; D. RCW 36.70A Growth Management; E. RCW 36.70B Local Project Review; F. WWCC Title 11 Stormwater; G. WWCC Title 12 Streets, Sidewalks, and Public Places; H. WWCC Title 17 Zoning; I. WWCC Title 18 Environment; J. Walla Walla County Shoreline Master Program; K. Walla Walla County board of public health rules and regulations; L. Walla Walla County Comprehensive Plan; and M. Title 16.

- 34. As conditioned below, the Examiner finds that the requested preliminary plat application complies with applicable codes, plans and policies found in WWCC 16.04.050. The proposed plat meets the Walla Walla County Code Chapter 16.20-Design Requirements, Chapter 17.18 Density and Dimensions Requirements, and Chapter 17.37 Planned Unit Developments. In addition to Walla Walla County code regulations, the proposed plat is subject to RCW 58.17, and satisfies applicable requirements set forth in RCW 58.17.110(2). (See All Findings herein; Staff Report findings and conclusions, except as modified in this Decision; and all Conditions of Approval).
- 35. As conditioned below, the Examiner finds that the proposed lots in requested preliminary plat application will be served with adequate means of access, fire protection, water supplies and means of sanitary sewage disposal. See WWCC 16.14.030(B). (See Condition of Approval No. 12, mandating written certification of adequate water supplies before final plat approval; Staff Report findings and conclusions, except as modified in this Decision, which explain that the proposed plat was reviewed by the following agencies: Walla Walla County Department of Public Works, Walla Walla County Health Department, the Walla Walla County Sheriff, the Walla Walla County Building Official/Fire Marshal, and Walla Walla County Fire District #4, and that no agency officials raised concerns that the plat should not be approved).
- 36. As conditioned below, the Examiner finds that the proposed division of land provides adequate measures for the control of drainage and stormwater. *See WWCC 16.14.030(C)*. The project is required to retain all water onsite and comply with all County stormwater regulations found in WWCC Title 11.
- 37. As conditioned below, the Examiner finds that the public health, safety and general welfare will be served by permitting the proposed division of the land. See WWCC 16.14.030(D). (See all Findings in this Decision; all Conditions of Approval; Staff Report findings and conclusions, except as modified in this Decision, see list of agencies listed above that reviewed the application and raised no concerns that would serve as a basis to deny the pending application).

SEPA compliance; Conditions imposed under authority of County Code requirements.

- 38. The County satisfied its SEPA review process for this preliminary plat application through compliance with applicable review and notice procedures. The county received no appeals of its SEPA DNS determination (Ex. 13) issued in connection with the application.
- 39. Conditions imposed as part of this approval Decision are not based on SEPA, but other County development regulations and requirements, including without limitation WWCC 2.50.070(C), which reads as follows:

When addressing a preliminary subdivision application, the hearing examiner may grant or deny the application, or may attach reasonable conditions, modifications and restrictions found necessary to make the project compatible with its location and to carry out the goals and policies of the applicable comprehensive plan, or other applicable plans or programs adopted by the board of county commissioners.

40. Based on all evidence, exhibits and testimony in the record, the undersigned examiner specifically finds that the proposed plat, as conditioned below, makes appropriate provision for the considerations detailed in WWCC 16.14.030 and that the public use and interest will be served by the proposed plat and associated dedications and improvements.

VI. CONCLUSIONS OF LAW.

- 1. Based on the Findings as summarized above, the undersigned examiner concludes that the proposed plat and PUD, as conditioned below, conforms to all applicable County codes and policies. Upon reaching such findings and conclusions as noted above, the preliminary plat and PUD meets the standards necessary to obtain approval by the County.
- 2. The recommended conditions of approval, as set forth in the Staff Report and modified below, are reasonable, supported by the evidence, and capable of accomplishment.
- 3. The case referenced above, *Knight v. City of Yelm*, 173 Wn.2d 325 (2011), reaffirms state subdivision statutes that require an applicant to prove that adequate water service can and will be provided to a proposed plat, prior to final plat approval.
- 4. Any Findings or other statements in previous or following sections of this document that are deemed Conclusions are hereby adopted as such.
- //

//

//

VII. DECISION.

Based upon the preceding Findings of Fact and Conclusions of Law, evidence presented through the course of the open record hearing and all materials contained in the contents of the record, the undersigned examiner APPROVES the Gray Lynn Farms Preliminary Plat and Planned Unit Development (Department File Nos. SUB18-020 and PUD18-001), subject to the attached Conditions of Approval.

Decision issued: March 6, 2019.

Man N. M.Cem

Gary N. McLean Hearing Examiner for Walla Walla County

Findings, Conclusions and Decision Approving Gray Lynn Farms Preliminary Plat and Planned Unit Development – File No. SUB18-020/PUD18-001 Page 15 of 19

FINALITY OF DECISION AND NOTICE OF RIGHTS OF APPEAL

As provided in WWCC 2.50.070(B), the decision of the hearing examiner on all matters is final and conclusive, unless appealed pursuant to Chapter 14.11 of the Walla Walla County Code.

WWCC 2.50.120, captioned "Reconsideration", provides that: An applicant or party of record to a hearing examiner's public hearing may seek reconsideration only of a final decision by filing a written request for reconsideration with the community development director within ten days of the final decision. The request shall comply with Section 14.11.030 of this code. The hearing examiner shall consider the request at the next regularly scheduled meeting, without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final as of the date of the decision on the request for reconsideration. If the request is granted, the hearing examiner may immediately revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals. Reconsideration should be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision.

Finally, WWCC 2.50.130 addresses appeals of a hearing examiner decision, and reads as follows: The final decision by the hearing examiner on any matter within his or her jurisdiction may be appealed in accordance with Chapter 14.11 of the Walla Walla County Code.

NOTE: The Notice provided on this page is only a short summary, and is not a complete explanation of fees, deadlines, and other filing requirements applicable to appeals. Individuals should confer with advisors of their choosing and review all relevant codes, including without limitation the code provision referenced above and state law, particularly the Land Use Petition Act (Chapter 36.70C RCW), for additional information and details that may apply.

CONDITIONS OF APPROVAL

GRAY LYNN FARMS

PRELIMINARY PLAT AND PLANNED UNIT DEVELOPMENT SUB18-020 and PUD18-001

General:

A. The preliminary plat and PUD known as Gray Lynn Farms shall comply with all applicable provisions of the Walla County Code, whether or not such provisions are enumerated or referenced in the approved preliminary plat plans, in the staff report or in this Decision. The burden is on the applicant to show compliance with applicable provisions of the WWCC at every stage of development. FURTHER, the applicant shall comply with all professional report conclusions and recommendations submitted in connection with the preliminary plat and engineering reviews, as approved and or modified by the County.

B. The plat shall be developed in substantial conformance with the plans for the Preliminary Plat and Planned Unit Development Site Plan, prepared by Anderson Perry & Associates, dated August 2018 (2 sheets, included in the Record as Ex. 6), except as modified by these Conditions of Approval, PROVIDED:

(i) The Director retains full authority and discretion to consider and approve Minor Revisions to such plans, consistent with WWCC 16.14.040(B);

(ii) That Major Revisions – i.e. revisions that result in any substantial changes as determined by the Director, including but not limited to, the creation of additional lots; the elimination of open space; the addition or elimination of a road; a change in the road layout; and material changes to conditions of approval – shall be treated as a new application (WWCC 16.14.040(A)); and

(iii) That all changes are subject to the approval criteria for preliminary subdivisions (WWCC 16.14.040(C)).

C. The Director has discretion to require that some or all of these conditions of approval shall be included as part of CC&Rs or written on the face of the plat to ensure that the applicant, future owners, residents and assigns are mindful of their requirement to comply with conditions of approval for this plat/PUD that might regulate or restrict their conduct or activities within portions of the plat/PUD.

Conditions derived the Staff Report:

- Before construction, the applicant must first obtain any other associated permit(s) or approvals required by the County or any other governmental agency or regulatory authority with jurisdiction over a particular aspect of the project. Any conditions of approval or requirements imposed as part of such permits or approvals shall be and are hereby incorporated as Conditions of Approval for this plat.
- 2. The applicant must comply with applicable County and State stormwater management regulations.
- 3. The applicant must comply with all requirements of WWCC Chapter 18.08, Critical Area Protection, for any portion of the project within a critical area or a critical area buffer.
- 4. The final plat map must show the required 100-foot buffer required by the Walla Walla County Shoreline Master Program (Appendix A, Table 6.5-1, Page A-52).
- 5. The final plat map must show the limits of shoreland areas as defined in the Walla Walla County SMP (Page 19), which includes those lands extending landward for 200 feet of the ordinary high water mark, as well as floodways and contiguous floodplains extending 200-feet from such floodways.

- 6. Access to Tract A shall be provided for non-commercial recreational use of the property owners and guests of all five residential lots pursuant to the Section 5.6 of the Walla Walla County Shoreline Master Program.
- Prior to any development, including construction of a driveway, within an erosion hazard area or its buffer, a geotechnical analysis must be provided meeting the requirements and construction standards in WWCC 18.08.560.
- 8. A Density Note must be included on the final plat map documenting compliance with the maximum density requirements in Chapter 17.18 and WWCC 17.37.220A and noting that no further development is allowed because the proposal has utilized the maximum density allowed under the Rural Residential 5 zoning.
- 9. Adequate fire protection shall be required pursuant to WWCC 16.14.030B.
- 10. Private road improvements must be provided in compliance with Walla Walla County Road Standards established by the Walla Walla County Public Works Department. Compliance with comments from the Walla Walla County Public Works Department dated October 17, 2018 and November 7, 2018 is required.
- 11. Consistent with WWCC 16.14.060, this preliminary plat approval shall be null and void if a final plat application is not made within seven years from the date of preliminary plat approval or the date of resolution of all appeals.

