#### AGENDA

# WALLA WALLA COUNTY BOARD OF COMMISSIONERS MONDAY, DECEMBER 20, 2021

Commissioners have resumed in person public meetings and will continue to host the meetings via WebEx.

Following is the website to attend and listen to the meeting and the phone number to call to take part in the meeting. Any questions please email us wwcocommissioners@co.walla-walla.wa.us.

Call in 1-408-418-9388 access code: 146 784 0290

Meeting link: https://wwco.webex.com/wwco/j.php?MTID=m6ef6c0710e4eb57be4e10ce0cc827a38

PLEASE NOTE: All times are tentative and at the discretion of the Chairman with the exception of advertised bid openings and public hearings.

#### 10:00 COUNTY COMMISSIONERS

**Chairman Tompkins** 

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

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

#### e) Action Agenda Items:

- 1) Review submitted Employee Payroll Action Forms
- 2) Review vouchers/warrants/electronic payments

#### f) Public Hearing (Continued from December 6 and 13, 2021):

1) To consider adoption of the 2022 Walla Walla County Budget

#### g) Action Agenda Items:

1) Resolution – Adopting the Final Budget for fiscal year 2022 for the various Walla Walla County funds

#### h) Consent Agenda Items:

- Resolution Minutes of County Commissioners' proceedings for December 13 and 14, 2021
- 2) Resolution Consent to Sublease between the County of Walla Walla and Lillie Rice Center, Inc.
- 3) Authorize Robert Henry to sign emergency Limited Public Works contract with All-Safe Abatement
- 4) Payroll action and other forms requiring Board approval

#### i) Action Agenda Items:

- 1) County vouchers/warrants/electronic payments as follows: 4235152 in the amount of \$22,247.50 (draw taxes)
- 2) Resolution Salary adjustments for certain Walla Walla County represented and nonrepresented personnel for year 2022
- 3) Selection of 2022 Chair of the Board

# BOARD OF COUNTY COMMISSIONERS WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF A CONSENT TO SUBLEASE BETWEEN COUNTY OF WALLA WALLA AND LILLIE RICE CENTER, INC.

RESOLUTION NO. 21

WHEREAS, in 1972 Walla Walla County was deeded property by the United States Government, said property recorded at Volume 348 pages 537-548 and commonly known as 2616 Isaacs, Walla Walla, Washington, and as a condition of that deed, the County was to utilize the premises for certain educational purposes for disabled individuals for a period of thirty years; and

WHEREAS, in 1976, the County entered into a lease agreement with Lillie Rice Center for the premises, with the condition that the property be utilized for vocational and educational services for disabled; and

WHEREAS, pursuant to Walla Walla County Resolution 15 198, a Lease Addendum between Walla Walla County and the Lillie Rice Center was approved; and

WHEREAS, said lease addendum provides that Lessee Lille Rice Center shall not assign the lease premises, or any part thereof without the prior written consent of Lessor Walla Walla County; and

WHEREAS, pursuant to a letter dated December 10, 2021 from attorney Jared Hawkins, Lillie Rice Center wishes to sublease a portion of the premises at 2616 Isaacs to James B. Rice Enterprise, LLC, (JBR) a newly formed subsidiary of Lillie Rice Center; and

WHEREAS, the proposed sublease will allow JBR to lease shared office space and exclusive shop space from Lillie Rice Center, and a Consent to Sublease has been executed by Lillie Rice Center and conveyed to Walla Walla County with a request for approval; and

WHEREAS, the County Prosecuting Attorney's Office has reviewed the Consent to Sublease; and

WHEREAS, after review of the request and all associated information, the Board of County Commissioners have no objections; now therefore

**BE IT HEREBY RESOLVED** by this Board of County Commissioners of Walla Walla County, Washington that they approve said Consent to Sublease between the County of Walla Walla and Lillie Rice Center, Inc., and that the chair of the Board shall sign same in the name of the Board.

Passed this <u>20<sup>th</sup></u> day of <u>December, 2021</u> by E other means, and by the following vote: Aye	Board members as follows:Present or Participating viaNay Abstained Absent.
Attest:	
Diane L. Harris, Clerk of the Board	Gregory A. Tompkins, Chairman, District 3
	Todd L. Kimball, Commissioner, District 2
	Jennifer R. Mayberry, Commissioner, District 1

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



December 10, 2021

Walla Walla Board of County Commissioners P.O. Box 1506 Walla Walla, WA 99362

SENT VIA E-MAIL ONLY

Re: Consent to Sublease

Board of County Commissioners:

I represent the Lillie Rice Center ("Lillie Rice"), a nonprofit corporation dedicated to providing employment and support services to individuals with developmental disabilities in our community. For over 40 years, the County of Walla Walla has supported Lillie Rice by leasing property (located at 2616 E. Isaacs) to the Center whereby it can fulfill this mission. I'm writing to request permission from the Board of County Commissioners for Lillie Rice to sublease a portion of that premises to James B. Rice Enterprise, LLC ("JBR"), a newly-formed subsidiary of Lillie Rice.

To provide some background, Lillie Rice created JBR to ensure compliance with federal Medicare and Medicaid requirements. Once fully operational, JBR will take over that portion of Lillie Rice's mission of providing job opportunities to disabled individuals who assemble products for a local business (which then sells those products nationally and internationally).

The proposed sublease between Lillie Rice and JBR will allow JBR to lease shared office space and exclusive shop space from Lillie Rice at the Isaacs property. Per the attached Lease Addendum between Lillie Rice and the County, Lillie Rice is required to obtain the County's prior written consent before assigning any part of the lease or the premises. This request is very similar to the request that Lillie Rice submitted in May 2018 on behalf of Blue Mountain Industries.

Therefore, I respectfully request that the Commissioners consider and consent to the proposed sublease, enabling Lillie Rice and JBR to continue the important work of assisting disabled individuals within our community. If the Commission consents to the proposed sublease, please sign the attached Consent to Sublease and return it to my office. On behalf of Lillie Rice, I express my appreciation for the County's continued support in upholding its worthy mission.

Respectfully,

ared N Hawkins

Enclosures (2)

#### CONSENT TO SUBLEASE

Pursuant to and with reference to that certain Lease Agreement dated December 13, 1976, and the Lease Addendum thereto dated August 17, 2015, (collectively, "Lease"), by and between, the COUNTY OF WALLA WALLA ("Lessor"), and LILLIE RICE CENTER, INC., a Washington corporation ("Lessee"), Lessor hereby consents to Lessee subleasing or sharing a portion of the property recorded at Volume 348 pages 537-548, commonly known as 2616 E. Isaacs, Walla Walla, Washington, with James B. Rice Enterprise, LLC, a Washington Limited Liability Company ("Sub-Lessee"). A diagram illustrating the premises is attached hereto as Exhibit A. Sub-Lessee shall be required to be bound by the Lease and perform all duties and obligations required by the terms of the Lease.

Dated:	LESSOR BOARD OF COUNTY COMMISSIONERS WALLA WALLA COUNTY, WASHINGTON
	BY: Gregory A. Tompkins, Chair of the Board
	LESSEE LILLIE RICE CENTER, INC.
	BY: Christine Daudt Executive Director

#### JOINDER AND ACCEPTANCE OF TERMS

James B. Rice Enterprise, LLC ("Sub-Lessee"), hereby acknowledges and agrees to abide by the terms of the that certain Lease Agreement dated December 13, 1976, and the Lease Addendum thereto dated August 17, 2015, (collectively, "Lease"), by and between, the COUNTY OF WALLA WALLA ("Lessor"), and LILLIE RICE CENTER, INC., a Washington corporation ("Lessee"). Sub-Lessee agrees to be bound by all terms, conditions, and obligations of the Lease.

Dated: 12-10-2021 SUB-LESSEE

JAMES B. RICE ENTERPRISE, LLC

BY: 

Christine Daudt, Manager

Christine Daudt, Manager

# BOARD OF COUNTY COMMISSIONERS WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF A LEASE ADDENDUM BETWEEN WALLA WALLA COUNTY AND THE LILLIE RICE CENTER

RESOLUTION NO. 15 198

WHEREAS, in 1972 Walla Walla County was deeded property by the United States Government, said property recorded at Volume 348 pages 537-548, commonly known as 2616 Isaacs, Walla Walla, Washington, and as a condition of that deed, the County was to utilize the premises for certain educational purposes for disabled individuals for a period of thirty years; and

WHEREAS, in 1976, the County entered into a lease agreement with Lillie Rice Center for the premises, with the condition that the property be utilized for vocational and educational services for disabled, with the term of said lease to be "permanent and infinite;" and

WHEREAS, the County Prosecuting Attorney's Office has reviewed the previous lease, and found that the "permanent and infinite" lease condition did not comply with state law, RCW 36.34.180; and

WHEREAS, the Lillie Rice Center has requested that Walla Walla County approve construction of a 70 foot x 50 foot x 16 foot steel building for its purposes in educating and employing individuals with developmental disabilities; and

WHEREAS, RCW 36.34.180 provides that property used for "for manufacturing or industrial purposes or sites, or for military purposes, or for temporary or emergency housing, or for any requirement incidental to manufacturing, commercial, agricultural, housing, military, or governmental purposes, the board of county commissioners may lease it for such purposes for any period not to exceed thirty-five years;" and

WHEREAS, the Board finds that the Lillie Rice property has been used both for manufacturing and commercial purposes, as well as important vocational and educational needs of the community; now therefore

BE IT HEREBY RESOLVED by this Board of County Commissioners of Walla Walla County, Washington that an addendum to the 1976 lease between Walla Walla County and the Lillie Rice Center shall be entered into this date between Walla Walla County and the Lillie Rice Center, Inc., and that the chair of the Board shall sign said addendum in the name of the Board.

"Passed this <u>17th</u> day of <u>August</u>, <u>2015</u> by Board members as follows: <u>3</u> Present or O Participating via other means, and by the following vote: <u>3</u> Aye O Nay O Abstained O Abstained

Attest:

Connie R. Vinti, Clerk of the Board

Perry L. Dozier/ Chairman, District 2

James W. Johnson, Commissioner, District 1

James L. Duncan, Commissioner, District 3

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

### LEASE ADDENDUM

WHEREAS, Walla Walla County was deeded property by the United States Government in 1972, recorded at Volume 348 pages 537-548, commonly known as 2616 E. Isaacs, Walla Walla, Washington (the premises); and

WHEREAS, as a condition of that deed, the County was to utilize the premises for certain educational purposes for disabled individuals for a period of thirty years; and

WHEREAS, in 1976, the County entered into a lease agreement with Lillie Rice Center for the premises, with the condition that the property be utilized for vocational and educational services for disabled; and

WHEREAS, the Lillie Rice Center has requested that Walla Walla County approve construction of a 70 foot x 50 foot x 16 foot steel building for its purposes in educating and employing individuals with developmental disabilities; and

WHEREAS, the term of the previous lease agreement was "permanent and infinite;" and

WHEREAS, the County Prosecuting Attorney's Office has reviewed the previous lease, and found that the "permanent and infinite" lease condition did not comply with state law, RCW 36.34.180, which has not been revised since the date of the lease; and

WHEREAS, RCW 36.34.180 provides that property used for "for manufacturing or industrial purposes or sites, or for military purposes, or for temporary or emergency housing, or for any requirement incidental to manufacturing, commercial, agricultural, housing, military, or governmental purposes, the board of county commissioners may lease it for such purposes for any period not to exceed thirty-five years;" and

WHEREAS, the Board finds that the Lillie Rice property has been used both for manufacturing and commercial purposes, as well as important vocational and educational needs of the community;

Now Therefore.

IT IS SO ORDERED by this Board of County Commissioners of Walla Walla County, Washington that an addendum to the 1976 lease between Walla Walla County and the Lillie Rice Center shall be entered into this date between the COUNTY OF WALLA WALLA, as Lessor, and the Lillie Rice Center, Inc, as Lessee.

#### WITNESSETH:

<u>PREMISES</u>: The Lessor shall continue to lease to the to the Lessee the property described in the 1976 Lease Agreement, the property commonly known as 2616 E. Isaacs, Walla Walla, Washington, under the current terms of the 1976 lease agreement, with the additional terms set forth herein. The lessee may erect a steel building onsite as requested. The lessee shall continue to be responsible for all costs of maintenance, capital improvements, repair or any other work done on the premises or claims resulting from such activities.

TERM: The lease term shall be for 35 years from the date of the execution of this addendum.

HOLD HARMLESS/INDEMNIFICATION: Lessee will hold harmless and indemnify Walla Walla County and its officials, employees, volunteers and agents, jointly, severally, individually and privately, from all claims and liability caused by or arising out of the activity or non-activity in connection with the maintenance and/or operation, repair, construction and/or use of the premises; this includes the cost of defending all claims or demands of any kind resulting from such use.

INSURANCE: Lessee agrees to provide the County with evidence of insurance with a broad-form liability policy in the amount of \$1,000,000 (one million dollars) per occurrence and aggregate purchased from an insurance company duly licensed to transact business in the State of Washington. The policy shall name, by way of endorsement, Walla Walla County as an Additional Insured with respect to this agreement. The 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. Lessee shall provide County evidence of current insurance coverage annually in January. Should insurance lapse, this agreement shall be considered as breached. Lessee shall continue to be responsible for its own property insurance.

<u>SUBROGATION:</u> Each party mutually waives any right that either might have to recover against the other for fire or explosion losses or other insured perils.

ASSIGNMENT: The Lessee shall not assign this lease, the premises, or any part thereof without the prior written consent of the Lessor;

Dated this 27/16 day of August, 2015.

