

A G E N D A
WALLA WALLA COUNTY BOARD OF COMMISSIONERS
MONDAY, JULY 12, 2021

Effective July 12th, 2021 Commissioners will resume in person public meetings and 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 A.M. 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) **Consent Agenda Items:**
 - 1) Resolution - Minutes of County Commissioners' proceedings for July 6 and 7, 2021
 - 2) Resolution – Approving Addendum to contract for Indigent Legal Services 2021
 - 3) Approving final plat for Lilac Subdivision (SUB21-002)
 - 4) Payroll action and other forms requiring Board approval
- g) **Action Agenda Items:**
 - 1) County vouchers/warrants/electronic payments as follows: 4230769 through 4230777 totaling \$78,367.16 (special run)
- h) Miscellaneous business to come before the Board
- i) Review reports and correspondence; hear committee and meeting reports
- j) Review of constituent concerns/possible updates re: past concerns

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF ADDENDUM
TO CONTRACT FOR INDIGENT
LEGAL SERVICES FOR 2021



RESOLUTION NO. 21

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

WHEREAS, certain contracts were awarded to various attorneys for year 2021 to provide the above referenced services; and

WHEREAS, an agreement was received from the Office of Public Defense related to eligible persons seeking to vacate felony convictions and/or to be re-sentenced pursuant to State v. Blake cases; and

WHEREAS, after review an agreement was reached with the following attorneys, Julie Carlson-Straube, Rachel Cortez, and Rob Olson, handling said cases and providing representation; and

WHEREAS, an Addendum to Contract for Indigent Legal Services 2021 has been executed by the above parties; now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that they do hereby approve and shall said Addendums to Contract for Indigent Legal Services 2021.

*Passed this 12th day of **July, 2021** by Board members as follows: Present or Participating via other means, and by the following vote: Aye Nay Abstained Absent.*

Attest:

Diane L. Harris, Clerk of the Board

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*



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: July 6, 2021
RE: **Consent Agenda Item** – SUB21-002 Final Plat for Lilac Subdivision

Recommended Motion

I move approval of the consent agenda.

Request

Approval of the final map (Attachment A) for the proposed Final Plat of the Lilac Subdivision (application SUB21-002).

Background

The Final Plat of the Lilac Subdivision is a 7-lot cluster development of approximately 74 acres in the Agriculture Residential 10 (AR-10) district. The site is located at the southeast corner of Old Highway 12 and Bunchgrass Lane (APN 350727110006).

The County's Hearing Examiner, Gary McLean, granted approval of the preliminary plat application on October 6, 2020, with conditions requiring map changes, private road construction and a cultural resources report (Attachment B).

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

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

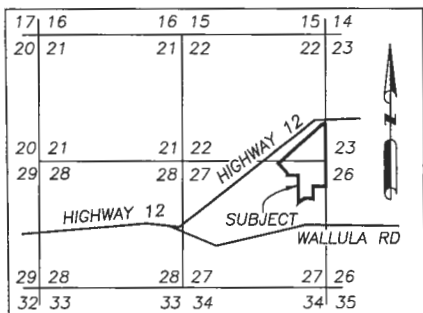
- A. Proposed Final Plat Map
- B. Notice of Decision and Hearing Examiner's Findings of Fact, Conclusion of Law, and Decision dated October 6, 2020

AGRICULTURAL LANDS STATEMENT PER WALLA WALLA COUNTY CODE CHAPTER 8.40 "RIGHT TO FARM"
 THE SUBJECT PROPERTY IS LOCATED WITHIN OR NEAR DESIGNATED AGRICULTURAL LANDS ON WHICH A VARIETY OF COMMERCIAL ACTIVITIES OCCUR THAT ARE NOT COMPATIBLE WITH RESIDENTIAL DEVELOPMENT FOR CERTAIN PERIODS OF LIMITED DURATION.

LILAC SUBDIVISION

LOCATED IN THE SE 1/4 OF SEC. 22 AND THE NE 1/4 OF SEC. 27, TOWNSHIP 7 NORTH, RANGE 35 EAST OF THE W.M., WALLA WALLA COUNTY, WASHINGTON.
 SUB 20-001

LOCATION DIAGRAM
 NOT TO SCALE



SEE SHEET 2 OF 3 FOR LOT DIMENSIONS FOR LOTS 1-6



LINE	BEARING	DISTANCE
L1	N83°29'09" W	57.97'
L2	N83°19'18" W	138.41'
L3	S86°13'24" E	75.22'
L4	N75°07'08" E	92.20'
L5	N59°47'34" E	77.19'
L6	N52°37'07" E	87.07'
L7	S55°58'55" W	75.04'
L8	N48°11'00" E	47.30'
L9	S89°56'40" W	195.00'
L10	S89°56'40" W	255.00'
L11	S89°56'40" W	255.00'
L12	N41°54'48" W	640.00'
L13	S 40°32'18" W	341.44'
L14	S 43°51'38" W	340.40'
L15	N 23°09'48" E	1687.26'
L16	S65°07'01" W	719.67'

NORTH 1/4 CORNER OF SEC. 27, BEING A POSITION AT MIDPOINT BETWEEN BPA BRASS CAP AT NW SECTION CORNER (LCR 9815082) AND 3" W.W.CO. BRASS CAP AT NE SEC. CORNER (LCR 9207677).