Additional conditions added by the Hearing Examiner:

- 12. *Water Supply* Consistent with RCW 58.17.110(2), WWCC 16.14.030(B), WWCC 16.36.050(C), and to ensure that the project makes appropriate provisions for the public health, safety, and general welfare and for adequate potable water supplies, prior to Final Subdivision approval, the applicant must submit a written certification or similar legal instrument, from a properly qualified consultant or engineer, verifying sufficient potable water supply to serve all residential lots created in the new plat, for review and approval by the Community Development Director. The Director may engage the services of a qualified 3rd party professional to prepare a peer review report regarding any water supply certification submitted to satisfy this condition, the cost of which shall be paid or reimbursed by the applicant prior to final plat approval.
- 13. Cultural Resources Prior to any ground disturbance, the applicant shall prepare and implement an Inadvertent Discovery Plan; this plan must include the Washington State Department of Archaeology and Historic Preservation (DAHP) recommended language and current contact information for all parties that must be notified under State law. A copy of the plan must be provided to the County for review and approval, and after approval, a copy must be provided to all contractors and be available on-site for reference throughout all phases of the development process. If ground-disturbing activities uncover or reveal objects that might appear to be human skeletal remains during the course of construction, then all activity will cease that could cause further disturbance to such remains.
- 14. Open-space tract The establishment of Tract A as an open space tract within the planned unit development provides a public benefit in accord with WWCC 17.37.240 (See Finding No. 29) under at least two subsections: A. additional or better related open space and B. preservation of a natural asset. To maintain this public benefit, the future use and development of Tract A will be subject to the following conditions:

A. Adherence to County Code: All activities within the open space tract will, at a minimum, comply with applicable development standards.

B. Shoreline Master Program: A large portion of Tract A is located within shorelands regulated under the Walla Walla County Shoreline Master Program (SMP); all future development and use of Tract A within SMP jurisdiction shall comply with the regulations and policies of the SMP.

C. Permitted Uses: Pursuant to Section 5.6 of the Walla Walla County Shoreline Master Program, the primary use of Tract A will be non-commercial recreational use of the property by owners and guests of the residential lots within the PUD. The growing of crops is also allowed, subject to applicable local

and state regulations.

D. Use of Motorized Vehicles: The use of motorized vehicles will primarily be limited to the performance of routine maintenance of the property. The use of motorized vehicles for maintenance within shoreline jurisdiction and critical areas and their buffers shall comply with applicable provisions of the Walla Walla County SMP and the County's critical areas regulations. The use of motorized vehicles for recreational purposes (e.g. all-terrain vehicles, four-wheel drive vehicles, motorbikes, motorcycles and similar motorized transportation/recreation devices) is prohibited in Tract A.

E. Buildings: Residences and commercial buildings will not be allowed. Subject to the restrictions in the Walla Walla County SMP, critical areas regulations, floodplain development standards, and the density and dimensional standards in the County Code, small accessory buildings may be allowed to be constructed for non-commercial recreational use by property owners and their guests, growing of crops, or maintenance of the property.

F. Access: Access to Tract A shall be provided for non-commercial recreational use by the owners and guests of all five residential lots within the PUD, pursuant to Section 5.6 of the Walla Walla County Shoreline Master Program. (Restatement of Condition No. 6, above).



March 18, 2019

Tom Glover, Director Walla Walla County Community Development Department Second Floor, Suite 200 310 W. Poplar Street Walla Walla, WA 99362

RE: Potable Water Supply for the GrayLynn Farms Preliminary Plat and Planned Unit Development, Sub18-020 and PUD 18-001

Purpose

The purpose of this paper is to provide an analysis of water right availability and potential impairment to existing water rights through use of ground water for potable water supply under the GrayLynn Farms Preliminary Plat and Planned Unit Development, SUB18-020 and PUD 18-001. The intent is to verify that sufficient potable water supply is legally and physically available to serve all residential lots created in the new plat, for review and approval by the Community Development Director.

A. Legal Availability

Legal/Regulatory Context

On October 6, 2016 the Washington State Supreme Court issued a decision in the Whatcom County v. Hirst case, (Whatcom County v. Hirst, 186 Wn2d 648, 381 P.3d 1 2016). This decision held that local jurisdictions planning under the Growth Management Act (such as Walla Walla County) have a duty to determine legal and physical water availability for development decisions, and cannot simply defer to Department of Ecology adopted rules.

In response to this decision, on January 18, 2018 the state legislature passed Engrossed Substitute Senate Bill 6091, which was signed by Gov. Inslee the next day. With respect to the Walla Walla River Basin (WRIA 32), this new law allows local development permitting agencies to rely on existing Ecology rules to satisfy GMA requirements related to surface and groundwater resources. Additionally, local governments do not have to review new exempt wells for impairment of instream flows, which was a conclusion of the original "Hirst" decision.

Amended Water Resources Program for the Walla Walla River Basin, WRIA-32 (WAC 173-532)

An amended water resource program for the Walla Walla Basin was adopted effective September 5, 2007, and codified as WAC 173-532. Among the provisions of this revised rule relevant to the proposed project are (1) the rule closed surface water sources and the alluvial "gravel" aquifer to most new consumptive appropriations; (2) new instream flows were established for basin streams, and (3) allowances were provided for new permit-exempt ground water uses from gravel aquifer outside of the closures and instream flow requirements.

State law (RCW 90.44.050) provides for use of water from wells outside of the normal permitting process. The specific allocations provided for these permit-exempt water rights are as follows:

- 5,000 gallons per day for in-house domestic supply
- 5,000 gallons per day for industrial supply
- Irrigation of no more than 1/2 acres of lawn and non-commercial garden
- Stockwater

The amended Walla Walla rule maintained the full exemption for basalt aquifer wells in the basin, as withdrawal of water from this aquifer is generally not considered to have a significant hydraulic connection to surface water within the main basin. Ecology did specifically recognize that the local gravel aquifer is in hydraulic continuity with basin surface waters, and working in conjunction with local governments adopted a restricted allowance for permit-exempt wells sourced from the gravel aquifer within areas of a zoning density equal to or more dense than one residence for 10 acres. The specific allowances for new permit-exempt uses of water within these "high density" areas are as follows:

- 1,250 gallons per day for in-house domestic supply
- 700 gallons per day for stockwater
- No allocation for industrial supply
- No allocation for irrigation. (NOTE: there is a process whereby with payment of a one-time fee to cover mitigation costs, the water user can utilize up to 1000 gallons per day from the 1,250 gpd domestic allocation for minimal outdoor water use.)

Outside of the area termed "high density zoning" the same statutory allocations provided for basalt aquifer permit-exempt use apply to gravel aquifer wells, with the exception of stockwater, which is limited according to lot size. As the subject development is within the Rural Residential 5-acre zoning, any water withdrawn under gravel aquifer wells under the exemption would be limited to the restricted allocations under WAC 173-532.

It is important to note that the state Supreme Court held in Ecology v. Campbell and Gwinn, LLC 146 Wn2d 1, 43 P.3d 4 (2002) that whether a permit-exempt use is for a single residence or several homes, the 5,000 gallon per day limit applies. This limit pertains to the project as a whole, not the number of wells which may ultimately be drilled as part of that development.

With respect to the present proposal, whether utilizing basalt or gravel aquifer wells, the water right permit exemption as currently defined through WAC 173-532 allows for a maximum of 1,000 gallons per day for in-house potable water supply for each of the proposed 5 residences.

B. <u>Physical Water Availability</u>

A review of the Department of Ecology well log database shows nearly 150 production wells being drilled within 1 mile of the project site. The majority of these wells are domestic-exempt wells drilled into the gravel aquifer, with well test yields generally ranging from 35 to 150 gallons per minute. There are also several basalt aquifer wells within that radius, with yields ranging from 175 to 700 gallons per minute. At a rate of 50 gallons per minute, 5,000 gallons can be pumped in less than 2 hours. For comparison purposes, there is an existing gravel aquifer irrigation right (GW Cert. No. 2243-A) which includes the lands proposed for development within its authorized place of use, and which was perfected in the amount of 185 gallons per minute and 280 acre-feet per year.

To the best of this writer's knowledge, which includes 20 years as local Watermaster with the Department of Ecology, there has been no instance of a landowner being unable to obtain adequate quantities of water for domestic supply from either the gravel or basalt aquifers in the vicinity of the proposed project.

There is water physically available in either aquifer at the project site to provide the 5,000 gallons per day authorized for potable water supply through the water right permit-exemption.

C. Impairment Considerations

From a water right standpoint, "Impair" or "impairment" means to: 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection, and/or 2) to prevent the beneficial use of the water to which one is entitled, and/or 3) to adversely affect the flow of a surface water course at a time when the flows are at or below instream flow levels established by rule, and/or 4) degrade the quality of the source to the point that water is unsuitable for use by existing water right holders (WAC 173-150). Demonstration of impairment would require evidence of a substantial and lasting or frequent impact reflecting such conditions.

A new use of water for potable water supply at a maximum of 5,000 gallons per day, pumped each day over an entire year, would yield 5.6 acre-feet of water. To put that volume in perspective, note again that the existing water right which includes the subject property within its authorized place of use authorizes the use of up to 280 acre-feet per year.

The area proposed for development has previously been utilized for irrigated crops. Construction of 5 homes, with the associated footprint of homes, outbuildings, driveway and access roads, etc. will result in land being taken out of irrigated production. If one were to conservatively estimate a total of 1 acre being taken out of production, and estimate water use at ½ the water right allocation of 4 acre-feet per acre, then 2 acre-feet of water would no longer be used as a result of land development. For irrigation water applied by handline sprinklers, an average consumptive rate is 85% (ECY Guidance Document GUID-1210, Table 1). The resulting consumptive use savings associated with land no longer being irrigated as a result of the development is conservatively estimated at 1.7 acre-feet.

Ecology estimates that domestic potable water use is 20% consumptive, with the remaining 80% being returned to the gravel aquifer through the septic systems. Using the maximum possible withdrawal of 5.6 acre-feet per year for in-house use, 20%, or 1.12 acre-feet, would be consumptively used. It is reasonable to conclude that the land taken out of production as a result of the development will more than compensate for the amount of water allocated for potable water supply for the 5 proposed homes. If the potable water is to be withdrawn from basalt aquifer wells, the return flows will actually benefit gravel aquifer wells and area streamflows as that source is not directly connected to either of these sources.