BOARD OF COUNTY COMMISSIONERS

WALLA WALLA COUNTY, WASHINGTON

Perry L. Dozier, Chairman

I certify that I know or have satisfactory evidence that Perry L. Dozier is the person who appeared before me, and said person acknowledged that he signed this instrument and on oath stated that he was authorized to execute the instrument as Chairman of the Board of County Commissioners of Walla Walla County and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: 8-17-2015

Washington Residing at Walla Walla

My appointment expires: 5-29-20

Attest:

Connie R. Vinti, Clerk of the Board

LIILLIE RICE CENTER, LESSEE

Dated <u>08/06</u> , 2015

Christine L. Daudt, Executive Director

#### LEASE

#### HITHESEXTI

The for and in consideration of the covenants and agreements being nouted ned to be kept and performed by each of the parties bareto, it is sutually agreed:

- 1. Lespor does leave and let unto lavers, subject to the turns and conditions berein contained, certain real property located in the County of Walla Walls, someonly known as 2016 R. Issaen, formerly known as the U. S. Forest Bangar Spation with.
- 2. The term of this leads shall be permanent and infinite, commoning this day. This leads shall be forminable by either party upon mighty (20) days notice in writing at such time as Leases coases to provide receiving and educational services to the adult handloupped statems of Wella Walls County.
- 5. Losson shall be required to per the lossor \$1.00 per year during the losses



it. During the term of this leave, Leaves shall be solely responsible for all maintenance and copital repairs of whatever nature and kind as moodeary with respect to said premise unless the Leaves specifically because of the property as appointed to perform a specific repair or service. Leaves shall have the right to make such repairs, resorations, or improvements with respect to and real property as Leaves may done necessary for the utilization of and promises in its programs. Leaves agrees to provide adequate fire insurance for the president.

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Dated this \_\_/3 day of December, 1976

Walle Walls County Constanton

By: Franklin Franklin Olina

County Stoner Sugano V Kally

County science James A. Blonspiper

Milie Mice Center, Tho.

Tin Copeland, Prosident

Mike Stipe, Amelitive Mirester



## **COUNTY COMMISSIONERS (continued)**

# i) Action Agenda Items (Continued):

- 4) Proposal 2021 12-20 LTAC (Lodging Tax Advisory Committee) Approving the recommendations from the County Lodging Tax Advisory Committee for 2022 tourism grant awards
- j) Miscellaneous business to come before the Board
- k) Review reports and correspondence; hear committee and meeting reports
- I) Review of constituent concerns/possible updates re: past concerns

a) Department update and miscellaneous

# Walla Walla County Public Works 990 Navion Lane Walla Walla, WA 99362



To: Board of County Commissioners

From: Tony Garcia Morales, P.E. - Public Works Director/County Engineer

Date: 14 December 2021

Re: Director's Report for the Week of 13 December

Board Action: 20 December 2021

**Update Only** 

#### **ENGINEERING:**

- Arch Bridge (Apollo, Inc): Existing bridge has been demolished. Not much work until they begin pile driving first of the year.
- Mill Creek Road MP 1.1 to MP 3.96: Working on right of way acquisition.
- Peppers Bridge Road: Working on right of way acquisition.
- Lower Waitsburg Road: Working on design.
- Lyons Ferry Road: Working on survey.

#### MAINTENANCE/FLEET MANAGEMENT:

- South Crew Running snow routes and shouldering.
- North Crew Running snow routes, burning weeds and shouldering.
- Signs and Veg Crew De-icing activity as needed, will start reflectivity inspection and reports.
- Garage Routine service and repairs, winter prep and prepping new dump truck.

#### **ADMINISTRATION:**

- Conducted our weekly Staff, Road Operations and Engineering meetings.
- Completed Year-End Evaluations.
- Attended our monthly Washington State Association of County Engineers (WSACE) Board of Director Meeting as the Representative for the Eastern Washington Counties.
- Finalizing the 2022 ER&R Rates.
- Finalizing our 2022 Business Plan.

## 10:30 COMMUNITY DEVELOPMENT

## **Lauren Prentice**

- a) Action Agenda Items:
  - 1) Approving final plat for Whisper Rock (SUB21-014)
- b) Department update and miscellaneous

# Walla Walla County Community Development Department

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

To: Board of County Commissioners

From: Lauren Prentice, Director

Date Prepared: December 14, 2021

RE: Consent Agenda Item - SUB21-014 Final Plat for Whisper Rock

#### **Recommended Motion**

I move approval of the consent agenda.

#### Request

Approval of the final map (Attachment A) for the proposed Final Plat of the Whisper Rock Subdivision (application SUB21-014).

#### **Background**

The Final Plat of the Whisper Rock Subdivision is a 9-lot cluster development of 107.6-acres southeast of Frog Hollow Rd and west of Beet Rd, in unincorporated Walla Walla County. The proposed subdivision contains 8 residential lots which would be located off Beet Road on a new private road; the remaining 91.66-acres would be preserved in the resource parcel, the 9th lot. This property is zoned Agriculture Residential 10-acres (AR-10).

The County's Hearing Examiner, Gary McLean, granted approval of the preliminary plat application (SUB20-010) on August 26, 2021, with standard conditions requiring map changes and private road improvements or bonding.

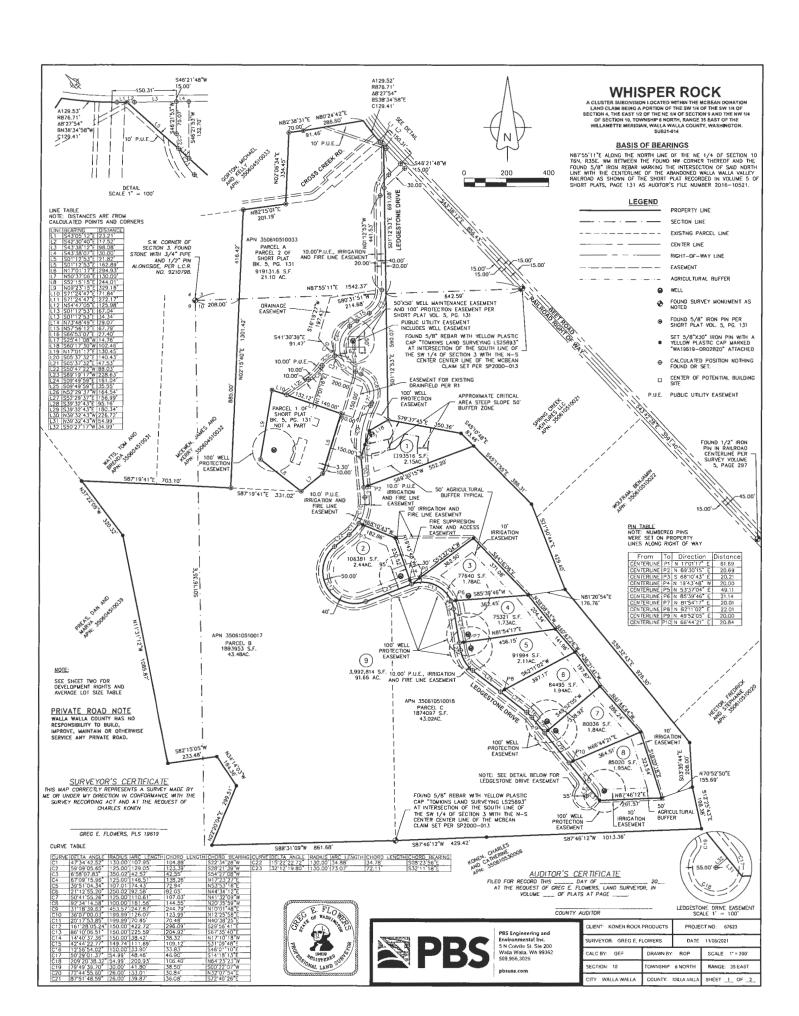
A Final Plat application was submitted on November 8, 2021 and determined to be complete for processing on November 16, 2021. The applicant also submitted an updated Title Report, Recorded Reciprocal Easement Agreement, Proposed Covenants, and an Irrevocable Letter of Credit of \$179,556 for completion of the private road (Ledgestone Drive); these documents have all been reviewed by County Departments with jurisdiction. The Final Plat Map presented for approval is the third version of the map reviewed since November 8; a couple of rounds of map revisions were required by Community Development and Public Works.

The final plat map has been reviewed by all appropriate agencies for conformance with the conditions of approval (Environmental Health, Public Works, Planning, Addressing); staff recommends that the final plat map be approved by the Board. It has been signed by the owners, Community Development, Public Works, and Environmental Health.

Final map approval by the Board is the last step in the process, prior to recording. 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, received November 22, 2021
- B. Notice of Decision and Hearing Examiner's Findings of Fact, Conclusion of Law, and Decision dated August 26, 2021





#### **Community Development Department**

Director: Lauren Prentice

310 W. Poplar, Suite 200 | Walla Walla, WA 99362 commdev@co.walla-walla.wa.us | 509-524-2610

Submit to: planning@co.walla-walla.wa.us

https://www.co.walla-

walla.wa.us/residents/community\_development/index.php

# **NOTICE OF DECISION (NOD)**

**Date of Notice:** 8/26/2021

Applicant: KONEN, CHARLES S

Type of Application: SUBDIVISION

File Number: SUB20-010

Decision: UNDER REVIEW

Pursuant to Walla Walla County Code (WWCC) 14.09.090(F), enclosed is the Hearing Examiner's decision. This decision shall be effective on the date of this notice (WWCC 14.09.090(H)).

Affected property owner(s) may request a change in valuation for property tax purposes notwithstanding any program of revaluation (WWCC 14.090.090(F)(6)).

#### **APPLICATION FILE**

The file is available for inspection electronically or in person; please contact our Planning Technician, Tamara Ross, or the assigned planner, Don Sims, by phone at 509-524-2610 or by email at <a href="mailto:planning@co.walla-walla.wa.us">planning@co.walla-walla.wa.us</a> between 10 AM and 3 PM Monday through Friday to make arrangements to access the files.

#### APPEAL

This decision will be considered final if no appeals are filed within the allowed time frame described in <u>Walla Walla County Code (WWCC) Chapter 14.11</u>, <u>Appeals</u>. Firstly, WWCC 14.11.060 allows for the applicant or party of record to seek reconsideration of the final decision. A reconsideration request (appeal) must be submitted to the Director within ten (10) days of this notice. If no reconsideration request is submitted by this date, the decision will be final.

#### Submittal Requirements for Reconsideration Requests

The following must be submitted to the Department by the end of business (5 PM) on **September 6**, **2021** by email to <a href="mailto:planning@co.walla-walla.wa.us">planning@co.walla-walla.wa.us</a> or via the Department's drop-box at 310 W. Poplar, Walla Walla, WA.

- A. Appeal (reconsideration) Application
- B. Written Notice of Appeal containing a concise statement identifying:
  - 1. The decision being appealed;
  - 2. The name and address of the appellant and his or her interest(s) in the matter;
  - 3. The specific reasons why the appellant believes the decision to be wrong, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The reconsideration request must

- be based on one of the following grounds: (1) A material error of law was made; (2) a material error or omission of material fact was made; (3) new material information is presented that was not knowable at the time of hearing. The appellant shall bear the burden of proving the decision was wrong; and
- 4. The specific desired outcome or changes to the decision.
- C. The **appeal fee (\$745)**, payable by cash, check, or credit card. If you wish to pay by credit card, notify the department and they will help you make arrangements to pay by credit card once the request is entered into the County's tracking system.

Pursuant to WWCC 14.11.020 and 14.11.040, after/if a reconsideration request has been considered, the Hearing Examiner's decision may be appealed to the Walla Walla County Superior Court under the Land Use Petition Act (LUPA), RCW 36.70C. A LUPA petition must be submitted to the Walla Walla County Superior Court within twenty one (21) days of issuance of the final decision (on reconsideration) per RCW 36.70C.040(3), unless another time period is established by state law.

# 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

PRELIMINARY PLAT APPLICATION FOR WHISPER ROCK (9-LOT CLUSTER SUBDIVISION)

FILE NUMBER:

SUB 20-010

OWNER/APPLICANT:

Charles S. and Catherine Konen

SURVEYOR:

PBS Engineering and Environmental

TYPE OF APPLICATION:

Preliminary Subdivision – 9-lot cluster development of 107.6 acres in unincorporated Walla Walla County. The proposed subdivision contains 8 residential lots which would be located off of Beet Road on a new private road built to comply with applicable County road standards; the remaining 91.66 acres would be preserved in a designated resource parcel. The entire project is in the County's Agriculture Residential 10-acre (AR-10) zoning district.

LOCATION/TAX PARCELS:

The 107+ acre project site includes 3 (three) adjoining tax parcels, APNs 350610510017, 350610510018, and 350610510033 west of Beet Road and south of Frog Hollow Road, in unincorporated Walla Walla County.

STAFF RECOMMENDATION:

Approval.

SUMMARY OF DECISION:

APPROVED, subject to conditions

DATE OF DECISION:

August 26, 2021

#### I. CONTENTS OF RECORD.

#### Exhibits:

- 1. Community Development Department Staff Report and Recommendation (of APPROVAL) to the Hearing Examiner regarding the Whisper Rock Preliminary Plat Application File No. SUB20-010, a proposed 9-lot cluster development, prepared by Community Development Department staff, dated July 14, 2021 [hereinafter referenced as the "Staff Report"];
- 2. Environmental Checklist (SEPA20-017) dated October 15, 2020.
- 3. Final Staff Evaluation Report dated June 25, 2021.
- 4. Preliminary Subdivision (SUB20-010) application dated October 15, 2020.
- 5. Preliminary Plat Map 3 dated May 18, 2021.
- 6. Critical Areas Permit (CAP20-027) application dated October 15, 2020.
- 7. Geotechnical Engineering Report dated June 15, 2020.
- 8. Short Plat Certificate (title company report) issued September 25, 2020.
- 9. Declaration of Restrictive Covenants, signed by Charles and Catherine Konen, dated October 5, 2020
- 10. Letter from Washington State Department of Archaeology and Historic Preservation (DAHP) dated December 15, 2020.
- 11. Email from DAHP dated February 22, 2021.
- 12. Email from Rocky Eastman, Walla Walla County Fire District #4 Fire Chief dated February 19, 2021.
- 13. Email from Washington State Department of Ecology dated February 23, 2021.
- 14. Public comment with Greystone Subdivision map and written agreement regarding water for the Greystone Subdivision, signed by Steven Shulman, dated December 21, 2020.
- 15. Public comment with Greystone Subdivision map and written agreement regarding water for the Greystone Subdivision, signed by Mike Smith, dated December 21, 2020.
- 16. Public comment with Greystone Subdivision map and written agreement regarding water for the Greystone subdivision, signed by Tom Underhill, dated December 21, 2020.
- 17. Public comment with Greystone Subdivision map and written agreement regarding water for the Greystone subdivision signed by Russ and Lynne Pierce, dated December 21, 2020.
- 18. Public comment with Greystone Subdivision map and written agreement regarding water for the Greystone subdivision signed by Ron Smith, dated December 21, 2020.
- 19. Public comment with Greystone Subdivision map and written agreement regarding water for the Greystone subdivision signed by Justin Mason, dated December 21, 2020.
- 20. Public comment with Greystone Subdivision map and written agreement regarding water for the Greystone subdivision signed by Cary and Jane Rayment, dated December 21, 2020.
- 21. Public comment from Rosalind Duthie, dated December 21, 2020.
- 22. Public comment from Stu Ross, resubmitted February 18, 2021.
- 23. Public comment from Cary and Jane Rayment, resubmitted February 18, 2021.
- 24. Public comment from Justin Mason, resubmitted February 18, 2021.
- 25. Public comment from Ron Smith, resubmitted February 18, 2021.
- 26. Public comment from Russ and Lynne Pierce, resubmitted February 18, 2021.
- 27. Public comment from Steven Shulman, resubmitted February 18, 2021.
- 28. Public comment from Tom Underhill, resubmitted February 18, 2021.
- 29. Public comment from Mike Smith, resubmitted February 18, 2021.
- 30. Public comment from Stu Ross, resubmitted February 18, 2021.
- 31. Public comment from the residents of Brickwood Heights subdivision submitted February 12, 2021.
- 32. Exhibit A, Declaration for the Greystone water delivery system, resubmitted February 18, 2021.
- 33. Exhibit B, Map of Brickwood Heights subdivision resubmitted February 18, 2021.
- 34. Decision by Joy Bader, Walla Walla County Public Works, denying a private road variance, dated March 19, 2021 (with attachments).