45' BONNEVILLE POWER ADMINISTRATION EASEMENT PER LIS PENDENS CIVIL CASE NO. C-74-33 RECORDED IN VOLUME 13, PAGE 529

NARRATIVE
 THIS SURVEY WAS PERFORMED AT THE REQUEST OF MR. JOSEPH P. CANGE OF BUNCHGRASS LLC. TO SUBDIVIDE A PARCEL OF LAND MORE PARTICULARLY DESCRIBED IN EXHIBIT A OF THE STATUTORY WARRANTY DEED RECORDED UNDER WALLA WALLA COUNTY AUDITOR'S FILE NUMBER 2008-05912. THIS SURVEY WAS PERFORMED IN NOVEMBER OF 2019 AS A REAL TIME KINEMATIC SURVEY USING SPECTRA DUAL FREQUENCY GPS RECEIVERS HAVING A PRECISION OF ONE CENTIMETER ± 1 PPM. THE MONUMENTS SHOWN WERE VISITED IN AUGUST OF 2019. THIS SURVEY MEETS OR EXCEEDS THE ACCURACY STANDARDS OUTLINED IN WAC 332-130.

AUDITOR'S CERTIFICATE
 FILED FOR RECORD THIS DAY OF 2022, AT THE REQUEST OF GREG E. FLOWERS, LAND SURVEYOR, IN VOLUME OF PLATS AT PAGE