Any effect or impact to water levels in existing wells in the surrounding area will be negligible, and certainly not rise to the level of impairment. As noted earlier, allowances have been made for permitexempt wells with respect to surface waters in the basin through WAC 173-532. As also noted above, through passage of SB 6091 in 2018, local governments do not have to review new exempt wells for impairment of instream flows.

Use of up to 5,000 gallons per day for potable water supply for 5 new homes, as proposed, will not impair existing water rights.

If you have any questions regarding this information, please contact me at your convenience.

Best Regards,

En Ne

Bill Neve, CWRE Water Right Solutions, LLC

Cc: Lauren Prentice, Principle Planner Tom Moran John Nelson Joel Olsen Brian Hansen

Debbie Williams

10:00 WSU EXTENSION OFFICE

a) Action Agenda Items:

- Resolution ______ Interagency Agreement between Walla Walla County and Washington State University
- **b)** Extension office update and miscellaneous

.

BOARD OF COUNTY COMMISSIONERS WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF AN INTERAGENCY AGREEMENT BETWEEN WALLA WALLA COUNTY AND WASHINGTON STATE UNIVERSITY

RESOLUTION NO. 19

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that they shall approve and sign an Interagency Agreement between Washington State University Cooperative Extension and Walla Walla County (Appendix A, Professional Services Contract) to provide extension services, with said agreement to be for the period January 1, 2020 through December 31, 2020.

BE IT FURTHER RESOLVED that the County's portion for said Agreement is increased to \$89,088 (eighty nine thousand eighty eighty dollars), an increase of \$1,381.

BE IT FURTHER RESOLVED that the county's portion reflects a contribution toward the compensation for two extension agents (faculty) as well as one administrative professional.

BE IT FURTHER RESOLVED that currently the County Director position is held by Debbie Williams, and although the Extension Faculty position (one of the two positions referenced above) remains vacant, Washington State University Extension has indicated that filling that position is a priority.

BE IT FURTHER RESOLVED that it is the intent of this Board that, subject to separate approval, monies for the second Extension Faculty position will not be expended for anything other than that position in the 2020 County Budget.

Passed this <u>29</u>th day of <u>July, 2019</u> by Board members as follows: ____Present or ____ Participating via other means, and by the following vote: ____ Aye ____Nay ____ Abstained ____ Absent.

Attest:

Diane L. Harris, Clerk of the Board

Todd L. Kimball, Chairman, District 2

James K. Johnson, Commissioner, District 1

Gregory A. Tompkins, Commissioner, District 3

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

MEMORANDUM OF AGREEMENT

Between

WASHINGTON STATE UNIVERSITY EXTENSION

And

<u>____Walla Walla County</u>

APPENDIX A

The following funds will be provided under this Memorandum of Agreement for the period January 1, 2020 through December 31, 2020 to provide an extension program.

TOTAL \$<u>89,088</u>

Mike Gaffney Extension Director WSU Extension

Date

County Commissioners

Date

Daniel G. NordquistDateAssociate Vice PresidentOffice of Research Support & Operations

INTERAGENCY AGREEMENT Between WASHINGTON STATE UNIVERSITY EXTENSION And Walla Walla County

APPENDIX A Detail

Professional Services Contract

The following individuals will be jointly funded under this Memorandum of Agreement through a WSU Personal Services Contract for the period January 1, 2020 through December 31, 2020.

	Total	\$ <u>89,088</u>		
	Time-Slip (Hourly)	\$		
	Classified Staff	\$		
1	Administrative Professional	\$40,911		
1	Extension Faculty	\$23,179		
1	County Director *	\$24,998		
Number		\$ Amount for County Portion		

*Includes department head responsibilities for one Extension Educator.

	Population 2017 2018		County Director New Suggested 2020		County Faculty New Suggested 2020	
County						
			P = .36		P = .36	
KING	2,153,700	2,190,200		29,998		27,814
PIERCE	859,400	872,220		29,998		27,814
SNOHOMISH	789,400	805,120		29,998		27,814
SPOKANE	499,800	507,950		29,998		27,814
CLARK	471,000	479,500		29,998		27,814
			P = .34		P = .34	
THURSTON	276,900	281,700		28,332		26,269
KITSAP	264,300	267,120		28,332		26,269
YAKIMA	253,000	254,500		28,332		26,269
WHATCOM	216,300	220,350		28,332		26,269
BENTON	193,500	197,420		28,332		26,269
BENTON	200,000	207,120	P = .32		P = .32	,
SKAGIT	124,100	126,520		26,665		24,724
COWLITZ	105,900	107,310		26,665		24,724
COVVEITZ	105,500	107,510	P = .30	20,000	P = .30	24,72
GRANT	95,630	97,350	50	24,998	1 - 130	23,179
FRANKLIN	90,330	92,540		24,998		23,179
1 1	82,790	83,860		24,998		23,179
ISLAND				24,998		23,17
LEWIS	77,440	78,380				
CHELAN	76,830	77,800		24,998		23,179
GRAYS HARBOR	72,970	73,610		24,998		23,179
CLALLAM	74,240	75,130		24,998		23,179
MASON	63,190	64,020		24,998		23,179
· WALLA WALLA	61,400	61,800		24,998		23,179
WHITMAN	48,640	49,210		24,998		23,179
STEVENS	44,510	45,030		24,998		23,179
			P = .28		P = .28	
KITTITAS	44,730	45,600		23,332		21,63
OKANOGAN	42,110	42,490		23,332		21,63
DOUGLAS	41,420	42,120		23,332		21,63
JEFFERSON	31,360	31,590		23,332		21,63
ASOTIN	22,290	22,420		23,332		21,63
PACIFIC	21,250	21,420		23,332		21,63
KLICKITAT	21,660	21,980		23,332		21,63
			P = .26		P = .26	
ADAMS	19,870	20,020		21,665		20,08
SAN JUAN	16,510	16,810		21,665		20,08
			P = .24		P = .24	
PEND OREILLE	13,370	13,540		19,999		18,54
SKAMANIA	11,690	11,890		19,999		18,54
LINCOLN	10,700	10,810		19,999		18,54
FERRY	7,740	7,780		19,999		18,54
COLUMBIA	4,100	4,150		19,999		18,54
WAHKIAKUM	4,100	4,100		19,999		18,54
WARKANUW	4,050	2,210	1	19,999		18,54

Walla Walla County Extension July 29, 2019

10:00 a.m. Update WSU/Walla Walla County Extension Area Updates and Events

County Budget 2019

County Budget 2020 Memorandum of Agreement – Professional Services Contract

Hort Board Update

Commissioner Events with 4-H 4-H & Open Fashion Review, August 24 6:30 p.m., Fair Community Building 4-H Achievement Night, November 17, 5:30 p.m., Fair Community Building

Schedule

July 31 – Extension Position Prep, Pullman August 12 – Blue Mountain Team, Pullman October 11-13 4-H Leaders Forum, Seattle November 6 & 7 Volunteer Training, Spokane November 19-22 – WSAC/Extension Conference, Spokane December 10 & 11 Volunteer Training, Seattle

WSU Extension Office – Walla Walla County July 2019 Update

WSU Update

New Extension Associate Dean Position – Extension had a failed search, so we are starting over and looking internally for candidates. I am on the committee.

WSU Extension Updates

<u>Youth</u>

4-H Demonstrations: 4-H youth gave presentations in April and May at the Extension Office. These are a part of fair but are held in April and May because of the large participation. We had more than 70 youth sign up this year. Walla Walla Noon Rotary and the Exchange Club provides funds for premiums since demonstrations are not held at Fair.

Summer Youth Programs: Quilt Camp, Challenger Horse Camp, STEM Camps (Robotics/Advanced Robotics), and summer sessions (Science, Cooking, and Creative Arts) are being provided for area youth.

Fair: Moving quickly towards fair with Fashion Review, Food & Clothing Judging, Dog Agility, Cat Show, Colt Training and other events prior to fair (Prefair). We can help citizens with online fair entries.

4-H STEM: We continue to utilize the Robotics kits and computers to work at 4 local elementary schools (Blue Ridge, Edison, Sharpstein, and Green Park) and at the rural libraries in Burbank, Touchet, and Pomeroy.

Family/Community

Supplemental Nutrition Assistant Program (SNAP-ED) or Food \$ense money coming from USDA for 2018-2019 is routed through Department of Health (state level) and includes Asotin, Columbia, Benton and Franklin Counties. Walla Walla County Extension Food \$ense program has been serving our community utilizing County support, Federal dollars, and in-kind match since the start up in 2004. We have reached more than 40,000 youth and their families. The WSU Food \$ense program goal is to impact family nutritional habits at home through nutrition education to kids in the classroom. Since 2004, we have received more than \$2 million to serve SE Washington (includes matching).

Agriculture Programs

The open Extension Educator position will be advertised soon - Extension Specialist – Agronomy and Cropping Systems. The position costs Walla Walla County \$23,179 and WSU picks up remaining salary, benefits (including unemployment), travel, and \$15,000 in startup funds for equipment.

The 2019 crop tours (cereals – wheat & legumes – peas, garbs, lentils) were held in June. They provided opportunities to view field trials and interact with Washington State University personnel and others about cereal varieties and crop management practices. Cereal breeders, extension agronomists, plant pathologists, and other scientists will be presenting information at various events.

Master Gardeners/Master Food Preservers

We have 14 new Master Gardener Trainees that finished more than 40 hours of training and our working on their 50 volunteer hours under Master Gardener Veterans (36). Master Gardeners have started Office Clinics and Farmers Market Saturdays. Master Gardeners put

more than 500 volunteer hours in each year (> 7500 hours since 2004). This year has been especially busy with fluctuating temperatures and last winter's wind and ice damage.

Master Food Preserver Volunteers are available to help local residence safely preserve food and to annually test canning gauges.

2019 County Budget

Memoranda of Agreement for 2020 (*Discussion or Resolution as the Board wishes*) The annual agreement with WSU will need to be updated for 2020 so I can include in my County budget request for 2020. The estimate for Professional Services part of the County budget is \$89,088 (\$87,707 in 2019). An increase of \$1,381 (1.6%) total from 2019. WSU provides all Extension services including specialists from around the state plus the local staff. I would like to get the MOA for 2020 approved as early as possible so that I can include these figures in my 2020 budget. Changes are County Director (Williams) \$24,708 to \$24,998 (\$290 or <1.2%), Extension Educator (Open) \$22,953 to \$23,179 (increase \$226 or <1.0%), and 4-H Coordinator (Owens) \$40,046 to \$40,911 (\$865 or 2.1%). WSU covers annual benefits and the remaining salary for these positions.