- 35. Memorandum from Charles S. Konen to Don Sims, Associate Planner regarding comments from public regarding water on proposed subdivision, dated March 22, 2021.
- 36. Cultural Resources Report, by Christopher Landreau, M.S., and Andrew Fleming, M.S., RLR Archaeology and Cultural Resources, LLC, dated June 15, 2021.
- 37. Preliminary Road Civil Plans dated May, 2021
- 38. Memorandum responding to preliminary plat comments by Michael Melder, P.E., PBS Environmental and Engineering, dated May 27, 2021.
- 39. Memorandum from Joy Bader, Walla Walla County Public Works, dated June 9, 2021.
- 40. Memorandum from Darrell Sowards, Walla Walla County Public Works, dated June 9, 2021.
- 41. Notice of Public Hearing for July 15, 2021 Public Hearing
- 42. Agenda of Continued Public Hearing rescheduling from July 15, 2021 to July 27, 2021
- 43. Certificate of Notification, July 15, 2021 Public Notice
- 44. Certificate of Notification, Public Hearing Rescheduled to July 27, 2021
- 45. Public Notice Mailing List sent June 28, 2021
- 46. Public Notice Mailing List sent July 13, 2021
- 47. Emails from Don Sims notifying of continued public hearing
- 48. Written public comments received after Staff Report was issued, entered into the record by Mr. Sims during the public hearing and transmitted to the Examiner.

**Testimony/Comments:** The following persons participated in the open-record hearing held on July 27, 2021, and provided testimony under oath as part of the record:

- 1. Donald Sims, Planner, Walla Walla County Community Development Department, summarized the staff report, recommended conditions, responded to public comments;
- Greg Flowers, with PBS Engineering, the applicant's engineering and survey firm, served as the
  applicant's primary representative during the public hearing, accepted Staff Report analysis and
  recommended conditions without objection, offered responses to public comments;
- 3. Robert Page, local resident, family members own land in vicinity of the proposed plat;
- 4. Ben Wolfram, local resident, lives east of site along Beet Road, expressed concerns about setbacks, how project might impact those who sometimes shoot firearms into hillside on or near project site;
- 5. Ben Page, local resident, owns property to east of site, expressed concerns with water resources, potential impacts on irrigation wells used on surrounding properties;
- 6. Lauren Prentice, Director of the County's Community Development Department, responded to comments about water resources, verified that proposal is designed and conditioned to comply with county codes addressing water use, and that there are no county codes that generally protect private views, other than current height limits (35 feet) for homes and other bulk, setback, and density standards, with which this proposal complies.

The applicant, Mr. Konen, and Jesse Maxwell, were also online to observe the public hearing.

#### II. SUMMARY OF PROCEEDINGS.

The applicant, Charlie Konen, seeks approval of a development project known as the *Whisper Rock Subdivision*, a 9-lot cluster subdivision preliminary plat of a 107+ acre site, with 8 single-family residential lots and one 91.66-acre lot to be preserved as a designated resource parcel, generally designed to comply with County cluster development requirements found in Chapter

17.31 WWCC, the only type of land division permitted in the County's Agriculture Residential 10-acre (AR-10) zoning district, where the project is located. (See WWCC 17.31.020(C)).

The original proposal was for a 5-lot subdivision and was the subject of a combination Notice of Application and Optional DNS issued on December 7, 2020. At some point, the applicant revised the application adding additional lots, so a second Notice of Application/ODNS was issued for the 9-lot proposal considered in this Decision. Notices were published, posted and mailed in accord with County practices. (Staff Report, pages 2-3). After considering the application materials, the SEPA Checklist submitted by the applicant (Ex. 2), and any comments received, the County's SEPA Responsible Official issued a final SEPA Determination of Non-Significance (DNS) for the project on June 29, 2021, which decision was not appealed. (Staff Report, page 3).

## III. APPLICABLE LAW.

#### Jurisdiction.

Under WWCC 2.50.070(A)(1) and (B), the Hearing Examiner is granted jurisdiction and authority to conduct public hearings and issue final decisions for preliminary subdivision 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, 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.

Findings, Conclusions and Decision Approving The Whisper Rock Preliminary Plat/Cluster Subdivision – File No. SUB20-010 Page 4 of 19

#### 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 shall not be approved unless 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).

#### 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.

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#### IV. ISSUE PRESENTED.

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

Short Answer: Yes, subject to conditions of approval.

#### V. FINDINGS OF FACT.

- 1. 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 Whisper Rock preliminary plat/ cluster subdivision, subject to conditions, as set forth below.
- 2. 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.
- 3. 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 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.

4. Given the ongoing Covid-19 public health emergency and associated directives and proclamations issued by state and local officials, the public hearing for this matter was conducted on July 27, 2021, using an electronic audio-video communication portal coordinated by County staff, with call-in numbers and participation methods explained in public notices issued and posted on the county's website. Since the public hearing, no one submitted any additional written public comments regarding this matter, and, as of the date of this Decision, the Examiner has not been advised of any requests to submit additional public comments. Accordingly, the Examiner is satisfied that the public has had a full and fair opportunity to participate in this hearing process, including ample time to review the Staff Report, public notices, and application materials, all available on the County's website for several weeks since the hearing. The additional time provided is an appropriate way to ensure that public comment has not been stifled by any real or perceived difficulties presented by the public health emergency situation and its impact on regular office hours

and the like. In any event, the record includes thoughtful analysis by Staff, specific questions and concerns expressed by neighboring property owners, and hearing testimony offered by applicant representatives in response to comments. The record for this matter is sufficient to fully inform the decision maker and is hereby closed. This Decision is now in order.

- 5. The County's Planner designated to coordinate review of the pending application, Donald Sims, testified at the public hearing to provide a summary of the County's staff review process for the proposed preliminary plat application and staff's recommendation of approval, subject to certain conditions of approval. He explained that the proposal is for a clustered development, which is the only type of residential development allowed in the zone where the property is located. He explained that the review process included consideration and denial of a variance requested by the applicant, regarding the location of a street connection to serve the project. Public Works staff did not support such variance request so it is not included as part the current design under consideration by the Examiner. Mr. Sims noted that the project will receive access via a new private road that connects to Beet Road. He directed attention to the cultural resources report commissioned by the applicant, which found that there are no such resources needing protection or mitigation measures on the project site. (Ex. 36, Cultural Resources Report). Finally, Mr. Sims confirmed that all noticing for the project complied with County practices, and that the project is designed to be generally consistent with County cluster development standards that apply to all residential subdivision applications in this Agricultural zone.
- 6. Mr. Flowers served as the applicant's primary hearing representative and summarized the merits of the proposal. He explained how the lots are designed, located, and set back so as to avoid slope concerns on portions of the project site; that each lot will have individual wells for domestic water, and that irrigation water will be provided from a well to the north. Mr. Flowers accepted the Staff Report analysis and recommended conditions of approval without objection or requests for changes.
- 7. Robert Page, Ben Wolfram, and Ben Page, expressed general concerns about access, preferred road connections, views, heights of new structures and vegetation like tall trees, water resources, setbacks, agricultural equipment access, and using a part of the applicant's property as a place to shoot firearms. A written email comment from Dan and Ginny Moullet (Ex. 48), who own a property that looks down upon and across the project site, was submitted after the Staff Report was issued, and expressed concerns with losing their current views and requested conditions to generally limit the height of homes built within their preferred view corridor. Other written comments expressed similar concerns, generally dealing with water availability, views, and changes to the property they feel might impact their preferred aesthetic for the area.
- 8. None of the public comments were supported by sufficient evidence or legal authority that would serve as a basis to deny the pending application.

- 9. Mr. Flowers responded to public comments on behalf of the applicant and explained that access via the Graystone development would require approval of Graystone owners, so it is not viable; that the current site access proposal meets County public work standards for road connections that serve new plats; that the 50-foot buffer around Lot 1 is sufficiently sized and designed to accommodate equipment access; that heights of structures and vegetation are to be limited so as to not unreasonably block views from along the ridge above the project; and that water supply concerns are unfounded, because the project is designed to comply with applicable standards on how much water can be drawn per day. In response to follow-up questions, Mr. Flowers indicated that homes on Lots 1-4 would be limited to a single story, generally 24 feet or less in height, but that lots 5-8 would not be subject to any height limit other than the County's 35-foot limit, given that impacts will not be significant on lots 5-8. (Testimony of Mr. Flowers; Proposed CC&R's, included as Ex. 9; Ex. 48, the applicant's proposed modification to CC&R's to voluntarily limit height of homes on Lots 1-4).
- 10. The record includes an unrebutted email exchange between the Moullet's and the applicant, Mr. Konen, included in the record as part of Ex. 48, where Mr. Konen wrote:

"After carefully considering it, we have decided to honor your request that Lots 1-4 be limited to one story dwellings. The following language has been incorporated into the Declaration of Restrictive Covenants for Whisper Rock (sp?) Estates:

#### IV. Home Construction & Landscape

- 4. Dwelling Size: One-story construction only is required on Lots 1-4 to preserve the view integrity of surrounding homes. Two-story homes may be allowed on Lots 5-8 but are subject to the same provisions of protecting neighboring views, if applicable."
- 11. During or after the public hearing, no one spoke on the applicant's behalf to deny that the email exchange included as part of *Ex. 48* ever happened or that it was in any way false or misleading. The Examiner finds and concludes that the above email exchange is substantially similar to Mr. Flowers' explanation of how the applicant intends to restrict homes on lots 1-4 to just one story.
- 12. Mr. Sims responded to public comments noting that discharging guns on private property is a private, civil issue for property owners to address. The Examiner is aware of no caselaw, statute, or code under which neighbors hold inherent rights to discharge their weapons onto another neighbor's property without permission from the affected property owner.
- 13. Ms. Prentice expanded on Mr. Sims responses, noting that this project satisfies county water use standards that apply to cluster developments, and that there are now no restrictions on water draws in this area based on previous determinations that supplies were inadequate; and

that there are no County codes protecting private views, other than the 35 foot building height limit and other bulk, setback, and density standards that will apply to this project.

#### Site Visits.

14. The Examiner has visited the area where the applicant's property is located on numerous occasions, in all four seasons, over the years, including surrounding wineries, farms, roads, homes, and properties. Since the hearing, the Examiner reviewed online maps and aerial images of the project site. Accordingly, the Examiner is familiar with and adequately informed to assess conditions discussed in the application materials and the hearing record.

#### Summary of staff review.

- 15. Critical Areas: The Staff Report credibly explains that no significant impacts are expected to occur with respect to critical areas as a result of this proposal since no development is proposed within any designated critical areas or associated buffers. The Geotechnical Report (Ex. 7) provides conclusions that show how the development site is not an erosion hazard area or a seismic hazard area. (Staff Report, pages 3 and 4).
- 16. WWCC 18.08.015(C) provides that the county shall not approve any permit, including a preliminary subdivision, or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement in, over, or on a critical area or associated buffer, without first ensuring compliance with the requirements of WWCC Ch. 18.08, the County's Critical Areas regulations. Figure 1 of WWCC 18.08.015 explains how review for compliance with county critical areas regulations is incorporated into the application process for an underlying permit, which is in this matter the requested preliminary plat approval. While express authority exists for the Examiner to impose conditions as needed to protect or mitigate potential impacts on critical areas, or shorelines, the proposed subdivision has been designed in a manner to avoid such impacts, so no special critical area or shoreline protection conditions are necessary.
- 17. Based on the record, including the application materials, particularly the proposed plat design and the Geotech report prepared for the site, the preliminary plat approved by this decision fully-integrates all applicable critical areas considerations associated with this project, which the Examiner finds and concludes will be consistent with WWCC 18.08.060(B), which provides in relevant part: "[i]f a project requires another permitting action by the county that requires a public hearing, consideration of critical areas will be integrated with the underlying permitting process".
- 18. Access: As shown on the proposed plat map, access to the eight residential lots will be via a new private road that connects with Beet Road.

- 19. *Neighborhood Characteristics:* The site is surrounded by agricultural and rural residential uses, including other cluster subdivisions.
- 20. Traffic Impacts: This proposal is expected to result in additional traffic from no more than 9 additional dwelling units when fully developed. The Public Works Department determined that a full traffic analysis would not be required. (Ex. 39). Conditions of approval require compliance with County regulations regarding private roads, among other things.
- 21. Cultural Resources: Application materials were distributed to DAHP and regional tribes. Written comments from DAHP and CTUIR recommend that a survey of the site should occur prior to development. To the applicant's credit, and as a gesture of respect for the comments noted above, the applicant commissioned a Cultural Resources study for the project site, which found that there would be no need for additional mitigation measures or conditions to protect cultural resources. (Staff Report, page 4; Exs. 10, 11 and 36; Testimony of Mr. Sims, confirming there are no cultural resources on the site).
- 22. 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.
- 23. 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, which did not submit comments or raise objections to the proposal.
- 24. *Water:* The new lots will use individual wells as a source of potable water. An existing irrigation well will be used for irrigation on the resource parcel, identified as Lot 9.
- 25. Fire Protection. Staff provided notice of this application to the County's Fire Marshall and the Walla Walla County Fire District No. 4. Fire officials confirm that the project has been designed in compliance with applicable access and fire safety standards. (See Exhibit 12, comments from Rocky Eastman, Fire Chief District 4, re: onsite fireflow and distribution as required for other cluster developments with similarly sized lots; Staff Report, pages 3 and 6).
- 26. Comprehensive Plan. As required by WWCC 16.04.050, the proposed plat is consistent with the Walla Walla County Comprehensive Plan, including without limitation the following goals and policies:
  - <u>Goal RL-1</u> 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.