2019 County Budget

On track with 2019 Budget for this year, always looks like we haven't spent 50% by June 30 because we spend more money from fair time through November. As a County team member our department provided \$10,000 back to the County to help. As always, we will be careful the remainder of the year.

Hort Board – Apple Maggot and Brown Marmorated Stink Bug

Apple Maggot and Brown Marmorated Stink Bug (BMSB) will be monitored. WSU and other state entities will be collecting BMSB in our area to rear up to research control options.

Schedule:

July 31 – Extension Position Prep, Pullman August 12 – Blue Mountain Team, Pullman October 11-13 4-H Leaders Forum, Seattle November 6 & 7 Volunteer Training, Spokane November 19-22 – WSAC/Extension Conference, Spokane December 10 & 11 Volunteer Training, Seattle

10:15 PUBLIC WORKS DEPARTMENT

Tony Garcia

a) Department update and miscellaneous



To: Board of County Commissioners

From: Tony Garcia, Public Works Director

Date: 24 July 2019

Re: Director's Report for the Week of 22 July 2019

Board Action: 29 July 2019 Update Only

ENGINEERING:

- <u>Blue Creek Bridge/Mill Creek FH:</u> Contractor is working on City of Walla Walla waterline relocation. Working on Mill Creek bridge demo and driving piles.
- Whitman Dr. W .: Contractor is working on concrete path and roadway paving.
- <u>Middle Waitsburg Road MP 6.1 to MP 7.92</u>: Will be meeting with ROW consultant in August to have them work on this project.
- Port Kelly Road & Dodd Road Railroad Crossing: Project out to ad. Bid opening will be on 5 August.

MAINTENANCE/FLEET MANAGEMENT:

- Crews working on scrubbing/pre-leveling for next year's chip seal and routine maintenance work.
- Vegetation/Signs Garfield County Reimbursable striping to happen next week.
- Garage Working on maintenance/cleanup of chip seal equipment so it can be put away for the year. Also, working on routine and preventive maintenance.

ADMINISTRATION:

- Conducting Interviews for Maintenance Tech I and Mechanic II.
- Conducted Leadership and crew meetings.
- Attended the Economic Development Informational Meeting at the Port of Walla Walla to provide an update on the Mill Creek GI Study.
- Conducted After Action Review of chip seal operations.
- · Finalizing our 2020 budget.

10:30 PROSECUTING ATTORNEY

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

Jim Nagle/Jesse Nolte

10:45 HUMAN RESOURCES/RISK MANAGER

- a) Department update and miscellaneous
- b) Active Agenda Items:
 - Possible discussion/decision re: any pending claims against the County
- c) Action Agenda Items:
 - Revised job description approval form Assistant Clerk of the Board for the Commissioners' Office
- d) Possible executive session re: qualifications of an applicant for employment and/or review performance of a public employee (pursuant to RCW 42.30.110(g)), collective bargaining negotiations (pursuant to RCW 42.30.140(4)(a)(b)), and/or litigation or pending litigation (pursuant to RCW 42.30.110(i)

11:00 COUNTY COMMISSIONERS

a) Public Hearing:

 To consider extending interim zoning enacted by Ordinance 471 regarding the maximum density of mobile/ manufactured home parks and residential uses in the Burbank Residential Zoning District

-

b) Discussion and possible action/direction from the Board regarding above



Walla Walla County Community Development Department

Date:	July 29, 2019
Date Prepared:	July 26, 2019
То:	Walla Walla County Board of County Commissioners
From:	Lauren Prentice, Principal Planner
RE:	Public Hearing – Public Hearing to receive comments on extending Interim Ordinance No. 471, relating to residential density in the Burbank Residential zoning district. Docket No. ZCA18-002

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

Background

On August 7, 2018 the Walla Walla Board of County Commissioners enacted Ordinance 471, an interim ordinance which limits the density on any new residential development in the Burbank Residential zoning district to no more than four dwelling units per acre (assuming availability of water and sewer utility services). With the interim regulation, this density cap applies to mobile/manufactured home parks, one-family, two-family, multi-family, townhouse and other residential uses.

The ordinance is in effect for one year, ending on August 7, 2019, unless an ordinance is adopted rescinding or amending the interim zoning. On October 1, 2018 the County held an informational public meeting and a public hearing on the interim ordinance in Burbank at the Fire Station. On Saturday, June 29, 2019 Community Development Department staff and the County's consultants held an open house in Burbank at Columbia Middle School; 19 people attended this workshop. The Watershed Company is finalizing a report summarizing the comments gathered at that meeting and we expect that to be complete within a week or so.

The purpose of the July 29th public hearing is to hear comments regarding the extension of the ordinance by the Board of County Commissioners in order to give the County additional time to work on the subarea plans.

The interim Ordinance may be renewed for up to six months so long as the County has a public hearing and adopts findings of fact, under RCW 36.70A.390. The regulations may be extended for subsequent additional 6-month periods.

Staff Conclusion

Staff is of the opinion that the interim ordinance will maintain the current status quo in the Burbank Residential (BR) zoning district until additional planning can occur. If the interim zoning is not extended, it is possible that development may occur at a greater density than 4 dwelling units per acre.

Staff Recommendation

Staff recommends the Board hold a public hearing, review public comments, and if, appropriate, extend the Ordinance.

Recommended Motion

I move to extend the interim zoning enacted by Ordinance 471 for 6 months and request the Prosecuting Attorney and Community Development Department to prepare an Ordinance for signature.

Attachments

- A. Notice of Public Hearing
- B. Staff Report and attachments dated October 1, 2018

Summary of Interim Regulations

The purpose of extending the interim ordinance is to allow the County additional time to study the Burbank Subarea Plan (Chapter 12 of the County's Comprehensive Plan), including the Burbank Urban Growth Area and potential development regulations related to density, zoning, lot size and mobile and manufactured home parks. Currently, without the interim zoning enacted by Ordinance 471, there is no maximum density or minimum lot sizes in the development regulations for the Burbank area, except for multi-family residential housing. Previously, as stated in the Comprehensive Plan, lot sizes were governed by water and sewer availability. The interim ordinance fills a gap in the County zoning regulations by capping the maximum density at four dwelling units per acre for all residential uses, not just for multi-family and townhouses. The County's goal is to ultimately draft zoning and other possible regulations to address such developments and uses, to hold public hearings on draft regulations and to eventually adopt these regulations.

If the interim ordinance is not extended by the Board, there will not be a limit in the Burbank UGA on residential density.

Policy issues, such as whether the County should have additional standards for manufactured home parks, what type of maximum density should be allowed in the Burbank Residential Zone, what lot sizes should be allowed in the zone and whether additional zoning classifications are needed in the Burbank Urban Growth Area, are best addressed through a deliberative planning process with the Planning Commission, and through public workshops and hearings.

The County's goal is to ultimately draft zoning and other possible regulations to address such developments and uses, to hold public hearings on draft regulations and to eventually adopt certain regulations. The County had originally expected this project to be completed in a year, but additional time is needed.

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 11:00 AM on Monday, July 29, 2019, in County Commissioners' Chambers, Walla Walla County Public Health and Legislative Building, 314 West Main, Walla Walla, to receive testimony on whether to extend or amend the interim zoning enacted by Ordinance 471 (described below).

 ZCA18-002 – Interim Ordinance – Residential Density in Burbank Residential Zone Ordinance No. 471, adopted on August 7, 2018, is an interim ordinance regarding the maximum density of mobile/manufactured home parks and other residential uses in the Burbank Residential (BR) zoning district. This ordinance was adopted under RCW 36.70A.390. The duration of the ordinance is one year, expiring on August 7, 2019.

Written comments regarding the extension or amendment to this ordinance may be submitted prior to and at the hearing on July 29. <u>This is the final opportunity to comment on the extension or amendment of this ordinance; written comments are not expected to be accepted after the public hearing is closed on July 29.</u> However, comments will be allowed separately through any Comprehensive Plan or Development Regulation amendment process that results from the work plan contained in the interim ordinance.

Send written comments to one of the following addresses:

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

PUBLIC HEARING INFORMATION

County Commissioners' Chambers Walla Walla County Public Health and Legislative Building 314 West Main, Walla Walla **Monday, July 29, 2019 at 11:00 AM**

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

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

Walla Walla County Community Development Department

Date:	October 1, 2018
Date Prepared:	September 25, 2018
То:	Walla Walla County Board of County Commissioners
From:	Tom Glover, Director Lauren Prentice, Principal Planner
RE:	Public Hearing – Public Hearing to receive comments on Interim Ordinance No. 471, relating to residential density in the Burbank Residential zoning district. Docket No. ZCA18-002

Background

On August 7, 2018 the Walla Walla Board of County Commissioners enacted Ordinance 471, an interim ordinance which limits the density on any new residential development in the Burbank Residential zoning district to no more than four dwelling units per acre (assuming availability of water and sewer utility services). With the interim regulation, this density cap applies to mobile/manufactured home parks, one-family, two-family, multi-family, townhouse and other residential uses. The ordinance is in effect for one year, ending on August 7, 2019 unless an ordinance is adopted rescinding or amending the interim zoning. It may also be extended by the Board of County Commissioners following a public hearing prior to such extension.

Staff Conclusion

Staff is of the opinion that the interim ordinance will maintain the status quo in the Burbank Residential (BR) zoning district until additional planning can occur.

Staff Recommendation

Staff recommends the Board hold a public hearing, review public comments, and if, appropriate, continue the Ordinance.

Recommended Motion

"I move that Ordinance 471 remain in effect until August 7, 2019, while the County reviews the Burbank Subarea Plan and development regulations in the area."

<u>Attachments</u>

- A. Ordinance No. 471
- B. Summary of proposed 2018 code amendments regarding mobile/manufactured homes (included in 2018 Periodic Update)
- C. Resolution No. 18-232
- D. Press Release dated September 17, 2018
- E. Notice of October 1, 2018 Informational Public Meeting and Public Hearing and Certificate of Notification

Public Comments

The County has received letters recently about mobile/manufactured home parks in the Burbank area. This interim zoning was initiated partly in response to the concerns expressed, but also ensure that there were not gaps in the County zoning regulations regarding maximum residential density.

Summary of Interim Regulations

The purpose of the interim ordinance is to allow the County adequate time to study the Burbank Subarea Plan (Chapter 12 of the County's Comprehensive Plan), including the Burbank Urban Growth Area and potential development regulations related to density, zoning, lot size and mobile and manufactured home parks. Currently there is no maximum density or minimum lot sizes in the development regulations for the Burbank area, except for multi-family residential housing. Previously, as stated in the Comprehensive Plan, lot sizes were governed by water and sewer availability. The interim ordinance fills a gap in the County zoning regulations by capping the maximum density at four dwelling units per acre for all residential uses, not just for multi-family and townhouses. The County's goal is to ultimately draft zoning and other possible regulations to address such developments and uses, to hold public hearings on draft regulations and to eventually adopt these regulations.

<u>Analysis</u>

The County Code has unique zoning and density regulations in the Burbank area. The Burbank Residential (BR) zoning district is a "catchall" residential classification. The stated purpose of the district is:

"This district is primarily a single-family residential district with provisions for multifamily dwelling units that are consistent with the height, bulk and scale of adjacent development." WWCC 17.12.040 (M).

Mobile/Manufactured Home Parks are an allowed use in the Burbank Residential zone by an approved conditional use permit (CUP). Any application to establish a mobile/manufactured home park would be reviewed by staff and the County's Hearing Examiner. Subdivisions are allowed through the platting process, which may or may not require approval of the hearing examiner, depending on the size of the plat. Without Ordinance 471, there is no cap on density for subdivisions or manufactured home parks.

Multi-family dwelling units and townhouses are allowed in the Burbank Residential Zone, but only at a maximum of four units per acre. Limiting manufactured home parks, residential subdivisions, and all residential land uses to a maximum density of four dwellings per acre would be consistent with the purpose of the Burbank residential zoning district, which allows for multifamily housing that is consistent with scale of adjacent single-family development.

With the adoption of Ordinance 471, a landowner could still develop a manufactured home park in the Burbank Residential Zone or a subdivision, but the density would be capped at four units per acre (assuming water and sewer utility services are available to the proposed site). It is also important to note that the density of a proposed subdivision or park is not calculated from the gross lot area, it's based on the net site area which does not include land within critical areas or private or public roads. A person could also subdivide their property and locate a similar number of manufactured homes or site-built homes on the new lots. The only difference would be a variation in the form of ownership of the underlying land. Manufactured homes (those built in accordance with Housing and Urban Development standards) must be treated in the same fashion as traditional homes, pursuant to RCW 36.01.225.

The Port's sewer system in the Burbank Urban Growth Area has been in place since 2015. As well, the Port also operates/manages a municipal-level water utility service. Both services are limited only to the Burbank Urban Growth Area, and only a portion of it. The service lines could be expanded though it is uncertain by how much.

The addition of the Port's sewer system could allow for an increased density of development than would have been allowed previously. Before the sewer system was in place, development density

was limited primarily by on-site septic requirements set by State law and local health codes (Walla Walla County Code Chapter 8.16). Generally, absent special conditions, those codes require new development to be located on lots of at least 12,500 square feet (or larger depending on soil type) if a connection to a public water system was made. One acre or more is required if there is no public water and sewer system connection.

Policy issues, such as whether the County should have additional standards for manufactured home parks, what type of maximum density should be allowed in the Burbank Residential Zone, what lot sizes should be allowed in the zone and whether additional zoning classifications are needed in the Burbank Urban Growth Area, are best addressed through a deliberative planning process with the Planning Commission, and through public workshops and hearings.

Comprehensive Plan

From Chapter 12. Burbank Subarea Plan, Section 12.3.4 – Residential Goals and Policies:

Goal 8: Develop and preserve stable residential neighborhoods.

- Policy 30: Promote the maintenance and improvement of housing quality and neighborhood character to preserve value and pride.
- Policy 31: Provide separate areas in the community for different types and densities of housing.
- Policy 32: Each residential development should be provided with public facilities appropriate to the type of development at the time it is developed. Residential developers should assume all direct costs of their individual projects such as roads, accesses, parking, surface drainage, water systems, and sewer systems.

Zoning Code Text Amendment Review Criteria

For any proposed zoning code text amendment the Board of County Commissioners shall approve, approve with modifications, or deny the proposal based on the following criteria from Walla Walla County Code (WWCC) 14.15.070C(3).

The amendment is consistent with the comprehensive plan;

The proposed interim zoning is consistent with the purposes of the Burbank Residential zone, allowing all residential development to be consistent in density and scale until such time as the County can more thoroughly update the Burbank Subarea Plan and review development regulations in the Burbank area.

The amendment meets a definable public need;

The Comprehensive Plan notes that, in the Burbank area "The County Health Department requirements for water and domestic waste disposal will continue to dictate minimum lot size in the absence of full public utilities." Page 12-5. This section of the County Comprehensive Plan reflects the previous limitation on density that existed prior to the availability of public sewer services. This statement in the Comprehensive Plan is no longer entirely accurate, since more public utilities are available in the Burbank Urban Growth Area.

The County Code does not currently have development standards for high density mobile/manufactured home parks. Other urban zoning codes (such as the City of Walla Walla's) include such requirements as density, space size, fencing requirements and open space requirements.

A large, high-density mobile/manufactured home park, or other high-density subdivision, could have a lasting effect on the Burbank Urban Growth Area, because such uses were not previously anticipated or possible in the area, and because the County does not currently have standards to address those high-density uses in the Burbank area.

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

The interim ordinance fills a gap in the County zoning regulations by extending the maximum density of four dwelling units per acre to all residential uses, not just for multi-family and townhouses. The purpose of the interim ordinance is to allow the County adequate time to study the Burbank Subarea Plan (Chapter 12 of the County's Comprehensive Plan), including the Burbank Urban Growth Area and potential development regulations related to density, zoning, lot size and mobile and manufactured home parks.

The County's goal is to ultimately draft zoning and other possible regulations to address such developments and uses, to hold public hearings on draft regulations and to eventually adopt certain regulations. The County expects that process to take about a year to complete.

Findings of Fact

- 1. On August 7, 2018 the Walla Walla Board of County Commissioners enacted Ordinance 471, an interim ordinance which limits the density on any new residential development in the Burbank Residential Zoning District to no more than four dwelling units per acre.
- 2. On August 14, 2018 the State Department of Commerce acknowledged receipt of a copy of Ordinance 471 (Material ID# 25184).
- On September 17, 2018 the Board of County Commissioners adopted and signed Resolution No. 18-232 setting a public hearing for Ordinance 471 to be held at 6:00 p.m. on October 1, 2018 at the Walla Walla County Fire District 5 station in Burbank.
- 4. On September 17, 2018, a Notice of the Public Informational Meeting and Public Hearing was posted on the Community Development Department website.
- 5. On September 20, 2018, a Notice of the Public Informational Meeting and Public Hearing was published in the Tri-City Herald, the Walla Walla Union-Bulletin, and the Waitsburg Times. This notice was also mailed and/or emailed to interested parties as documented in the Certificate of Notification.
- 6. On September 18, 2018 a Press Release announcing the Public Informational Meeting and Public Hearing was distributed by email to the Tri-City Herald, Walla Walla Union-Bulletin, Waitsburg Times, Partnership for a Better Burbank, KUJ am, Cherry Creek Radio, Capps Broadcasting Group.
- 7. On October 1, 2018 an Informational Public Meeting was held by the County's Community Development Department staff in Burbank.
- 8. On October 1, 2018 a Public Hearing was held by the Board of County Commissioners in Burbank.

Conclusions of Law

- 1. The proposed amendments have been reviewed pursuant to Walla Walla County Code Sections 14.15.070D(3).
- 2. The proposed amendments are consistent with the Walla Walla County Comprehensive Plan.
- 3. The amendments meet a definable public need.
- 4. The amendments are in the long-term interest of the County.

Attachment A

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

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

ORDINANCE NO. 471 ADOPTING AN INTERIM ORDINANCE REGARDING THE MAXIMUM DENSITY OF MOBILE/MANUFACTURED HOME PARKS AND RESIDENTIAL USES IN THE BURBANK RESIDENTIAL ZONING DISTRICT.

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

Grantor

Walla Walla County Commissioners
 Walla Walla County Commissioners
 Additional names on page _____ of document.
 Grantee

 The Public
 Additional names on page _____ of document.

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

Additional legal is on page _____ of document.

Assessors Parcel Numbers

n/a

Additional parcel number is on page _____ of document.

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

2018-06479 ORD 08/08/2018 11:11:24 AM Page 1 of 5 Fees: 104.00 Karen Martin County Auditor, Walla Walla County WA

BOARD OF COUNTY COMMISSIONERS WALLA WALLA COUNTY, WASHINGTON

ORDINANCE NO. 471

ADOPTING AN INTERIM ORDINANCE REGARDING THE MAXIMUM DENSITY OF MOBILE/MANUFACTURED HOME PARKS AND RESIDENTIAL USES IN THE BURBANK RESIDENTIAL ZONING DISTRICT.

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

WHEREAS, the Board of County Commissioners may adopt interim development regulations for up to one year if a work plan is developed for related studies providing for such a longer period; and

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

WHEREAS, a public sewer system has recently been constructed by the Port of Walla Walla in the Burbank area; and

WHEREAS, interim zoning will provide the County with additional time to review and amend its Comprehensive Plan, zoning and land use regulations related to density and development in the Burbank area; and

WHEREAS, inquiries have been made regarding the placement of mobile/manufactured home parks in the Burbank area; and

WHEREAS, the Commissioners and Community Development Department have received numerous comments and concerns from residents of the Burbank area regarding any proposed mobile/manufactured home park in the Burbank area; and

WHEREAS, it appears that the County Comprehensive Plan and County Code do not currently accurately address the availability of the public utilities in the Burbank area; and

WHEREAS, the County is currently updating its Comprehensive Plan for the 2018 mandated update, and will continue its review of the Burbank subarea and associated development regulations next year; PAGE 1 OF 5 ORDINANCE NO. 471

ORDINANCE NO. 471

2018-06479 ORD 08/08/2018 11:11:24 AM Page 2 of 6 Fees: 104.00 Karen Martin County Auditor, Walla Walla County WA

NOW THEREFORE

BE IT ORDAINED, by the Walla Walla County Board of County Commissioners that:

Section I. The Board of County Commissioners Makes the Following Findings of Fact and Conclusions of Law.