Finding: The proposed development meets the requirements and intent of WWCC Chapter 17.31 by preserving land for long term farming activities. Any adjustments made to lot boundaries before final plat approval must be consistent with County policies and regulations intended to preserve the viability of designated agricultural resource lands. "Orphan" fingers of agricultural resource land that are too narrow, remote, or difficult to maintain given their configuration within the plat, should not be approved. Viable is defined to mean: "capable of working [or] functioning"; "capable of existence and development as an independent unit"; "having a reasonable chance of succeeding"; or "financially sustainable". (Merriam-Webster Dictionary). The final plat design and lot configurations shall not include segments of the "resource parcel" that are too small, narrow, or constricted so as to be economically viable.

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

Finding: The subdivision is similar to other subdivisions that have been approved in the Agriculture Residential 10-acre (AR-10) zoning district. Cluster subdivisions are required in the AR-10 zone.

<u>Policy RL-3</u> Limit the amount of development in rural areas through density requirements that protect and maintain the existing rural character, natural resource lands, open space, critical areas, and that manage traffic volumes.

Finding: The proposed subdivision's density is based on one lot per ten acres, and the applicant is not being allowed a higher density than what the code permits. The proposed development is not impacting or encumbering any adjacent critical areas. Possible traffic impacts have been reviewed by the public works department and have not been determined to be significant.

Goal RL 21 Protect and conserve long-term, commercially viable forest, agricultural and mineral natural resource lands.

Finding: As proposed, the development is in general compliance with WWCC Chapter 17.31, which requires the protection of agricultural resource lands. As noted above, any lot configuration changes made before final plat approval must ensure that areas included in the agricultural resource parcel (Lot 9) are, in fact, viable for agricultural uses and purposes.

<u>Policy RL-47</u> Allow residential uses near agricultural lands and designated mineral resource lands to be developed only in a manner that minimizes conflicts and discourages the unnecessary conversion of resource land.

Finding: As proposed, the preliminary plat is designed and conditioned to provide the minimum buffer space between residential uses and agricultural uses. WWCC 17.31.060(Q) mandates a 50-foot buffer space from any resource parcel created in a cluster development to any dwelling in the cluster development. (See WWCC 17.31.060(Q), which also requires that "All required buffers between the resource parcel and the smaller development parcels shall be provided within the new lots, and shall not encumber the resource parcel".

# 27. The Comprehensive Plan definition of the "Agriculture Residential" land use designation reads as follows:

"All lands designated as Agricultural Residential lands are lands of long-term commercial significance. This land use designation is intended for areas that are currently in agricultural use, that are located adjacent to existing rural lands, rural activity centers, and urban growth areas. Typically, these areas are in smaller land ownerships with higher density residential development than in other agricultural areas of the County. This land use designation is primarily agricultural with a mix of residential land uses. Limited home occupations that are clearly incidental to the agricultural nature of these areas will be allowed. A limited amount of commercial-tourism activity will be allowed in this district, while limited commercial businesses that support agriculture will be allowed outright, with those uses having a high nuisance value, safety issues, or environmental implications allowed only by conditional use permit. Large-scale natural resource-

processing industry is not considered a compatible use, except on a limited basis. The allowed density in this designation is one dwelling unit per 10 acres.

Outside of those lands designated by the Resource Lands Committee as agriculture lands of primary significance or unique lands, as shown on Maps RL-9 and RL-10, land divisions that comply with the minimum lot size of 10 acres will be allowed, provided that adequate provision of public facilities, utilities, and services such as water, wastewater disposal and access to public roads is available concurrent with the final approval of the short plat. The maximum number of lots will continue to be determined at the rate of one unit per ten acres.

Cluster developments that seek to preserve large tracts of resource land while still allowing residential development on smaller lot sizes are the preferred method of residential land development, provided the overall density of development does not exceed one dwelling unit per 10 acres. All cluster developments shall be implemented by development regulations that address the minimum provisions identified in the goals and policies of this sub-element to ensure the resource use is preserved and protected through the development process." (emphasis added).

- 28. As explained in the Staff Report, the entire project is located in County's Agriculture Residential 10-acre (AR-10) zoning district.
- 29. Based on the record, particularly the Staff Report, the application materials, and the proposed cluster development reflected in the plat design, the Examiner finds and concludes that the applicant's project qualifies as the "preferred method of residential land development" in an area designated as Agricultural Residential land, where this project is located. Again, any adjustments to residential lot configurations before final plat approval must ensure that all areas included in the agricultural resource parcel (Lot 9) are, in fact, viable for agricultural uses and purposes. (See previous findings, particularly underlined portions of Finding No. 27). An additional condition of approval has been added to ensure compliance with relevant County policies and development regulations intended to protect and conserve long-term agricultural lands. (See Conditions of Approval).

Views across a neighboring property are not protected by County codes or Washington caselaw.

- 30. Several local residents raised general view loss concerns, like views across the mostly vacant project site out towards the Blue Mountains or open farmland in the vicinity being altered by the presence of new homes, new road surfaces to access such homes, and general feelings about a loss of adjacent open space. These concerns do not serve as a basis to reject the proposal. While some neighbors will be able to see changes in their views, none will be significant, largely because the entire project has been designed to comply with applicable bulk and scale standards found in County codes. The project opponents cannot dispute that Walla Walla County codes do not provide protection for general views from one property onto another. Comments opposing the project or seeking major modifications based on personal view considerations were not sufficiently supported and should be rejected.
- 31. In Washington, a person has no property right in the view across their neighbor's land. A constitutionally protected property interest exists when a plaintiff demonstrates that he or

she possesses a "legitimate claim of entitlement" under the law. *Bd. of Regents of State Colls.* v. *Roth*, 408 U.S. 564, 577, 92 S. Ct. 2701, 33 L. Ed. 2d 548 (1972). Here, the Walla Walla County Code does not grant adjoining property owners a claim of entitlement in the protection of their views; the code does not require the county to deny a permit or other project application that might impair private views of lands beyond a landowner's property boundaries. Thus, any potential constitutional due process claims alleging view loss should fail.

- 32. The criteria for approval of a preliminary plat does not include analysis of views of the proposed development from adjacent properties, nor do County regulations protect the views from adjacent properties other than any view protection that may result from compliance with applicable building height limits, setback requirements, and other bulk and density standards for the property. More significantly, the proposed cluster development/preliminary plat has been designed in full compliance with residential development standards for the zone and is consistent with nearby uses and developments in the vicinity, including other cluster subdivisions.
- 33. Washington case law is very clear that there is no view protection in common law; nor are general views from a neighbor's property onto an adjoining property protected in County Codes at issue in this matter. See <u>Asche v. Bloomquist</u>, 132 Wn. App. 784, 133 P.3d 475, 2006 Wash. App. LEXIS 434 (Div. II, 2006). Simply put, project opponents do not have a common law right in a view across their neighbor's property. Any arguments based on assertions to this effect must be rejected.
- As discussed elsewhere in this Decision, the County Code imposes height, bulk, and setback limitations on the construction of residential structures, like the homes proposed in this preliminary plat application. Some written comments and hearing testimony generally asserted that the new structures may be too tall or too close to their property, that new paved areas for roads will be closer than they prefer, that car lights might shine up onto their property, and that the new development will somehow interfere with their preferred aesthetic and previous views out into a mostly vacant and undeveloped site and then onto mountains or open farmland beyond. While not a perfect comparison, the Washington Supreme Court decision in Durland v. San Juan County, 182 Wn.2d 55, 340 P.3d 191 (2014), is persuasive authority on some issues raised in this application process. Durland argued that county building codes about the height and size of a proposed garage on a neighboring property created a property interest because they were intended to protect neighbors' views of the water. The Supreme Court rejected Durland's arguments, because the local codes did not contain mandatory language requiring the jurisdiction to consider neighbors' views of the water before issuing building permits for garage construction on nearby properties. Similarly, the neighbors in this matter directed attention to no county code provisions that would essentially serve as a basis to consider their preferred aesthetic for structures or developments that can be viewed from their property.

- In this matter, the applicant has volunteered to limit the height of homes to just a single story, or no more than 24 feet, on lots 1-4, in order "to preserve the view integrity of surrounding homes." (Previous Findings above; Ex. 48). All other homes will be limited by height restrictions for structures in the zone, i.e. 35 feet. To ensure the applicant's voluntary commitment to neighboring property owners is satisfied, a condition of approval has been included to address the issue.
- 36. The Examiner finds that all testimony by staff members was credible and supported by evidence included in the record. Except as modified in this Decision, all findings and statements of fact included in the Staff Report are adopted as Findings of Fact by the Hearing Examiner supporting this Decision.

# As Conditioned, the application meets requirements for Preliminary Plat approval

- 37. 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."
- 38. 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.
- 39. 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 17.31 Cluster Developments. In addition to Walla Walla County code regulations, the proposed plat is subject to RCW 58.17. Cluster developments are the only type of subdivision allowed in the AR-10 zoning district. (See WWCC 17.31.020). 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).
- 40. 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 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 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).
- 41. 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 and infiltrate all water onsite and comply with all County stormwater regulations found in WWCC Title 11.
- 42. 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. The application has been designed in compliance with County development regulations and relevant comprehensive plan provisions, which were all adopted to serve public health, safety and general welfare).
- 43. The Staff Report credibly summarizes and explains how the proposal complies with various design requirements and dimensional standards that apply to cluster subdivisions like the applicant's project. (Staff Report, pages 6 and 7).

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

- 44. 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. 12) issued in connection with the application. (Testimony of Mr. Sims: Staff Report, pages 2, 3).
- 45. 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.

46. 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.

- Based on the Findings as summarized above, the undersigned examiner concludes that the
  proposed plat, as conditioned below, conforms to all applicable County codes and policies.
  Upon reaching such findings and conclusions as noted above, the preliminary plat 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. 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 Whisper Rock Preliminary Plat / Cluster Subdivision (Department File No. SUB20-010), subject to the attached Conditions of Approval.

Decision issued: August 26, 2021.

Gary N. McLean

Hearing Examiner for Walla Walla County

#### 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

#### WHISPER ROCK PRELIMINARY PLAT / CLUSTER SUBDIVISION

#### SUB20-010

#### General:

- A. The preliminary plat known as the Whisper Rock (Cluster) Subdivision shall comply with all applicable provisions of the Walla 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 project plans described, depicted, and identified in *Exhibits 4 and 5*, 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 that might regulate or restrict their conduct or activities within portions of the plat.

#### Conditions derived the Staff Report and public hearing process:

- 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. Adequate fire protection shall be required pursuant to WWCC 16.14.030(B).
- 4. Private road improvements must be provided in compliance with Walla Walla County Road Standards established by the Walla Walla County Public Works Department.
- 5. The final plat must comply with all applicable County and State surveying requirements, including without limitation those found in WWCC Ch. 16.14 and WWCC Ch. 16.36.
- 6. Based on the applicant's representations made in response to public comments generally regarding the possible height of homes closest to the ridge above the project, final CC&R's shall be subject to review and approval by the Director and must be recorded as part of the final plat, and must include language substantially similar to that referenced in Ex. 48 and Findings 11 and 12 above, restricting the height on new homes on Lots 1-4 to just a single story, less than 24 feet in height, except for chimneys and other possible mechanical equipment the Director finds that there is good cause to not apply such restriction.

- 7. Density Restriction As required by WWCC 17.31.060(W), the final plat map shall include a note on the recorded land division instrument stating that the acreage shall not be used more than once for determining the allowable number of units, and shall explain the number of potential/unused dwelling units remaining, if any, subject to review and approval by the Director. The applicant shall denote on the land division instrument the specific acreage used for determining the proposed new lots. The language in such note is subject to review and approval by the Director.
- 8. 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.
- 9. Any proposed changes to lot boundaries or lot configurations before final plat approval must demonstrate that all segments of land included as part of the agricultural resource parcel are viable. All adjustments made to lot boundaries before final plat approval must be consistent with County policies and regulations intended to preserve the viability of designated agricultural resource lands. "Orphan" fingers of agricultural resource land that are too narrow, remote, or difficult to maintain given their configuration within the plat, should not be approved. Viable is defined to mean: "capable of working [or] functioning"; "capable of existence and development as an independent unit"; "having a reasonable chance of succeeding"; or "financially sustainable". (Merriam-Webster Dictionary). The final plat design and lot configurations shall not include segments of the "resource parcel" that are too small to be viable for agricultural uses and purposes, economically or otherwise, as determined by the Director.

#### Walla Walla County Community Development Department

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

To:

**Board of County Commissioners** 

From:

Lauren Prentice, Director

Agenda Date:

December 20, 2021

RE:

Department Update

#### **Building/Fire**

The following building and fire permits were approved during the last two weeks:

Permit#	Date Applied	Date Approved	Days	Address	Description	Applicant
B21-0362	7/23/2021	12/8/2021	138	425 B ST	Add 680 sf Covered Patio	ROBINSON, TROY / QUIRK BREWING
B21-0527	10/13/2021	12/14/2021	62	585 E BOEING AVE	Modifications to Existing Tower - see notes	T-MOBILE
B21-0530	10/19/2021	12/14/2021	56	101 GAP WAY	2022 Palm Harbor MFG Home Placement	CARIS SELL HOMES, INC
B21-0550	10/29/2021	12/3/2021	35	171 GATEWAY RD	599 sf 70 ft Tall Pylon Sign	QUALITY SIGNS
B21-0572	11/5/2021	12/6/2021	31	25 OHIMA DR	1919 sf 2 Stry Res, 419 sf CovP/P, 93.5 sf Deck, 665 sf Gar	SKIE ARCHITECTURE STUDIO
B21-0583	11/12/2021	12/7/2021	25	439 W SUNSET DR	600 sf Deck Addition	LONE PINE RENOVATIONS LLC
B21-0594	11/18/2021	12/13/2021	25	1724 WALLULA AVE	1728 sf Enclosed Pole Bldg w/576 sf open Lean To	TOELKE, MATTHEW L & BRIANA M
B21-0598	11/19/2021	12/14/2021	25	BLALOCK DR	2987 sf Res, 272 sf Cov. Por, 379 Uncov Pat, 1039 sf Gar	STONECREEK CUSTOM HOMES LLC
B21-0605	11/24/2021	12/14/2021	20	2675 HERITAGE RD	400 sf Garage	GARCIA, ALFONSO & ORTIZ, MEDINA A
B21-0607	11/29/2021	12/9/2021	10	1552 WHITELEY RD	685 sf Carport	JEX, JOHN N
B21-0609	11/29/2021	12/13/2021	14	1547 GRAY LYNN DR	345 sf Patio Cover over existing slab	ARBOGAST, JEREMY
B21-0611	11/30/2021	12/6/2021	6	206 BISCUIT RIDGE RD	8400 W Roof Mount Solar Array	THONNEY, ALLAN & SARA M
B21-0613	12/1/2021	12/8/2021	7	4106 SCENIC LOOP RD	1050 sf Shop	ORCHARD, WILLIAM W & SHERRY M
B21-0615	12/1/2021	12/2/2021	1	155 NE ROSE ST	2nd course of shingles 26 sq on Residence	PINA'S ROOFING
B21-0618	12/2/2021	12/3/2021	1	2865 PLAZA WAY	Install Gas Heater (fireplace)	NEISNER, DAN
B21-0620	12/8/2021	12/8/2021	0	1140 BRYANT AVE	Gas piping to range	COLLEGE PLACE HTG & A/C INC
B21-0621	12/9/2021	12/9/2021	. 0	297 WALLULA AVE	Wood Stove installation	MASFERRER, III ROBERTO & KATIE
B21-0623	12/10/2021	12/13/2021	3	34 VIEW DR	Replace Furnace in shop	DEBROECK, DENNIS
B21-0624	12/13/2021	12/13/2021	0	2950 S 3RD AVE	Install Gas Line from Propane Tank for Exterior Heaters	M STACEY CONSTRUCTION COMPANY

B21-0626	12/13/2021	12/14/2021	1	1105 E CHESTNUT ST	Re-roof Residence 20 sq w/tear-off	BOCANEGRA CONSTRUCTION LLC
B21-0627	12/14/2021	12/14/2021	0	918 SCHOOL AVE	Re-roof Residence 18 sq w/tear-off	NAVARRO, ELIA M MARTINEZ
B21-0628	12/15/2021	12/15/2021	0	4728 MILL CREEK RD	Run Gas Piping	YOUNG'S HEATING & COOLING, LLC

#### **Technical Review Committee (TRC) meetings**

- 1. December 8, 2021 PRE21-066 Preapplication meeting for conversion of an existing residential garage into conditioned space (playroom/office) and add a garage.
- 2. December 8, 2021 PRE21-069 Roundtable meeting regarding possibility of building apartments on property within the Burbank Business Park.
- 3. December 15, 2021 PRE21-071 Roundtable meeting regarding winery/camping facility with geodesic dome temporary structures.
- 4. December 15, 2021 PRE21-068 Preapplication for Walla Walla High School Ballfield Improvements (new/addition to ongoing project).

#### **Code Cases Closed**

The following cases were closed during the last two weeks:

Case No	Description	Address	Date Opened	Date Closed	Case Type
C21-086	Junk vehicles, garbage, JLD	241 Adair Road	9/29/2021	12/7/2021	Mixed

#### **Planning Decisions**

Project Number	Address	Applicant	Project Type	Status	Project Name	Date Approved
BLA21-008	101 Gay Way	Rodgers, Ron	BLA	Approved w/conditions	Five Lot BLA (consolidation)	12/10/2021
SUB21-013	3784 Power Line Road	The Vines at Doubleback	Final Plat	Approved	Final Plat for The Vines Subdivision	12/6/2021

#### Other

1. Planning Commission workshop meeting occurred on December 8. Presented first set of County-proposed code amendments.

#### 10:45 COUNTY FAIRGROUNDS

#### **Greg Lybeck**

- a) Action Agenda Items:
  - Resolution Approval of revised Walla Walla Fair and Frontier Days Board of Directors
     Bylaws
- b) Department update and miscellaneous

# BOARD OF COUNTY COMMISSIONERS WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF APPROVAL
OF REVISED WALLA WALLA
FAIR AND FRONTIER DAYS
BOARD OF DIRECTORS
BYLAWS

RESOLUTION NO. 21

WHEREAS, the Walla Walla Fair and Frontier Days Board of Directors Bylaws were last revised in January, 2021; and

WHEREAS, the Board of Directors have reviewed revisions of said bylaws; and

WHEREAS, the Walla Walla County Board of Commissioners have reviewed revised bylaws; now therefore

**BE IT HEREBY RESOLVED** by this Board of Walla Walla County Commissioners that they shall approve and sign said Walla Walla Fair and Frontier Days Board of Directors Bylaws as revised.

Passed this <u>20<sup>th</sup></u> day of <u>December, 2021</u> by B via other means, and by the following vote: Aye	Board members as follows:Present or ParticipatingNay Abstained Absent.
Attest:	
Diane L. Harris, Clerk of the Board	Gregory A. Tompkins, Chairman, District 3
	Todd L. Kimball, Commissioner, District 2
	Jennifer R. Mayberry, Commissioner, District 1
	Constituting the Board of County Commissioners

of Walla Walla County, Washington



Date: 12-7-2021

To: WWBOCC

From: Greg Lybeck, Fairgrounds Manager

**Intent** – To make a change to our bylaws to be able to add new committees with the approval of the Walla Walla Board of County commissioners.

**Topic** – Walla Walla Fairgrounds bylaw change.

<u>Summary</u> – In discussions with our County Attorney, we have determined that we may not be able to add committees under our current bylaws. We would like to add an ag committee, entertainment committee, marketing committee, rodeo committee, and safety and security committee. By making a small change to our bylaws we would be able to form these new committees. By involving more members of our community, we would be improving our annual fair and working more with our community. The language has been attached for your review. It is simple and gives the Commissioners the approval of all newly created committees.

<u>Cost</u> – There is no cost in doing this. In fact, we will be saving money by increasing our volunteer pool.

**Funding** – None needed.

<u>Alternatives Considered</u> – Do as we have been doing. But we would lose an opportunity to expand our volunteer workers and work directly with people outside of our Fair circle.

<u>Acquisition Method</u> – By asking people for their help.

Security - NA

Access - NA

**Risk** – There is no risk to starting more committees.

<u>Benefits</u> – To be able to expand our volunteer workers from our area involved in putting on our annual Fair. This should create some outreach to areas not generally involved.

<u>Conclusion/Recommendation</u> – It is my recommendation to change the language in our board bylaws to allow new committees to be started with the approval of the County Commissioners.

Submitted By

Greg Lybeck Fairgrounds 12-7-2021

Proposed amendment to Walla Walla County and Walla Walla Fair and Frontier Days Board of Directors Bylaws (Last approved January 4, 2021)

Amendment (addition) under Article XV – Committees

Article XV – Committees

Executive Committee: The Executive Committee shall consist of the President, Vice-President, Secretary, Treasurer, and other Director(s) the President may designate. The Manager will participate as an Ex-Officio, non-voting member of the Committee. This Executive Committee shall be empowered to carry out the business of the Board between regular meetings provided actions are not in conflict with the Bylaws and adopted Board policies. The Executive Committee is required to report back to the Board.

Finance Committee: The Finance Committee shall be chaired by the Board Treasurer and comprised of the Manager and other Board members as designated. The Board Treasurer and Manager will present to the Board an annual proposed budget of projected revenues and expenditures prior to the Manager presenting it to the Commissioners.

Long-Range Planning Committee: The Long-Range Planning Committee shall be comprised of members of the Board and/or the community in addition to the County Facilities Maintenance Director. The committee is responsible for reviewing and providing guidance for the county facilities at the Fairgrounds. This includes essential aspects of the operation of the Fairgrounds, buildings, capital improvements, and infrastructure through more consistent, effective, and proper facility maintenance.

The Board may propose the creation of additional standing or special committees to the Board of County Commissioners. Such proposal shall be in writing and shall include the proposed responsibilities and duties of the committee, the proposed membership structure of the committee and the proposed term of the committee. Creation of the standing or special committee shall be effective only after approval by the Board of County Commissioners by Resolution. Membership on such committees need not be limited to members of the Board. After an additional standing or special committee has been created by the Board of County Commissioners, the Fair Board may appoint members. All members of such committees will be considered volunteers and must complete all County requirements including, but not limited to, volunteer applications, record-keeping, background checks and Labor and Industries' volunteer timekeeping requirements.

Rules and Authority of Committees: A majority of the members of any committee may establish its rules of procedures. All actions contemplated by any committee shall be reported at the Board's next meeting and shall be subject to revision and approval by the Board, subject to funding and legal review. No committee established under this Article shall have the authority to enter into any type of legal agreement with person(s) or organization(s), or assume any power of this organization contained in the Bylaws, or local, state and federal laws.

# WALLA WALLA COUNTY and WALLA WALLA FAIR AND FRONTIER DAYS BOARD OF DIRECTORS Bylaws

#### Revised

#### Article I – Name and Objectives

These Bylaws outline the relationship between Walla Walla County and the Walla Walla Fair and Frontier Days Board of Directors as described herein:

Walla Walla County is represented by the Walla Walla Board of County Commissioners herein referred to as "Commissioners." The Walla Walla County Fairgrounds Manager is herein referred to as "Manager." The Walla Walla Fair & Frontier Days Board of Directors is herein referred to as "Board."

The objectives of these Bylaws set forth the structure and governance practices through which the Commissioners, Manager, and Board shall carry out the mission of the Walla Walla County Fairgrounds & Walla Walla Fair & Frontier Days. The Manager is hired by the Commissioners with the responsibility for the management of the business, financial, public relations, marketing, and planning operations of the Fairgrounds, to include the responsibility for overseeing the maintenance of the Fairgrounds buildings, structures, surrounding grounds, and equipment. The Board operates as an appointed entity of the Commissioners in providing a balanced role as a support body in a constructive partnership with the Manager.

#### Article II - Philosophy

The Manager with the support of the Board are responsible for hosting an annual regional fair and for maintaining, enhancing, and fully utilizing the Walla Walla County Fairgrounds on a year-round basis. In furtherance of this purpose, they will:

- Showcase and promote the region's agriculture, commerce, technology, and culture.
- Provide affordable, quality family entertainment and educational opportunities in a safe environment.
- Operate in a fiduciarily responsible business-like manner.

#### Article III - Purpose

Pursuant to RCW 36.37.010, the holding of county fairs and agricultural exhibitions of stock, cereals, and agricultural produce of all kinds, including dairy produce, as well as arts and manufactures, by any county in the state, and the participation by any county in a district fair or agricultural exhibition, is declared to be in the interest of public good and a strictly county purpose.

The Manager and Board shall promote the Walla Walla Fair & Frontier Days as defined by the aforementioned statute.

#### Article IV – Board of Directors

The Board shall consist of nine (9) Directors appointed by and to serve at the discretion of the Commissioners. Ex-officio members of the Board, and others who are not entitled to a vote, shall include the Commissioners and the Manager.

#### Article V - Director Terms

A Director's term shall commence and terminate immediately following the September Board meeting. A term will consist of three (3) years. A Director may serve for no more than three (3) consecutive terms for a total of nine (9) years, unless terminated by either party. A Director resigning mid-term or who is unwilling to be appointed to an additional term, shall notify the Commissioners at his/her earliest convenience to facilitate continuity of the Board. In the event more than one-third (1/3) of the Directors will have served their full appointments, the Commissioners may stagger the appointments or terms to ensure continuity on the Board. A Director appointed to fill an unexpired term may be eligible to serve the equivalent of three (3) full terms or nine (9) years at the discretion of the Commissioners.

#### Article VI - Vacancies

The Commissioners will announce a Board vacancy as soon as possible. Applications for appointment to the Board will be filed in the office of the Commissioners. Completed applications will be furnished by the Commissioners to the Board, who shall recommend no more than three (3) and no less than two (2) qualified applicants, per vacancy, to the Commissioners for consideration of appointment. Commissioners may extend the deadline for appointment at their discretion. Appointment(s) shall be made on the basis of merit and shall comply with state and federal laws.

#### Article VII – Attendance, Participation, and Removal

A Director who is absent two consecutive meetings or has three unexcused absences in a calendar year, or who is not meeting Board responsibilities, may be subject to removal by the Commissioners.

Any Director whose conduct shall be considered detrimental to the best interest of the organization, or in non-compliance with the Bylaws, the Fair Board Position Description, state statute, or other applicable governing policies, may be subject to removal by the Commissioners.

In the event a removal action is being considered, such consideration will take place using the procedures in RCW 42.30.110(f).

#### Article VIII - Duties and Responsibilities

Under the authority and general supervision of the Commissioners, and recognizing the Manager and the Board are interdependent, the Board shall work in unison with the Manager. The Manager and the Board will create a partnership through trust, candor, respect, and honest communication. In addition, the Manager and Board shall comply with these Bylaws, and local, state, and federal laws.

The following shall be the roles, duties, and responsibilities of the Manager and the Board:

- To promote, organize, and advance the Fairgrounds as a multi-use facility benefitting the community year-round and utilized as the venue for the annual Walla Walla Fair and Frontier Days event.
- The Manager will prepare and submit an annual operations budget to the Board for comments. The Manager will submit the budget to the Commissioners in accordance with state law. The Commissioners will review the budget for adoption or modification.
- The Manager shall review and report to the Board all revenues and expenditures monthly, ensuring operations are within the budget.
- The Manager, County Facilities Maintenance Director, and the Board will continue to assess the structures and components of the buildings and the properties in meeting long-range goals and objectives.
- The daily operations of the Fairgrounds shall be at the direction of the Manager. The Manager is directly responsible for staff and the overall performance of staff.
- The Manager is responsible for overseeing all internal and external communications for the Fairgrounds, ensuring consistency. The Manager may ask Board members to promote the Fair in their respective areas of responsibility through various media sources. All communications must be approved by the Manager.
- Communications from the Board to the Commissioners shall be relayed through the Manager.

#### Article IX - Officers

The officers of the Board shall be President, Vice President, Secretary, and Treasurer. The Board shall elect the officers from among Directors at the annual organizational meeting or the first meeting of the business year (October – September). The terms of officers shall be one year and the President shall be limited to two (2) consecutive terms of office.