A. Findings of Fact.

1. The Burbank Subarea Plan has not been substantially modified for more than 10 years.

2. The Port's sewer system in the Burbank Urban Growth Area has been in place since late 2015.

3. The Port's infrastructure provides a needed service to the Burbank community, and the sewer system is a benefit to the area.

4. The sewer system will allow for an increased density of development than would have been allowed previously. Before, development density was limited primarily by on-site septic requirements set by State law and local health codes (Walla Walla County Code Chapter 8.16). Generally, absent special conditions, those codes require new development to be located on at least 12,500 square feet if a connection to a public water system was made. One acre or more was required if there was no public water system connection.

5. The County has received inquiries regarding placement of mobile/manufactured home parks in Burbank.

6. The County has received numerous letters and comments from residents of the Burbank area noting concerns about a proposed mobile/manufactured home park.

B. Conclusions of Law:

1. Interim zoning enacted under RCW 36.70A.390 is a method by which local governments may preserve the status quo so that new plans and regulations will not be rendered moot by intervening development.

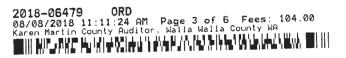
2. Interim zoning to preserve the status quo is necessary, until the Burbank Subarea Plan can be more thoroughly reviewed.

3. Walla Walla County is authorized by RCW 36.70A.390 to adopt interim zoning controls for a period of six months or for one year if a work plan is implemented.

4. The Comprehensive Plan notes that, in the Burbank area "The County Health Department requirements for water and domestic waste disposal will continue to dictate minimum lot size in the absence of full public utilities." Page 12-5. This section of the

PAGE 2 OF 5

ORDINANCE NO. 471



County Comprehensive Plan reflects the previous limitation on density that existed prior to the availability of public sewer services. This statement in the Comprehensive Plan is no longer entirely accurate, since more public utilities are available in the Burbank Urban Growth Area.

5. County Code currently limits maximum density of multifamily housing and townhouses to four dwelling units per acre in the Burbank Residential Zone. WWCC 17.18.050(D).

6. County Code currently has a minimum density of three dwelling units per acre in the Burbank Residential Zone. WWCC 17.18.020. There is currently no maximum density.

7. County Code does not have a minimum lot size in the Burbank Residential Zone. WWCC 17.18.020.

8. Limiting mobile/manufactured home parks and all new residential uses to a maximum density of four dwelling units per acre on an interim basis would be consistent with the purpose of the Burbank Residential zoning district, which allows for multifamily housing that is consistent with the scale of adjacent single-family development.

9. By limiting mobile/manufactured home parks and new residential uses to a maximum of four dwelling units per acre, the Code would be consistent for all uses. A landowner could still develop a manufactured home park, but the density would be capped. A landowner could also subdivide property and locate a similar number of manufactured homes or traditional homes on the new lots.

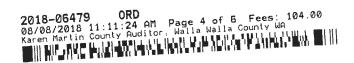
10. County Code allows for mobile/manufactured home parks in the Burbank area, by conditional use permit.

11. The County Code does not currently have development standards for high density mobile/manufactured home parks. Other urban zoning codes (such as the City of Walla Walla's) include such requirements as density, space size, fencing requirements and open space requirements.

12. County Code states that the purpose of the Burbank Residential zone is as follows: "This district is primarily a single-family residential district with provisions for multifamily dwelling units that are consistent with the height, bulk and scale of adjacent development." WWCC 17.12.040 (M).

13. Policy and planning questions, such as whether the County should have additional standards for manufactured home parks, what type of maximum density should be allowed in the Burbank Residential Zone, what lot sizes should be allowed in the zone, and whether additional zoning classifications are needed in the Burbank Urban Growth Area, are best addressed through a deliberative planning process with the Planning Commission.

14. A large, high-density mobile home park, or other high-density subdivision, could have a lasting effect on the Burbank Urban Growth Area, because such uses were not previously PAGE 3 OF 5 ORDINANCE NO. 471



anticipated or possible in the area, and because the County does not currently have standards to address those high-density uses in the Burbank area.

15. Immediate, and temporary, action is necessary to preserve the status quo and allow for additional planning before higher density development is allowed.

16. The proposed interim zoning is consistent with the purposes of the Burbank Residential zone, allowing all residential development to be consistent in density and scale until such time as the County can more thoroughly update the Burbank Subarea Plan and review development regulations in the Burbank area.

Section II. The following interim zoning development regulation is enacted:

WWCC 17.18.050 (D) is amended as follows: In the Burbank Residential zoning district the density for multi-family, Mobile/Manufactured Home Park, one family, two family, and town-house and other residential uses shall not exceed four dwelling units per acre.

Section III. Purpose. The purpose of this interim zoning Ordinance is to allow the County adequate time to study the Burbank Urban Growth Area and potential development regulations related to density, zoning, lot size and mobile and manufactured home parks in the Burbank Urban Growth Area. The County's goal is to ultimately draft zoning and other possible regulations to address such developments and uses, to hold public hearings on such draft regulations and to adopt such regulations.

Section IV. Duration of Interim zoning. This interim zoning Ordinance shall be in effect for one year, beginning on August 7, 2018 and ending on August 7, 2019 at 12:01 a.m., unless an ordinance is adopted rescinding or amending the interim zoning. This interim zoning may be extended by the Board of County Commissioners following a public hearing prior to such extension.

Section V. Work Plan. During the year long period, the County will study the Burbank Subarea, the zoning in the Burbank Urban Growth Area, and development regulations within the Burbank Urban Growth Area.

Section VI. Declaration of Emergency. The Board of County Commissioners hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by the Board, and that the same is not subject to a referendum (RCW 36.70A.390).

Section VII. Effective Date. This Ordinance shall take effect and be in full force and effect immediately upon its adoption.

PAGE 4 OF 5

ORDINANCE NO. 471

2018-06479 ORD 08/08/2018 11:11:24 AM Page 5 of 6 Fees: 104.00 Karen Martin County Auditor, Malla Walla County WA Section VIII. Public Hearing. The Commissioners shall hold a public hearing on this Ordinance within the next 60 days. If necessary, the Board may adopt additional Findings of Fact.

Section IX. Conflict with other WWCC Provisions. If the provisions of this Ordinance are found to be inconsistent with other provisions of the Walla Walla County Code, this Ordinance shall control.

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

PASSED by the Walla Walla County Board of County Commissioners at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 7th day of August, 2018.

Attest:

Connie R. Vinti, Clerk of the Board



Chairman, District 1 lames Johnson, oll

Todd L. Kimball, Commissioner, District 2

James L. Duncan, Commissioner, District 2

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

Approved as to form

Jesse D. Nolte, Deputy Prosecuting Attorney

ORDINANCE NO. 471

2018-06479 ORD 08/08/2018 11:11:24 AM Page 5 of 6 Fees: 104.00 Karen Martin County Auditor, Walla Walla County WA

PAGE 5 OF 5

Walla Walla County Community Development Department

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

2018 Comprehensive Plan and Development Regulations Periodic Update

As required by the Washington State Growth Management Act Walla Walla County has been actively working to update its Comprehensive Plan and implementing development regulations. As part of this work, the County is proposing amendments to its development regulations concerning mobile/manufactured homes, and mobile/manufactured home parks. The following is a summary of those changes, which are being considered by the County separately from the interim ordinance.

The primary purpose of these amendments is to make Chapter 17.08 (zoning definitions) more consistent with Section 15.08.020 (building code definitions).

Definitions to be removed:

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

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

New definition to be added: (aligns with Building Code)

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

Proposed amendments to existing definition:

17.08.340 – Mobile/<u>manufactured</u> home lot. "Mobile/<u>manufactured</u> home lot" means a plot of ground within a mobile home park designated to accommodate one mobile <u>or</u> <u>manufactured</u> home.

Proposed amendments to existing definition: (aligns with Building Code)

17.08.345 – Mobile/<u>manufactured</u> home park. "Mobile<u>/manufactured</u> home park" means a tract of land under single ownership or control upon which two or more mobile homes <u>or</u> <u>manufactured</u> homes occupied as dwellings may be located.

Proposed amendments to existing definition: (aligns with Building Code)

17.08.410 - Recreational vehicle. See the definition in WWCC 15.08.020. "Recreational vehicle" means a vehicular type unit, as defined by the Department of Labor and Industries, designed for temporary living quarters for recreational, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle.

Proposed amendments to existing definition: (aligns with Building Code)

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

Other definitions: (existing code, no proposed amendments)

15.08.020 - Recreational vehicle (RV). "Recreational vehicle" means a unit designed and built as temporary living quarters for recreational camping, travel, or seasonal use, that either has its own motive power or is mounted on or towed by another vehicle. Recreational vehicles shall not be utilized as a permanent dwelling and or primary dwelling except within a manufactured/mobile home community.

Attachment C

BOARD OF COUNTY COMMISSIONERS WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF SETTING A PUBLIC HEARING TO CONSIDER ADOPTED ORDINANCE 471 REGARDING THE MAXIMUM DENSITY OF MOBILE/MANUFACTURED HOME PARKS AND RESIDENTIAL USES IN THE BURBANK RESIDENTIAL ZONING DISTRICT

RESOLUTION NO. $18\,232$

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

WHEREAS, interim zoning will provide the County with additional time to review and amend its Comprehensive Plan and zoning and land use regulations related to density and development in the Burbank area; and

WHEREAS, Walla Walla County Board of Commissioners adopted Ordinance No. 471 on August 6, 2018, and the Board of County Commissioners must hold a public hearing to consider the Ordinance; 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 6:00 p.m. on October 1, 2018 in Burbank at Walla Walla County Fire District No. 5's station, 460 West Humorist Road, to receive testimony on the matter.