#### Article X - Duties of Officers

President: The President shall serve as chairperson of the Board and shall, in addition, be the executive officer of the Board; exercise general supervision over the affairs of the Board; be responsible for the enforcement of the duties and responsibilities for all directors; conduct meetings of the Board; act in an official capacity at community and designated functions; appoint, assign, and supervise committee chairs. The committee chairs shall be appointed by the Board President in concurrence with the Manager.

Vice President: The Vice President shall assume all duties of the President during the absence or disability of the President.

Secretary: The Secretary shall keep accurate records of the meetings of the Board. The Secretary shall comply with *RCW 42.30.035* which requires the minutes of all regular and special meetings except executive sessions of such boards shall be promptly recorded and such records shall be open to the public for inspection.

Treasurer: The Treasurer shall chair the Finance Committee and oversee the financial transactions related to the matters of the Board. The Treasurer should have a background in or be well-versed in finance and budgeting.

#### Article XI - Board Meetings

The Board meetings shall be scheduled by the Board at the annual organizational meeting or at the start of the business year (October – September) and a schedule will be provided to the Directors. Unless otherwise established by the Board, meetings shall be held monthly unless otherwise directed by the President. All meetings are subject to the *Open Public Meetings Act RCW 42.30*. All points not specifically covered in these Bylaws shall be governed by the most current *Robert's Rules of Order* in all cases to which they are applicable and when they are not inconsistent with the Bylaws.

#### Article XII – Organizational Meeting

An organizational meeting shall be held annually in October for the purpose of electing Board officers, establishing meeting dates, and for the transaction of such other business as may properly come before the Board.

#### Article XIII - Special Meetings

A special meeting may be called at any time by the presiding officer of the governing body of a public agency or by members of the Board by delivering written notice personally, by mail, by fax, or by electronic mail to each member of the governing body, utilizing the provisions of *RCW* 42.30.080.

#### Article XIV - Executive Session

Executive Sessions may be held only for the purposes enumerated in *RCW 42.30.110*. The Board and its members shall not (except in the course of duty), subsequent to an executive session, divulge to any person whomever or otherwise make use of any confidential information relative to the executive session.

#### Article XV - Committees

Executive Committee: The Executive Committee shall consist of the President, Vice-President, Secretary, Treasurer, and other Director(s) the President may designate. The Manager will participate as an Ex-Officio, non-voting member of the Committee. This Executive Committee shall be empowered to carry out the business of the Board between regular meetings provided actions are not in conflict with these Bylaws and adopted Board policies. The Executive Committee is required to report back to the Board.

Finance Committee: The Finance Committee shall be chaired by the Board Treasurer and may consist of Board members. The Treasurer will report monthly the financial affairs of the Board, i.e., dues and other outstanding financial matters of the Board.

Long-Range Planning Committee: The Long-Range Planning Committee shall be comprised of members of the Board and/or the community, in addition to the County Facilities Maintenance Director. The Committee is responsible for reviewing and providing guidance for the county facilities at the Fairgrounds. This includes essential aspects of the operation of the Fairgrounds, buildings, capital improvements, and infrastructure through more consistent, effective, and proper facility maintenance.

The Board may propose the creation of additional standing or special committees to the Board of County Commissioners. Such proposal shall be in writing and shall include the proposed responsibilities and duties of the committee, the proposed membership structure of the committee and the proposed term of the committee. Creation of the standing or special committee shall be effective only after approval by the Board of County Commissioners by Resolution. Membership on such committees need not be limited to members of the Board. After an additional standing or special committee has been created by the Board of County Commissioners, the Fair Board may appoint members. All members of such committees will be considered volunteers and must complete all County requirements including, but not limited to,

volunteer applications, record-keeping, background checks and Labor and Industries' volunteer timekeeping requirements.

Rules and Authority of Committees: A majority of the members of any committee may establish its rules of procedures. All actions contemplated by any committee shall be reported at the Board's next meeting and shall be subject to revision and approval by the Board, subject to funding and legal review. No committee established under this Article shall have the authority to enter into any type of legal agreement with person(s) or organization(s), or assume any power of this organization contained in these Bylaws, or local, state, or federal laws.

#### Article XVI - Quorum

The Board shall not conduct business unless a quorum is present. A quorum shall consist of a two-thirds (2/3) majority of the voting members of the Board. A majority vote at any meeting will prevail. Voting by proxy shall not be permitted.

#### Article XVII - Financial Authority

A Director shall not incur any financial obligation or enter into contracts in the name of Walla Walla County, Walla Walla County Fairgrounds, or the Walla Walla Fair and Frontier Days. At the discretion of the Fair Manager, he/she may authorize directors to use the Fairgrounds credit card and/or pre-approved charge accounts with local vendors. The Commissioners may hold a Director financially liable for failure to adhere to this policy.

#### Article XVIII - Compensation and Conflict of Interest

An individual shall not receive compensation from Walla Walla County as a Director on the Board.

A Director on the Board shall not be compensated through a contract or transaction unless approved by the Manager and/or the Commissioners and such compensation must be in compliance with *RCW 42.23.030*.

In addition, any member of the Board who has a financial, personal, or official interest in, or conflict (or appearance of a conflict) with any matter pending before the Board, of such nature that it prevents or may prevent that member from acting on the matter in an impartial manner, will offer to the Board to voluntarily excuse him/herself and will vacate his/her seat and refrain from discussion and voting on said item.

# Article XIX – County Liaison, Walla Walla Fair & Frontier Days Board of Directors, Walla Walla Frontier Days Foundation

The Manager will serve as the liaison between Walla Walla County, Walla Walla Fair & Frontier Days Board of Directors, and the Walla Walla Frontier Days Foundation (a 501(c)(3) non-profit

entity). The liaison role is defined in the June 11, 2011 Operating Agreement between the Commissioners, Board, and Foundation. In this role, the Manager is an employee and representative of the County, and not an employee of the Foundation. In representing the County in this relationship with the Foundation, the Manager's fiduciary responsibilities must remain with the County.

Adopted by motion of the Bo	oard of County Comm	issioners of Walla Walla County, Was	hington,
Date this	day of	, 2021.	
		Chair	
		Commissioner	
		Commissioner	
Attest:			
Clerk of the Board		_	
Approved as to form:			
Walla Walla County Prosecu	ting Attorney	_	
Acknowledged by:			
President, Walla Walla Fair &	& Frontier Days	_	

Walla Walla County Fairgrounds

Greg Lybeck, CFE

General Manager



# Walla Walla Board of County Commissioners Department Head Report December 20, 2021

#### A. Fairgrounds Department Staffing

- We are all doing well!
- Most of the staff are taking vacation time to avoid losing any of it.
- Many of the staff will be out from December 24<sup>th</sup> to January 3<sup>rd</sup>.

#### B. Grounds Update:

- We continue to be busy booking our buildings for events. The Expo building is busy both with hourly riders and events on the weekends.
- We hosted a Hispanic Rodeo last month that went well. It did not generate the ticket sales
  the promoter had hoped for because of very cold weather. It did bring the fairgrounds
  more revenue than our normal Expo events because of ticket fees, food, and alcohol sales. It
  is my hope that we can start doing more of these types of events because they are strong
  revenue generators.
- Grounds are in good shape and winterized and ready for the cold months.

#### C. Walla Walla Fair 2022:

- We are working with our advertising team on developing our 2022 Fair theme and logo to reveal at our upcoming showcase event. We all believe this year's theme is going to be a lot of fun!
- We are also working with our ad agency on our year-round non-fair logo. I have attached some of the samples of what we have put together for your review.
- Premium checks and awards are still available for pick up until December 30<sup>th</sup>. At that time, we must close it out for the Department of Ag.
- We are working on paperwork for the Department of Ag that is due by the first part of February. This is the documentation for the funds we did not get this year for premiums but will this year because we paid premiums.
- We have received two RFQ's back for the sponsorship salesperson and will be interviewing them soon. This is a 100% commission position so I will make sure both candidates

understand that.

- Vendors / Food Concessions: For the 2022 Fair,
  - We are rewriting the handbook and reviewing locations.
  - We have reviewed the vendor rental rates and are comparing them to other fairs our size. We are finding that we are charging much less than fairs we are speaking to. We have not raised vender space since 2014 so more than likely we will be raising them this year.
- Entertainment: Now that we have hired Pepper Entertainment as our talent buying agency, we are working hard to get our Wednesday night show booked. We are looking at both Country and Classic Rock. With the success of Chicago last year, we feel good about doing classic rock again, but the inventory just isn't as strong as country acts. We are focused on getting the best name for the best price.
- As part of our giving back to the community, 50 cents from each sold ticket from the Friday
  night (Tough Enough to Wear Pink) rodeo and Sunday night (Military Appreciation)
  performances goes to local non-profits. We presented \$1,277.50 to Reserve Officers
  Organization of America for their headstone cleaning project last Wednesday. See attached
  photo.
- And tomorrow we will be presenting Providence St. Mary's Reginal Cancer Center \$1,180.50 For Tough Enough to Wear Pink Night.
- Carnival: Wristbands are on sale online, and at Ranch & Home and Inland Cellular for \$27.00.

#### D. Fairgrounds Physical Plant Improvement and Maintenance

- We are getting ready to start our Tietan Street fence replacement project this week. I am
  excited for this project because it will be another step to us improving the south part of the
  property.
- We continue to work on the event viewing platforms in our grandstand. As you know, this
  same project in Kennewick was very big for them. We are using Foundation funds to get all
  the engineering done and determine the true cost of the project. We are also putting
  together a strong plan to fund this project.
- We should be getting a contract soon from the State Department of Ag for the \$249,000 grant to improve paving, fencing entrance points, and ADA improvements.

#### E. Fair Board:

Board meeting: Our next board meeting is Tuesday, December 21, 2021.

#### F. Budget:

• Financially we are happy where we are and how we are operating. We are all working as a team to keep our expenses down.

#### 11:00 DEPARTMENT OF COMMUNITY HEALTH/ BOARD OF HEALTH

Dr. Kaminsky Nancy Wenzel

#### a) Action Agenda Items:

- 1) Proposal 2021 12-20 DCH-1 Approval of 2022 Homeless Housing Funding Allocations for Fund 160 and 161
- 2) Proposal 2021 12-20 DCH-2 Approval to hire Registered Nurse (RN) position above Step B
- 3) Proposal 2021 12-20 DCH-3 Approval to hire Temporary Disease Investigator/Contact Tracer above Step B
- 4) Proposal 2021 12-20 DCH-4 Approval and authorization for Community Health to hire temporary Covid Employees within the full step range (A-G)
- 5) Resolution Reappointments to the Veterans' Relief Advisory Board
- b) COVID-19 update and miscellaneous



Date: December 10, 2021 Proposal ID: 2021 12-20 DCH-1

To: BOCC

From: Nancy Wenzel, Administrative Director

Lead Staff: Samantha Jackle,

Intent -. Gain approval for funding allocation for fund 160 and 161

Topic – Homeless Housing Funding Allocations 2022

#### **Summary**

The Council on Housing recommends a 3% increase to existing contracts funded with the local homeless/housing dollars. The plan is to review existing services and funds in 2022 with specific attention to changes in needs, gaps in services, etc. due to impacts from COVID. At which point an RFP process will be discussed and established. Unfortunately, there was not quite enough capacity to do so this year. If approved, the plan is to amend existing contracts with a 3% increase and extend the date of use through December 31, 2022. All services will remain the same, unless any formal request is made for review. None have come forth at this time. The Council on Housing will review year-end expenditures in January 2022 to determine whether or not any funds remain per contract, at which point recommendations will then be made to the BOCC for review and approval.

Fund	Agency	2022 Amount
160	Comprehensive	\$54,174
161	STAR Project	\$75,247
161	Joe's Place	\$29,024
161	City of Walla Walla	\$109,273
161	BMAC – Pathways Home/CE	\$79,000.00
161	BMAC – Lincoln Terrace	\$20,000.00

Total: Fund 160: \$54,174 Fund 161: \$ 312,544

Funding:				
Homeless	Housing Fund			
Alternativ	ves Considered			
N/A				
Acquisition	on Method			
N/A				
<u>Security</u>				
N/A				
Access				
N/A				
<u>Risk</u>				
n/a				
<u>Benefits</u>				
	ssistance to our ho	using providers w	ho have taken on additiona	l responsibilities from
Conclusion	on/Recommendati	<u>on</u>		
homeless	and housing dollars	s. Recommend B	n existing contracts currentl SOCC sign the subawards/gapproved by legal counsel.	•
Submitte	•		Disposition	
Nancy W	enzel, DCH		Approved	
Name	Department	Date	Approved with mod	ifications
			Needs follow up info	ormation
Name	Department	Date	Denied	
			BOCC Chairman	Date

	···	· · · · · · · · · · · · · · · · · · ·	<del></del>	 	
Additional Require	ments to Propo	osal			
Modification					
Follow Up					
***				 	

# 2020 Affordable Housing and Homeless Housing Fund Report Walla Walla County

Sam Jackle, Homeless Housing Coordinator
WALLA WALLA COUNTY DEPARTMENT OF COMMUNITY HEALTH

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#### INTRODUCTION

The Department of Community Health (DCH) is responsible for overseeing the continuum of care for housing in Walla Walla County. This includes the administration of several state and federal grants, as well as local document recording fees.

Requirements for management of these funds include, but are not limited to:

- Developing, implementing, and maintaining the Homeless and Housing Plan
- Convening a Homeless and Housing governing body for Walla Walla County
- Administration of the Homeless Management Information System (HMIS) and coordination from subcontractors
- System oversight for the Coordinated Entry system for Walla Walla County
- Reporting requirements to Commerce include, but are not limited to:
  - o Reporting on entire Homeless Crisis Response system
  - o Annual Housing Expenditure report
  - Annual Landlord Sampling report
  - o Annual Point in Time
  - o Monthly monitoring, progress, and tracking

#### AFFORDABLE HOUSING TRUST FUND

The Affordable Housing Trust Fund provides funds to address the priority housing needs of Walla Walla County residents. The fund was created in 2002 when the Washington State Legislature passed Substitute House Bill 2060, later codified as RCW 36.22.178. With this, a recording fee of \$10 is charged by the County Auditor for every document recorded. 60% of the revenue generated is retained by the County to further affordable housing efforts. Projects must serve individuals and families at 50% or less of the Area Median Income (AMI). The remaining 40% of the revenue generated is transferred to the State for affordable housing projects that serve individuals and families at or below 30% AMI.

In 2011, the enactment of SB 5482 amended RCW 36.22.178, authorizing the use of funding to provide housing for victims of human trafficking and their families. Most recently, during the 2018 legislative session, Washington state ended the sunset requirement on all additional surcharges. An additional surcharge of \$3.00 was also added as well, bringing the total to \$13.00.

For specific RCW 36.22.178 language, please see Appendix A.

For specific RCW 36.22.179 and RCW 36.22.1791 language, please see Appendix B.

#### HOMELESS HOUSING AND ASSISTANCE ACT

In 2005, the Homeless Housing and Assistance Act was created with the passage of ESSHB 2163, later codified in RCW 36.22.179. This created a surcharge of \$10 for homeless housing purposes. Similar to the Affordable Housing fees, these fees are collected by the County auditor as documents are recorded and approximately 40% of these funds are forwarded to the state while the remaining 60% is retained for local use in the county. The funds are designated to assist low-income persons only – those earning less than 50% of the Area Median Income.

In 2007, ESSHB 1359, codified as RCW 36.22.1791, added \$8 to the fee to support ongoing work to prevent and end homelessness and implement local strategic plans. The fee was increased again in 2009 with the passage of ESSHB 2331, which increased the original \$10 fee to \$30, resulting in a total fee of \$38 for Homeless Housing Programs. In 2012 the passage of ESHB 2048 raising the fee an additional \$10. Finally, during the 2018 legislative session, Washington state ended the sunset requirement on all additional surcharges. An additional surcharge of \$22.00 was also added, bringing the total to \$62.00.

Revenue generated through this fund must be used to reduce or prevent homelessness through the provision of housing and/ or services.

For specific RCW 36.22.179 language, please see Appendix B.

For historical overview of document recording fees, please see Appendix C.

#### HOMELESS AND HOUSING PRIORITES

- Rapid re-housing: prioritizing programs that demonstrate a commitment to helping homeless households (individuals, self-identified family units, couples) exit homelessness and secure stable permanent housing as quickly as possible. This priority includes incentives for landlords who demonstrate willingness to rent to these households.
- Permanent supportive housing: funding for permanent supportive housing utilizing a housing first approach for populations deemed chronically homeless as defined by Housing and Urban Development (HUD). This priority also includes outreach and accompanying case management.
- Emergency shelter for unsheltered individuals.
- Special attention is to be paid to unsheltered individuals, people fleeing domestic violence, unaccompanied minors, youth, and young adults, individuals who are chronically homeless, and families.
- Services that are consistent with the State's Homeless and Housing Priority Outcomes as noted:
  - Increase percentage of exits to permanent housing
  - Reduce median length of time persons remain homeless
  - Reduce average length of time persons remain homeless
  - Reduce percentage of individuals who return to homelessness in 2 years' time
  - Reduce number of new homeless
  - Increase percentage of individuals served with residence prior to project entry institutional setting or temporarily staying with family or friends
  - Increase percent served with past homelessness

Funds are allocated based upon community priorities and statutory requirements, set forth by RCW 36.22.178, RCW 36.22.179, RCW 36.22.1791. These funds are administered by the DCH and are subcontracted to community organizations to provide services and support to Walla Walla County residents. In addition, a significant amount of time and energy are allocated to oversee and administer such programs, beyond direct service. The County Clerk's office also receives an allocation to cover administrative costs with the Homeless & Housing programs.

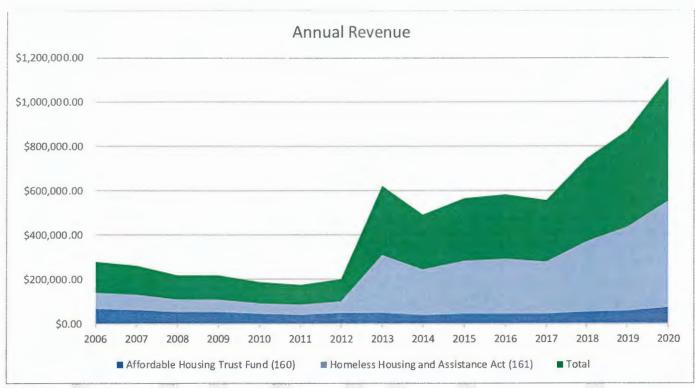
#### **REVENUE**

The implementation of the document recording fees for Homeless & Housing programs and services has continued to generate increased annual revenue for Walla Walla County, peaking in 2020 at \$75,448.62 for the Affordable Housing Trust Fund & \$479,521.02 for the Homeless Housing and Assistance Act, for a combined total of \$554,969.64. The total dollars raised from the time of the initial collection in 2006 for both funds' totals \$3,549,131.03.

Table 1: Revenue by Year - Detailed

Year	Affordable Housing	Homeless Housing and	Total
	Trust Fund (160)	Assistance Act (161)	
2006	\$68,827.50	\$71,001.00	\$139,828.50
2007	\$64,655.10	\$66,696.84	\$131,351.94
2008	\$54,503.40	\$56,166.62	\$110,670.02
2009	\$53,448.90	\$55,979.08	\$109,427.98
2010	\$46,386.60	\$48,261.50	\$94,648.10
2011	\$42,943.80	\$44,616.56	\$87,560.36
2012	\$47,942.70	\$53,274.15	\$101,216.85
2013	\$50,234.10	\$260,558.06	\$310,792.16
2014	\$39,654.90	\$206,676.90	\$246,331.80
2015	\$44,921.70	\$238,319.70	\$283,241.40
2016	\$46,187.10	\$245,343.66	\$291,530.76
2017	\$44,180.70	\$234,979.34	\$279,160.04
2018	\$53,575.03	\$319,998.84	\$373,573.87
2019	\$59,168.85	\$375,658.76	\$434,827.61
2020	\$75,448.62	\$479,521.02	\$554,969.64

<sup>\*\*2013-</sup>Increased surcharge collected for both 2060/2163 funds



Graph 1: Revenue by Year - Detailed

#### **EXPENDITURES**

Growing revenue has resulted in an expansion of services throughout Walla Walla County. The funds generated by the document recording fees are administered by DCH and any administrative costs are capped at 7% of revenue. In addition, the DCH provides programmatic and operational oversight for homeless and housing program in the county. These costs include the salary and benefits of the Homeless & Housing Coordinator, who provides program operations outlined in the introduction, as well as office supplies, and the DCH's membership and participation dues associated with Washington State Association of County Human Services. Total program and operational expenditures for the DCH in 2020 were \$30,287.29, which is a significant decrease from 2019's program and operation expenditures due to a two-month vacancy in the position, as well as the COVID-19 pandemic. Previous DCH programmatic and operational costs have been supplemented with cost centers associated with COVID-19 relief, off-site isolation, and quarantine planning, as well as other COVID-19 response needs. This off-setting is anticipated to be only temporary in nature.

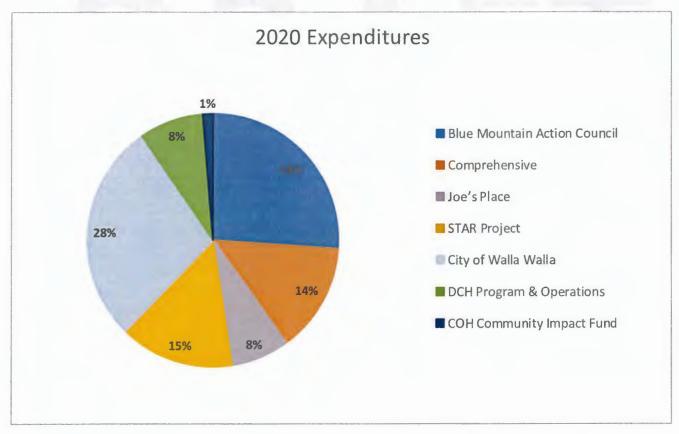
In 2020 the newly formed Council on Housing Community Impact Fund was accessed through an open application process for eligible private, non-profit, and public organizations in Walla Walla County with a mission and vision consistent with implementing the Walla Walla County 5-Year Housing Plan. There was one request in 2020 and a total of \$4,873 was spent by the Common Roots Community Land Trust via their fiscal sponsor, Blue Mountain Action Council.

The Walla Walla County Community Health Advisory Board (CHAB) oversees fund allocation and expenditures of the Affordable Housing Trust Fund and Homeless Housing and Assistance Act. Contracts for the 2020 fiscal were awarded through a 5-year Request for Proposals (RFP) process to five agencies. For FY 2020, \$324,000

was committed to agencies as outlined below in Table 2 – all organizations receiving document recording funds stayed within their 2020 funding allocation.

Table 2: 2020 Sub-Contract Awards and Expenditures by Organization

ORGANIZATION	202	0 AWARD	202	0 ALLOCATION	202	20 EXPENDITURES
BLUE MOUNTAIN ACTION COUNCIL	\$	99,000	\$	99,000	\$	95,571
COMPREHENSIVE	\$	51,065	\$	51,065	\$	51,065
JOE'S PLACE	\$	27,357	\$	27,357	\$	26,561
THE STAR PROJECT	\$ 72,	142.07	\$	72,142.07	\$	54,046.16
CITY OF WALLA WALLA	\$	103,000	\$	103,000	\$	103,000
DCH PROGRAM & OPERATIONS	N/A	4	N/A	4	\$	30,287.29
COH COMMUNITY IMPACT FUND	\$5,	000	\$5,0	000	\$4,	873
TOTAL	\$	324,000	\$	324,000	\$	377,909



Graph 2: Total Expenditures

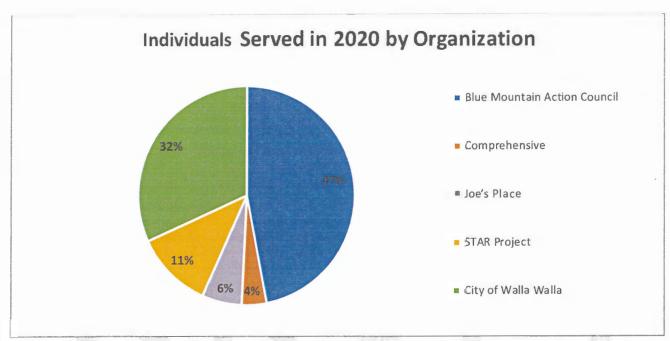
#### **PERFORMANCE MEASURES**

As a condition of receiving funds, all contracted entities are required to submit monthly service reports and back up documentation. Organizations are required to report upon the following areas:

- Number of individuals served in 2020
- Demographics:
  - Age (Adult/Child)
  - o Gender
  - o Ethnicity
  - o Hispanic Origin
  - o Language
  - o Location of Residence
  - Living Situation
- Number of individuals/families who exited to permanent housing
- Average length of time for individuals/families stayed in homelessness

Table 3: Total Number of Individuals Served by Organization

ORGANIZATION	INDIVIDUALS SERVED
BLUE MOUNTAIN ACTION COUNCIL	326
COMPREHENSIVE	26
JOE'S PLACE	41
THE STAR PROJECT	80
CITY OF WALLA WALLA	221
TOTAL	694



Graph 3: 2019 Total Individuals Served by Organization

In 2020, a total of 694 individuals were served by 5 agencies. This means that 694 individuals were prevented from entering homelessness, sheltered and/or permanently housed. The total number of individuals served in 2020 increased, which is an indicator of the importance of these services, especially given the imports that the COVID-19 has had on individuals and families. These funds supported these efforts by providing the following services: case management for individuals currently experiencing homelessness, prevention dollars to prevent individuals from becoming homeless due to an illness in the family, loss of job, or too high utilities costs, rent, rent deposits and fees, landlord mitigation funds, operation costs for agencies, and funds for staffing.

#### FEATURED SUCCESS STORY

Last year was a difficult year for everyone, but it was particularly difficult for people who were incarcerated. The pandemic brought a lot of temporary changes to incarceration - no visitors, fewer educational opportunities, no group activities, etc. It was very challenging for life on the outside, but it was very difficult for life on the inside as well. The STAR Project serves people who are involved in the criminal justice system. Sometime the STAR Project serve people who seem to consistently cycle in and out of jail. The goal is to try to help people break that cycle. In December 2020, STAR received communication from a young woman who was expecting to be released but was fast-tracked to release early due to pandemic-related "compassionate releases" in Washington State. She had very little time to make transitional plans before she was suddenly out on the street. She had no housing, she didn't know how to continue the education she had started in prison, she had no food or clothing, and she did not have any family support whatsoever. She reached out to STAR, who was there to serve her (in a socially distanced manner, of course). The STAR Project was able to provide her with clothing and food immediately upon release, and house her directly in one of the STAR Project units. This woman had a DOC voucher to help her pay rent, but it didn't cover the full monthly amount. STAR, through the support of Walla Walla County, was able to provide her with a rental subsidy to make up the difference. Today she is actively enrolled at Walla Walla Community College, successfully transferred her credits, and is working towards her associate degree. She has forged friendships with her neighbors, who often gather in informal study groups. Without someone to greet her on the outside, she believes she would

have quickly fallen into old habits. She credits STAR for being there when she needed help - even in the middle of a global pandemic.

#### **SUMMARY**

The success stories of the programs, services and agencies are clear evidence that the implementation of the document recording funds had a real and significant impact for residents of the County in 2020. These funds have assisted individuals in exiting homelessness and/or prevented them from entering homelessness, as well as provided services that helped individuals maintain permanent housing. The protective factors of housing cannot be stressed enough for the health and wellness of our community and the COVID-19 pandemic has shed further light on this. In line with statewide efforts, there is a need to evaluate programs, services, and funding streams alongside emerging data that highlights some of the greatest gaps in and barriers to housing.

#### Appendix A: RCW 36.22.178

Affordable housing for all surcharge—Permissible uses.

The surcharge provided for in this section shall be named the affordable housing for all surcharge.