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

"Passed this <u>17th</u> day of <u>September, 2018</u> by Board members as follows: <u>3</u> Present or <u>0</u> Participating via other means, and by the following vote: <u>3</u> Aye <u>0</u> Nay <u>0</u> Abstained <u>0</u> Absent."

Attest:

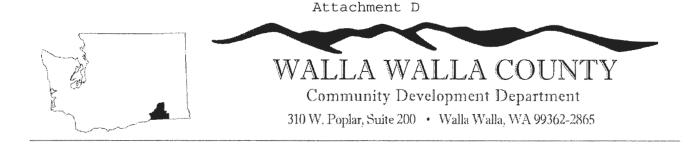
Connie R. Vinti, Clerk of the Board

Vik UT Johnson, Ghairman, District 1

Todd L. Kimball, Commissioner, District 2

James L. Duncan, Commissioner, District 3

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



September 17, 2018

PRESS RELEASE

Re: Public Hearing, Ordinance 471, Residential density in Burbank

Walla Walla County Community Development Department 310 W. Poplar Street Walla Walla, WA 99362 <u>www.co.walla-walla.wa.us</u> 509-524-2610

On Monday, October 1, 2018 the Walla Walla County Board of County Commissioners will be holding a public hearing beginning at 6:00 p.m. to receive comments from the public regarding their adoption of interim Ordinance 471, which pertains to the maximum density of mobile/manufactured home parks and residential uses in the Burbank Residential Zoning District. A Public Information Meeting will be held at 5:00 p.m., to provide interested persons the opportunity to ask County planning staff questions about the ordinance, prior to the start of the hearing.

Date:	October 1, 2018		
Time:	Public Information meeting at 5:00 p.m.		
	Public Hearing at 6:00 p.m.		
Location:	Walla Walla County Fire District #5, Station		
	460 W. Humorist Rd. in Burbank		

Background

On August 7, 2018 the Walla Walla Board of County Commissioners adopted Ordinance 471, an interim ordinance which limits the density on any new residential development in the Burbank Residential Zoning District to no more than four dwelling units per acre (assuming availability of water and sewer utility services). This applies to mobile/manufactured home parks, one-family, two-family, multi-family, townhouse and other residential uses. The ordinance is in effect for one year, ending on August 7, 2019 unless an ordinance is adopted rescinding or amending the interim zoning. It may also be extended by the Board of County Commissioners following a public hearing prior to such extension.

The interim ordinance fills a gap in the County zoning regulations by extending the maximum density of four dwelling units per acre to all residential uses, not just for multi-family and townhouses. The purpose of the interim ordinance is to allow the County adequate time to study the Burbank Subarea Plan (Chapter 12 of the County's Comprehensive Plan), including the Burbank Urban Growth Area and potential development regulations related to density, zoning, lot size and mobile/manufactured home parks.

Policy issues, such as whether the County should have additional standards for manufactured home parks, what type of maximum density should be allowed in the Burbank Residential Zone, what lot sizes should be allowed in the zone and whether additional zoning classifications are needed in the Burbank Urban Growth Area, are best addressed through a deliberative planning process with the Planning Commission, and through public workshops and hearings.

The County's goal is to ultimately draft zoning and other possible regulations to address such developments and uses, to hold public hearings on draft regulations and to eventually adopt these certain regulations. We expect that process to take about a year to complete.

The County has received letters recently about mobile/manufactured home parks in the Burbank area. This interim zoning was initiated partly in response to the concerns expressed, but also ensure that there were not gaps in the County zoning regulations regarding maximum residential density.

Mobile/manufactured home parks are currently an allowed use in the Burbank Residential Zone by an approved conditional use permit (C.U.P). The County's Hearing Examiner, following a public hearing, makes those decisions.

Limiting all residential land uses, including mobile/manufactured home parks, to a maximum of four dwelling units per acre will allow the County adequate time to review the Burbank subarea and what densities and lot sizes can be supported. During the period of the interim ordinance, new subdivisions and mobile/manufactured home parks will be allowed but will capped at four units per acre.

Other factors to consider

The Port's sewer system in the Burbank Urban Growth Area has been in place since late 2015. As well, the Port also operates/manages a municipal-level water utility service. Both services are limited in service area but are capable of being expanded.

The addition of the Port's sewer system could allow for an increased density of development than would have been allowed previously. Before, development density was limited primarily by on-site septic requirements set by State law and local health codes (Walla Walla County Code Chapter 8.16). Generally, absent special conditions, those codes require new residential development to be located on at least 12,500 square feet of land if a connection to a public water system were to be made. One acre or more was required if there is no public water system connection.

While the Port's infrastructure is a needed service and a benefit to the Burbank area, the County needs to update its land use plans.

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: ZCA18-002 – Interim Ordinance **Site Address**: Non-project application **Type of Notice**: Notice of BOCC Public Hearing, and Info Meeting, on 10/1/2018 (attached) **Review Level/Type**: Interim Zoning Ordinance

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

 \boxtimes Emailed to the parties included in the attached mailing list on <u>9/18/2018</u>

Mailed to the parties included in the attached mailing list on 9/18/2018 (Mailing List 1)

Mailed to the parties included in the attached mailing list on <u>9/20/2018 (Mailing List 2)</u>

Lauren Prentice **Printed Name**

24/2018 Signature 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

- \boxtimes Published in the official gazette (Union Bulletin) on <u>9/20/2018</u>
- Published in paper(s) of general circulation on <u>9/20/2018</u> (The Times) and <u>9/20/2018</u> (Tri-City Herald)
- \boxtimes Published on the CDD website on the following date: <u>9/17/2018</u>

<u>9/18/2018</u> Date

<u>Lauren Prentice</u> Printed Name

Walla Walla County Community Development Department

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

NOTICE OF INFORMATIONAL PUBLIC MEETING AND PUBLIC HEARING BOARD OF COUNTY COMMISSIONERS WALLA WALLA COUNTY, WA

Informational Public Meeting

The Walla Walla County Community Development Department will be holding an informational public meeting for the following interim ordinance.

 ZCA18-002 – Interim Ordinance – Residential Density in Burbank Residential Zone Ordinance No. 471, adopted on August 7, 2018, is an interim ordinance regarding the maximum density of mobile/manufactured home parks and other residential uses in the Burbank Residential (BR) zoning district. This ordinance was adopted under RCW 36.70A.390. The duration of the ordinance is one year.

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

INFORMATIONAL MEETING INFORMATION

Walla Walla County Fire District #5 Station 51 460 W. Humorist Road; Burbank, WA October 1, 2018 from 5:00 - 6:00 PM

<u>Public Hearing</u>

Notice is hereby given that the Board of County Commissioners will hold a public hearing at 6:00 PM on Monday, October 1, at Fire District #5 Station 51 (460 W. Humorist Road, Burbank) to receive public testimony on Ordnance No. 471.

Written comments regarding these amendments may be submitted prior to and at the hearing on October 1. <u>This is the final opportunity to comment: written comments will not be accepted after the public hearing is closed on October 1.</u> Send written comments to one of the following addresses:

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

PUBLIC HEARING INFORMATION

Walla Walla County Fire District #5 Station 51 460 W. Humorist Road; Burbank, WA October 1, 2018 at 6:00 PM

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

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

OWNER NAME	IN CARE OF	ADDRESS1	CITY	STATE ZIF	PCODE
Diane F Bagley		435 Basin Drive	Burbank	WA	99323 Burbank
John and Vicki Cleghorn		643 Harrison Road	Burbank	WA	99323 Burbank
John Hoover		600 Basin Drive	Burbank	WA	99323 Burbank
Mary Power		2861 Hanson Loop Road	Burbank	WA	99323 Burbank
Michael Scrimsher		104 Tuttle Lane	Burbank	WA	99323 Burbank
Roger Bairstow	Broetje Orchards	1111 Fishhook Park Road	Prescott	WA	99348 Burbank
Thomas and Lacie Screiber		105 S. Columbia School Road	Burbank	WA	99323 Burbank
David Ensunsa		65 Snake River Drive	Burbank	WA	99323 Burbank
Phillip G Weite		253 Basin Drive	Burbank	WA	99323 Burbank
Debbie M Ford		25463 Ice Harbor Drive	Burbank	WA	99323 Burbank
Dave Maiden		96 Merry Lane	Burbank	WA	99323 Burbank
Dan and Pam Lagervall		PO Box 87	Burbank	WA	99323 Burbank
Jane and Ralph Bell		1242 W. Sunset Drive	Burbank	WA	99323 Burbank
Rob Green	Amy Grow	65 Merry Lane	Burbank	WA	99323 Burbank
Brad Beaucamp		4001 S Vancouver	Kennewick	WA	99337 Burbank
Pat Reay	Port of Walla Walla	310 A Street	Walla Walla	WA	99362 Burbank
Andrew Lybbert		10412 Oak Court	Pasco	WA	99301 Burbank

OWNER NAME	IN CARE OF	ADDRESS1	CITY	STATE	ZIPCODE
James Daniels	Anna Moffatt	2169 Hanson Loop Road	Burbank	WA	99323 Burbank
Nick Scott, et al.		2355 Hanson Loop Road	Burbank	WA	99323 Burbank
Yvonne Stredwick		2251 Hanson Loop Road	Burbank	WA	99323 Burbank
Dee and Randy Stonestreet, et al.		1500 Hanson Loop Road	Burbank	WA	99323 Burbank
Lattie and Larry Blackburn		PO Box 124	Burbank	WA	99323 Burbank
Doug and Tina Gourley		PO Box 5	Burbank	WA	99323 Burbank
Gerry Reed	Rhonda Kuebler	PO Box 305	Burbank	WA	99323 Burbank
Ron Bruder		PO Box 220	Burbank	WA	99323 Burbank
Jean Langdell	Betty Langdell	101 Cherry Street	Burbank	WA	99323 Burbank
Joyce Rouse		PO Box 43	Burbank	WA	99323 Burbank
Norm and Diane Wells		45 Walnut Street	Burbank	WA	99323 Burbank
George and Petty Paxton		PO Box 424	Burbank	WA	99323 Burbank