- (1) Except as provided in subsection (3) of this section, a surcharge of thirteen dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The county may retain up to five percent of these funds collected solely for the collection, administration, and local distribution of these funds. Of the remaining funds, forty percent of the revenue generated through this surcharge will be transmitted monthly to the state treasurer who will deposit: (a) The portion of the funds attributable to ten dollars of the surcharge into the affordable housing for all account created in RCW 43.185C.190. The department of commerce must use these funds to provide housing and shelter for extremely low-income households, including but not limited to housing for victims of human trafficking and their families and grants for building operation and maintenance costs of housing projects or units within housing projects that are affordable to extremely low-income households with incomes at or below thirty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses; and (b) the portion of the funds attributable to three dollars of the surcharge into the landlord mitigation program account created in RCW 43.31.615.
- (2) All of the remaining funds generated by this surcharge will be retained by the county and be deposited into a fund that must be used by the county and its cities and towns for eligible housing activities as described in this subsection that serve very low-income households with incomes at or below fifty percent of the area median income. The portion of the surcharge retained by a county shall be allocated to eligible housing activities that serve extremely low and very low-income households in the county and the cities within a county according to an interlocal agreement between the county and the cities within the county consistent with countywide and local housing needs and policies. A priority must be given to eligible housing activities that serve extremely low-income households with incomes at or below thirty percent of the area median income. Eligible housing activities to be funded by these county funds are limited to:
- (a) Acquisition, construction, or rehabilitation of housing projects or units within housing projects that are affordable to very low-income households with incomes at or below fifty percent of the area median income, including units for homeownership, rental units, seasonal and permanent farmworker housing units, units reserved for victims of human trafficking and their families, and single room occupancy units;
- (b) Supporting building operation and maintenance costs of housing projects or units within housing projects eligible to receive housing trust funds, that are affordable to very low-income households with incomes at or below fifty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses;
- (c) Rental assistance vouchers for housing units that are affordable to very low-income households with incomes at or below fifty percent of the area median income, including rental housing vouchers for victims of human trafficking and their families, to be administered by a local public housing authority or other local organization that has an existing rental assistance voucher program, consistent with or similar to the United States department of housing and urban development's section 8 rental assistance voucher program standards; and

- (d) Operating costs for emergency shelters and licensed overnight youth shelters.
- (3) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust or to documents recording a federal lien or satisfaction of lien.

#### Appendix B: RCW 36.22.179 and RCW 36.22.1791

Homeless Housing dollars permissible uses include:

- (1) In addition to the surcharge authorized in RCW 36.22.178, and except as provided in subsection (3) of this section, an additional surcharge of sixty-two dollars shall be charged by the county auditor for each document recorded, which will be in addition to any other charge allowed by law. Except as provided in subsection (4) of this section, the funds collected pursuant to this section are to be distributed and used as follows:
- (a) The auditor shall retain two percent for collection of the fee, and of the remainder shall remit sixty percent to the county to be deposited into a fund that must be used by the county and its cities and towns to accomplish the purposes of chapter 484, Laws of 2005, six percent of which may be used by the county for the collection and local distribution of these funds and administrative costs related to its homeless housing plan, and the remainder for programs which directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county which elects as authorized in RCW 43.185C.080 to operate its own local homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's local homeless housing plan; of the funds received by the city, it may use six percent for administrative costs for its homeless housing program.
- (b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account to be used as follows:
- (i) The department may use twelve and one-half percent of this amount for administration of the program established in RCW 43.185C.020, including the costs of creating the statewide homeless housing strategic plan, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program.
- (ii) The remaining eighty-seven and one-half percent of this amount must be used as follows:
- (A) At least forty-five percent must be set aside for the use of private rental housing payments; and
- (B) All remaining funds are to be used by the department to:
- (I) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; grants and vouchers designated for victims of human trafficking and their families; and emergency shelter assistance; and
- (II) Fund the homeless housing grant program.
- (2) A county issuing general obligation bonds pursuant to RCW 36.67.010, to carry out the purposes of subsection (1)(a) of this section, may provide that such bonds be made payable from any surcharge provided for in subsection (1)(a) of this section and may pledge such surcharges to the repayment of the bonds.
- (3) The surcharge imposed in this section does not apply to (a) assignments or substitutions of previously recorded deeds of trust, (b) documents recording a birth, marriage, divorce, or death, (c) any recorded

documents otherwise exempted from a recording fee or additional surcharges under state law, (d) marriage licenses issued by the county auditor, or (e) documents recording a state, county, or city lien or satisfaction of lien.

- (4) Ten dollars of the surcharge imposed under subsection (1) of this section must be distributed to the counties to carry out the purposes of subsection (1)(a) of this section.
- (5) For purposes of this section, "private rental housing" means housing owned by a private landlord and includes housing owned by a nonprofit housing entity

			Homel	ess & Ho	ousing Fu	ınds				
			201	19	202	20	202	21	202	22
Funds Available	\$195,0	00.00	\$324,0	00.00	\$350,0	00.00	\$350,0	00.00	\$366,7	18.00
Organization	Service	Award	Request	Award	Request	Award*	Request	Award	Request	Award
STAR-Offender housing/Operations/Rent	\$81,468.00	\$60,000.00	\$70,000.00	\$68,862.00	\$76,020.00	\$70,927.86	\$78,301.00	\$73,055.70	\$80,650.00	\$75,247.37
WW Cn/Comprehensive: 11   Supportive Housing	\$58 219 00	\$23,000,00	\$50,396.00	\$49,577/06	\$60,167,52	\$51,064-31	\$61,972.55	K52,596.24	\$63/831,72	1854 174 13
Alliance for the Homelees			\$64,000,00	\$0.00	is part of the Cit	y of Walla Wall	s's Request			
166 g Place -PSH Sex Offenders	.550,000,00	\$5,000.00	527,000.00	\$26,561.00	\$52,000.00	\$27,257.83	\$52,000.00	\$28,178,56	\$52,000,00	\$20,028,92
BMAC Pathways Home-CE *	\$82,400.00	\$79,000.00	\$79,000.00	\$79,000.00	\$79,000.00	\$79,000.00	\$79,000.00	\$79,000.00	\$79,000.00	\$79,000.00
BMAC - Lincoln Terrace **	\$20,000.00	\$18,000.00			\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00
BMAC - Case Management at SC								\$0.00		\$0.00
City of Walla Walla ***			\$150,000.00	\$150,000.00	\$105,000.00	\$103,000.00	\$110,250.00	\$106,090.00	\$115,750.00	\$109,272.70
Catholic Charities - Youth Shelter	\$12,155.00	\$10,000.00			Did not request	funds, as Direct	tor was out of t	he office.		
Total County RFP**	\$304,242.00	\$195,000.00	\$440,396.00	\$374,000.00	\$392,187.52	\$351,350.00	\$401,523.55	\$358,920.50	\$411,231.72	\$366,718.12
	-\$109,242.00	\$0.00	-\$116,396.00	-\$50,000.00	-\$42,187.52	-\$1,350.00	-\$51,523.55	-\$8,920.50	-\$44,513.72	-\$0.11

<sup>\*2020-2024</sup> Award Recommendations are based upon 3% inflation in 2020, calculated using 2019 award numbers

\*\* Award allocation be be slightly higher than funds available, this will come from the Ending Fund Balance

Homeless & Housing Funds							
		2022					
Funds Available	\$366,718.00						
Organization	Admin	Operations	Other	Total Award			
STAR-Offender housing/Operations/Rent	\$7,524.70	\$67,722.30	\$0.00	\$75,247.00			
WW/G/Interested Support Selection (	(37.6.4.4.4.4.4.4.4.4.4.4.4.4.4.4.4.4.4.4.	\$54M74.00	\$6,00	\$64,174.00			
Inc's place -PSH Sex Offenders	54,254,00	\$12,000.00	\$6,770 (support services)	\$29,024.60			
BMAC Pathways Home-CE *	\$9,480.00	\$69,520.00	\$0.00	\$79,000.00			
BMAC - Lincoln Terrace **	\$0.00	\$15,000 (Lincoln Terrace)	\$5,000 (Lincoln House)	\$20,000.00			
City of Walla Walla ***	\$0.00	\$109,272.70	\$0.00	\$109,273.00			
Total County CHF Dollars				\$366,718.00			



Date: December 10, 2021 Proposal ID: 2021 12-20 DCH-2

To: BOCC

From: Nancy Wenzel, Administrative Director

Intent: Gain Approval to Start RN Above Step B

Topic: Starting Step for Permanent, Part-time Registered Nurse Employee

## Summary

The Department of Community Health has been recruiting and interviewing for a registered nurse. We would like authorization to hire a qualified applicant at a Range 6 Step E or F based on the 2022 Salary Schedule once adopted. She has extensive experience in communicable disease work and will be working 8 hours a week. Due to nurse shortages, our department will be flexible in our hiring to achieve a 1.0 FTE.

## Cost

This position is a Range 6 and will be paid with Foundational Public Health funds for communicable disease work, mostly sexually transmitted disease.

## **Alternatives Considered**

N/A

## **Acquisition Method**

N/A

Security

N/A

Access

N/A

Risk

N/A

# **Benefits**

This employee would be a valuable addition to meet county requirements in communicable disease work.

# **Conclusion/Recommendation**

Recommend the BOCC authorize hiring the selected applicant at Range 6 Step E or F based on the future 2022 salary schedule.

Submitte	d By		Disposition			
Nancy W	enzel, DCH		Approved			
Name Department Date		Approved with modifications				
			Needs follow up in	formation		
Name	Department	Date	Denied			
			BOCC Chairman	Date		
Additional	Requirements to P	roposal	**			
Modifi	cation					
Follow	<i>l</i> Up					
		-				



Date: December 9, 2021 Proposal ID: 2021 12-20 DCH-3

To: BOCC

From: Nancy Wenzel, Administrative Director

Intent: Gain Approval to Start Temporary Covid Employee Above Step B

Topic: Starting Step for Temporary Covid Employee

## Summary

The Department of Community Health has been recruiting and interviewing for Disease Investigator/Contact Tracer. We would like authorization to hire the interviewed applicant at a Range 1 Step E beginning at \$19.01/hour. She has over 15 years of experience working in a medical setting with coordinating care, scheduling appointments and communication with clients. We feel her experience will allow her to onboard quickly and handle complex COVID information for clients.

# Cost

This position is a Range 1 and all costs are paid by our COVID response grant funding.

#### **Alternatives Considered**

N/A

## **Acquisition Method**

N/A

Security

N/A

**Access** 

N/A

Risk

N/A

# **Benefits**

This employee would be a valuable addition to complex and changing guidelines.

# Conclusion/Recommendation

Recommend the BOCC authorize hiring the applicant at Range 1 Step E.

	-					
Submitte	d By		Disposition			
Nancy W	enzel, DCH		Approved			
Name	Department	Date	Approved with mo	difications		
			Needs follow up in	formation		
Name	Department	Date	Denied			
			BOCC Chairman	Date		
	Requirements to P	roposal				
Follow	v Up					



Date: December 9, 2021 Proposal ID: 2021 12-20 DCH-4

To: BOCC

From: Nancy Wenzel

Administrative Director

Intent: Approval and Authorization for Community Health to hire temporary COVID

Employees within the full step range (A-G)

Topic: COVID Temporary Employee Hiring Step Level

## **Summary**

We are in a constant revolving situation with our local COVID response based on rapidly developing and changing information. To meet this challenge, the Community Health Department would benefit in having the authority to hire temporary COVID staff within the Range and full step (A-G) level for each temporary COVID job description that we hire for. This authority would allow us to be strategic in our hiring process along with saving time to bring each hire to the Board of County Commissioners (BOCC) if hiring above a Step B. This authorization would only be for our temporary COVID employees. Our Disease Investigator/Contact Tracer team is our largest group, and this position is a Range 1 and steps start at \$15.66/hr to \$20.96/hr. We base our placement step on employee experience and other skills they can bring to our group.

#### Cost

Our temporary COVID employees are grant funded with specific COVID response funds. This proposed authorization would save valuable time for Community Health staff in preparing memo's and placing on the BOCC agenda. No Current Expense funding is used for these positions.

# **Alternatives Considered**

Continue with the current approval process.

## **Acquisition Method**

N/A

Security							
N/A							
Access							
N/A							
<u>Risk</u>							
N/A							
<b>Benefits</b>							
	save valuable time hired at a quicker		ty Health staff and be able to go id response.	et temporary			
Conclusion/Recommendation							
	fer employment to		o the Administrative Director or OVID employees within all steps				
Submitted	Ву		Disposition				
Nancy Wenzel, DCH			Approved				
Name	Department	Date	Approved with modificati	ions			
			Needs follow up informa	tion			
Name	Department	Date	Denied				
			BOCC Chairman	Date			

Additional Requirements to	Proposal			
Modification				
Follow Up				
		<u> </u>	 	

# BOARD OF COUNTY COMMISSIONERS WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF REAPPOINTMENTS TO THE VETERANS' RELIEF ADVISORY BOARD	RESOLUTION NO. 21
WHEREAS, Walla Walla County currently and	receives state funds for Veterans Relief Services;
WHEREAS, these funds are allocated, sthrough their designee, the Department of Communication	supervised and monitored by Walla Walla County inity Health; and
WHEREAS, a Veterans' Relief Advisory Walla County Commissioners; and	Board (VRAB) has been established by the Walla
WHEREAS, the VRAB, Ad Hoc Members the following individuals to be reappointed to the V	ship Committee formally recommends reappointing (RAB; and
	), Douglas Simler (March 2021) and Ron Weber ted to serve on the Veterans' Relief Advisory Board nd
WHEREAS, these reappointments were i reappointed to the Board; now therefore	nadvertently missed and the members wish to be
	rd of Walla Walla County Commissioners, that the eterans' Relief Advisory Board, with said term of
Passed this <b>20<sup>th</sup></b> day of <b><u>December, 2021</u></b> by Bo via other means, and by the following vote: Aye	ard members as follows:Present or Participating Nay Abstained Absent.
Attest:	
Diane L. Harris, Clerk of the Board	Gregory A. Tompkins, Chairman, District 3
	Todd L. Kimball, Commissioner, District 2

Jennifer R. Mayberry, Commissioner, District 1

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

# 11:30 COUNTY COMMISSIONERS

a) Miscellaneous or unfinished business to come before the Board

# 12:00 RECESS

#### 1:30 HUMAN RESOURCES/RISK MANAGER

**Shelly Peters** 

a) Department update and miscellaneous

## b) Active Agenda Items:

- 1) Possible discussion/decision re: any pending claims against the County
- c) Possible executive session re: 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))

# 1:45 PROSECUTING ATTORNEY

Jim Nagle/Jesse Nolte

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

#### 2:00 COUNTY COMMISSIONERS

a) Miscellaneous or unfinished business to come before the Board

# -ADJOURN-

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.