Lauren Prentice

From:	Lauren Prentice
Sent:	Tuesday, September 18, 2018 12:09 PM
To:	'Amy Grow'; 'Amy Quandt'; Andrea Berglin; Arianna Shepard; Ben Harris; 'Bill Sporcich'; brad beauchamp; Brandee Perazzo; Brittany Hoover; Bryon Johnson; Carol Johnson; 'Cheryl Stone'; 'Chris Leahy'; 'Crystal Maiden'; 'Dan and Pam Lagervall'; Dave Riddle; 'David Ensunsa'; 'David Maiden'; 'Debbie Ford'; 'Diane Bagley'; 'Duane Depping'; 'E'; 'Eric Berglin'; 'Frank and Arleen Shade'; H Shepard (hashepard@gmail.com); 'Hayley Shepard'; 'Heather Keatts'; Janell Beck; 'Jerry Gridley'; 'John and Heidi Tufford'; 'John Cleghorn'; 'John Wilson'; 'Josh Hoover'; Judy Weitz; 'Karla Way'; 'Keith Teeters'; 'Kellin Nielsen'; 'Lanie Cameron'; 'Mark Plummer'; 'Michael Scrimsher'; 'Mike McBride'; Mike Taylor; Mike Taylor; Mike Wickstrom (mwickstrom@wwcfd5.org); 'Naomi Maiden'; Partnership For A Greater Burbank; Pat Reay (pr@portwallawalla.com); 'Paul and Mary Power'; 'Ralph and Jane Bell'; Rayne Anderson; 'Rob Grow'; 'Robert Sorbel'; 'Roger Bairstow'; 'Ruth Plummer'; 'Ryan Maiden'; 'Seth McDowell'; 'Stan and Joanna Case'; 'Suzanne Wilson'; 'Tammy Smith'; 'Thomas and Lacie Schreiber'; Vicki Cleghorn; 'Virginia Fjeld@gmail.com'; 'Virginia Gutierrez'; Wayne and Cherree Langford; 'Zach Ogle'
Cc:	Tom Glover; Donald Sims; Lauren Prentice
Subject: Attachments:	Informational Public Meeting and BOCC Public Hearing - Interim Ordinance 471 (Burbank) ZCA18-002 Press Release - PH Burbank - Interim Ordinance 09-17-18.pdf; ZCA18-002 Notice of BOCC Public Hearing and Info Meeting 10-01-18 Interim Ordinance.pdf

Two meetings have been scheduled for Monday, October 1, regarding interim Ordinance 471, which limits residential density within the Burbank Residential (BR) zoning district. There will be an informational public meeting at 5:00 and a Board of County Commissioners' public hearing at 6:00. These meetings will be at the fire station on Humorist Road in Burbank.

More information is included in the attached press release and public notice.

Lauren Prentice

Principal Planner Walla Walla County Community Development Department 310 W. Poplar, Suite 200 Walla Walla, WA 99362 509-524-2620 direct 509-524-2610 main





LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount Cols Lines
450753	0003858888	ZCA18-002		\$173.88 1 72
Attention: Lauren	n Prentice		AFFI	DAVIT OF PUBLICATION
WALLA WALLA CO	UNTY CO	MUNITY DEV DEPT		
310 W POPLAR ST	F 200		COUNTY	OF BENTON)
				.SS
WALLA WALLA, WA	A 99302		STATE OF	WASHINGTON)
NOTICE OF INFORMATIONAL PUBLIC MEETING				ez, being duly sworn, depose
AND PUBLIC HEARING BOARD OF COUNTY			and says,	am the Legals Clerk of Th
COMMISSIONERS			Tri-City Her	ald, a daily newspaper. Tha
WALLA WALLA COUNTY, WA Informational Public Meeting			said newspa	aper is a local newspaper an
The Walla Walla County Community velopment Department will be hold	De- ding		has been a	approved as a legal newspape
an informational public meeting for following interim ordinance.	the			the superior court in the county i
1. ZCA18-002 - Interim Ordinance Residential Density in Burbank R	e -			published and it is now and ha
dential Zone				
Ordinance No. 471, adopted on Aug 7, 2018, is an interim ordinance	(0 -			ore than six months prior to th
garding the maximum density mobile/manufactured home parks a	10			publications hereinafter referre
other residential uses in the Burba	ank		to, publish	ed continually as a dail
Residential (BR) zoning district. T ordinance was adopted under R 36.70A.390. The duration of the o	RCW		newspaper	in Benton County, Washingtor
nance is one vear.			That the att	ached is a true copy as it wa
This meeting is open to the public a is a question and answer session; i	and it is		printed in the	e regular and entire issue of th
not a public hearing. No oral testimo	iony			ald and not in a supplement
will be taken, and no decisions will made at this meeting. Staff will	be			
available to answer questions; this for public informational purposes only	s is ly.		thereof, ran	
INFORMATIONAL MEETING INFORM	MA-			and ending on 09/20/2018, and
Walla Walla County Fire District #5 5	Sta-		that said	newspaper was regulari
tion 51 460 W. Humorist Road; Burbank, WA			distributed to	o its subscribers during all o
October 1, 2018 from 5:00 - 6:00 PM Public Hearing			this period.	
Notice is hereby given that the Board County Commissioners will hold a p	d of pub-		:	
lic hearing			-	
at 6:00 PM on Monday, October 1, Fire District #5 Station 51 (460 W. I	Hu		: Ala	Aar
morist Road, Burbank) to receive put testimony on Ordnance No. 471.				(Cler
Written comments regarding the amendments may be submitted prior	or to		- Mall	
and at the hearing on October 1. T is the final opportunity to comme	This		; (Signature of Le	agais Clerk)
written comments will not be accept	oted			
tober 1. Send written comments	to			
one of the following addresses: Board of County Commissioners				
c/o Walla Walla County Community I velopment Department			SUBSCRIBE	O AND SWORN BEFORE ME
310 W. Poplar Street, Suite 200; Wa Walla, WA 99362	alla		THIS 24th DA	Y OF September, 2018
commdev@co.walla-walla.wa.us PUBLIC HEARING INFORMATION				
Walla Walla County Fire District #5 S	Sta-		-	0 1
tion 51 460 W. Humorist Road: Burbank, WA			: On	Un thig
October 1, 2018 at 6:00 PM FOR MORE INFORMATION: For more	in-		Notacy Public in	and for the State of Washington
formation regarding this meeting please contact Lauren Prantice, Prin	ing. nci-		residing in Bent	
pal Planner at 509-524-2620 or comindev@co.walla-wa			, issuing in Done	on occury
Walla Walla County complies with Al	DA:			
reasonable accommodation provid with 3-days notice.	060			
#3858888 09/20/2018			COMMISSIO	NEXPIRES: 3/1/2019
			N. N	
			1	
			i Braa Quee	AT 2 2 4 4 7 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
			. Цати раний часёлё	E PUBLIC SOL
				A State of the State of State
			1	
			-	11 Parts and
				·/////////////////////////////////////

NOTICE OF INFORMATION-AL PUBLIC MEETING AND PUBLIC HEARING BOARD OF COUNTY COM-MISSIONERS WALLA WALLA COUNTY, WA

Informational Public Meeting

The Walla Walla County Community Development Department will be holding an informational public meeting for the following interim ordinance.

ZCA18-002 - Interim Ordinance - Residential Density in Burbank Residential Zone

Ordinance No. 471, adopted on August 7, 2018, is an interim ordinance regarding the maximum density of mobile/manufactured home parks and other residential uses in the Burbank Residential (BR) zoning district. This ordinance was adopted under RCW 36.70A.390. The duration of the ordinance is one year.

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

only.

INFORMATIONAL MEET-ING INFORMATION Walla Walla County Fire District #5 Station 51 460 W. Humonist Road; Burbank, WA

October 1, 2018 from 5:00 - 6:00 PM

Public Hearing Notice is hereby given that the Board of County Commissioners will hold a public hearing

at 6:00 PM on Monday, October 1, at Fire District #5 Station 51 (460 W. Humorist Road, Burbank) to receive public testimony on Ordnance No. 471.

Written comments regarding these amendments may be submitted prior to and at the hearing on October 1. This is the final opportunity to comment; written comments will not be accepted after the public hearing is closed on October 1. Send written comments to one of the following addresses:

Board of County Commissioners

c/o Walla Walla County Community Development Department

1092

Proof of Publication

The Times Case No. 201209450994

)

STATE OF WASHINGTON,)

County of Walla Walla

SS.

Kenneth S. Graham, being first duly sworn on oath, deposes and says: That he is the Publisher of The Times, a weekly newspaper which has been established, published in the English language. and circulated continuously as a weekly newspaper in the City of Waitsburg, and in said County and State, and of general circulation in said County for more than six (6) months prior to the date of the first publication of the Notice hereto attached.

That said newspaper is the official newspaper of the City of Waitsburg and the County of Columbia.

That The Times was, on the 14th day of June, 1955, approved as a legal newspaper by the Superior Court of said Walla Walla County, and that the annexed is a true copy of a

Public Notice: 9-20-c

Notice of Public Hearing

as it appeared in the regular and entire issue of said newspaper itself and not in a supplement thereof for 1 week: beginning the 20th day of September. 2018 and ending the 20th day of September 2018, and that said newspaper was regularly distributed to its subscribers during all of this period.

That the full amount is \$119.25 at the rate of at \$9.00 per column inch.

Ken Graham, Publisher

Subscribed and sworn to before me this 20th day of September, 2018



on n. Malinon

Notary Public in and for the State of Washington, Residing at Waitsburg, Washington 99361 310 W. Poplar Street, Suite 200; Walla Walla, WA 99362 commdev@co.walla-walla.

walus PUBLIC HEARING INFOR-MATION

Walla Walla County Fire District #5 Station 51 460 W. Humorist Road; Bur-

bank, WA October 1, 2018 at 6:00 PM

FOR MORE INFORMA-TION: 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.

> The Times -Sept. 20, 2018 9-20-c

2052 9-20-c

12:00 RECESS

1:30 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.