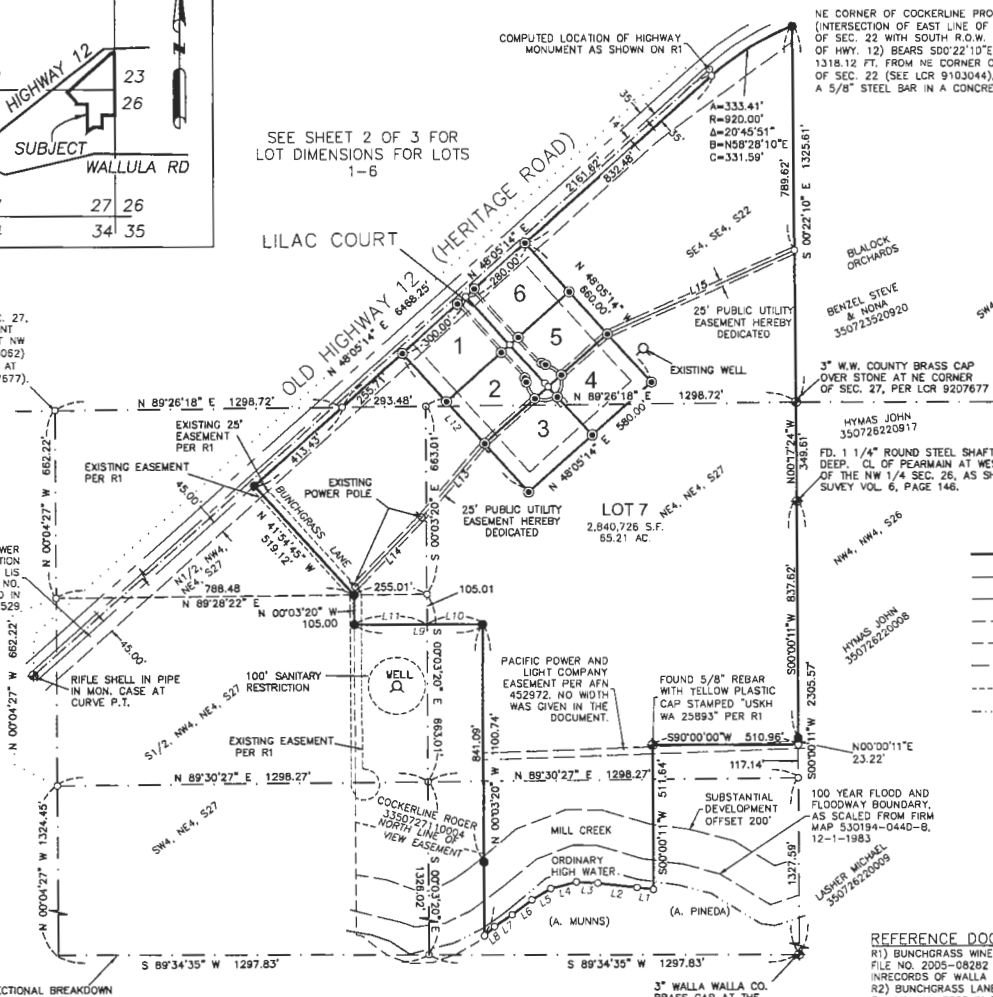
COUNTY AUDITOR

SURVEYOR'S CERTIFICATE
 THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE SURVEY RECORDING ACT AND AT THE REQUEST OF BUNCHGRASS LLC.

GREG E. FLOWERS, PLS 19619



PRELIMINARY



NE CORNER OF COCKERLINE PROPERTY (INTERSECTION OF EAST LINE OF SE 1/4 OF SEC. 22 WITH SOUTH R.O.W. LINE OF HWY. 12) BEARS S00°22'10"E 1325.61' 1318.12 FT. FROM NE CORNER OF SE 1/4 OF SEC. 22 (SEE LCR 9103044), BEING A 5/8" STEEL BAR IN A CONCRETE SLAB.

BASIS OF BEARINGS
 N89°26'18"E ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 7 NORTH, RANGE 35 EAST, W.M., AS SHOWN ON THE C27HOLD PLAT VOLUME 4, PAGE 9 OF THE WALLA WALLA COUNTY BOOK OF PLATS.

DENSITY NOTE:
 ACREAGE SHOWN HEREON SHALL NOT BE USED MORE THAN ONCE FOR DETERMINING THE ALLOWABLE NUMBER OF UNITS. THE TOTAL ACREAGE USED FOR TERMINATION OF UNITS IS 74 ACRES. THERE ARE NO REMAINING UNITS.

- LEGEND**
- _____ PARCEL BOUNDARY
 - _____ RIGHT-OF-WAY CENTER LINE
 - _____ RIGHT-OF-WAY LINE
 - _____ PUBLIC UTILITY EASEMENT HEREBY DEDICATED
 - _____ EXISTING PROPERTY LINE
 - _____ SECTION LINE
 - _____ EXISTING EASEMENT
 - _____ CREEK HIGH WATER
 - ⊙ FOUND SURVEY MONUMENT AS NOTED
 - SET A 5/8" X 30" IRON PIN WITH A PLASTIC CAP STAMPED "WA 19619 OR 02820"
 - COMPUTED POSITION NOTHING FOUND OR SET
 - FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED "TOMKINS SURVEYING PER PLAT VOL. 4, PG. 9"
 - ⊕ POWER POLE
 - ⊗ WELL

- REFERENCE DOCUMENTS**
- R1) BUNCHGRASS WINERY PROBATE PARTITION BY TOMKINS FILED AS AUDITOR'S FILE NO. 2005-08282 ON JULY 8, 2005 IN BOOK 9 OF SURVEYS AT PAGE 239 IN RECORDS OF WALLA WALLA COUNTY, WASHINGTON
 - R2) BUNCHGRASS LANE EASEMENT FILED AS AUDITOR'S FILE NO. 2005-08297 ON JULY 11, 2005 IN RECORDS OF WALLA WALLA COUNTY, WASHINGTON
 - R3) WARRANTY DEED RECORDED AS AUDITOR'S FILE NO. 2008-05912 ON JUNE 10, 2008 IN RECORDS OF WALLA WALLA COUNTY, WASHINGTON
 - R4) BOUNDARY LINE ADJUSTMENT FOR SCHOOL, BY TOMKINS FILED AS AUDITOR'S FILE NO. 2007-06423 ON JUNE 5, 2007 IN RECORDS OF WALLA WALLA COUNTY, WASHINGTON

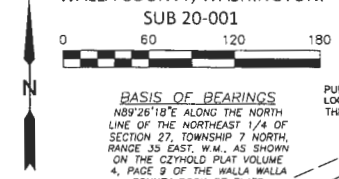
CLIENT: BUNCHGRASS LLC		PROJECT NO.: 67437.000	
SURVEYOR: GREG FLOWERS		DATE: 6/21/2021	
CALC BY: GEF	DRAWN BY: RMR	SCALE: 1" = 300'	
SECTION: 22 & 27	TOWNSHIP: 7 NORTH	RANGE: 35 EAST	
CITY: N/A	COUNTY: WALLA WALLA	SHEET: 1 OF 3	



PBS Engineering and Environmental Inc.
 5 N Colville St. Ste 200
 Walla Walla, WA 99362
 509.936.3026
 pbsusa.com

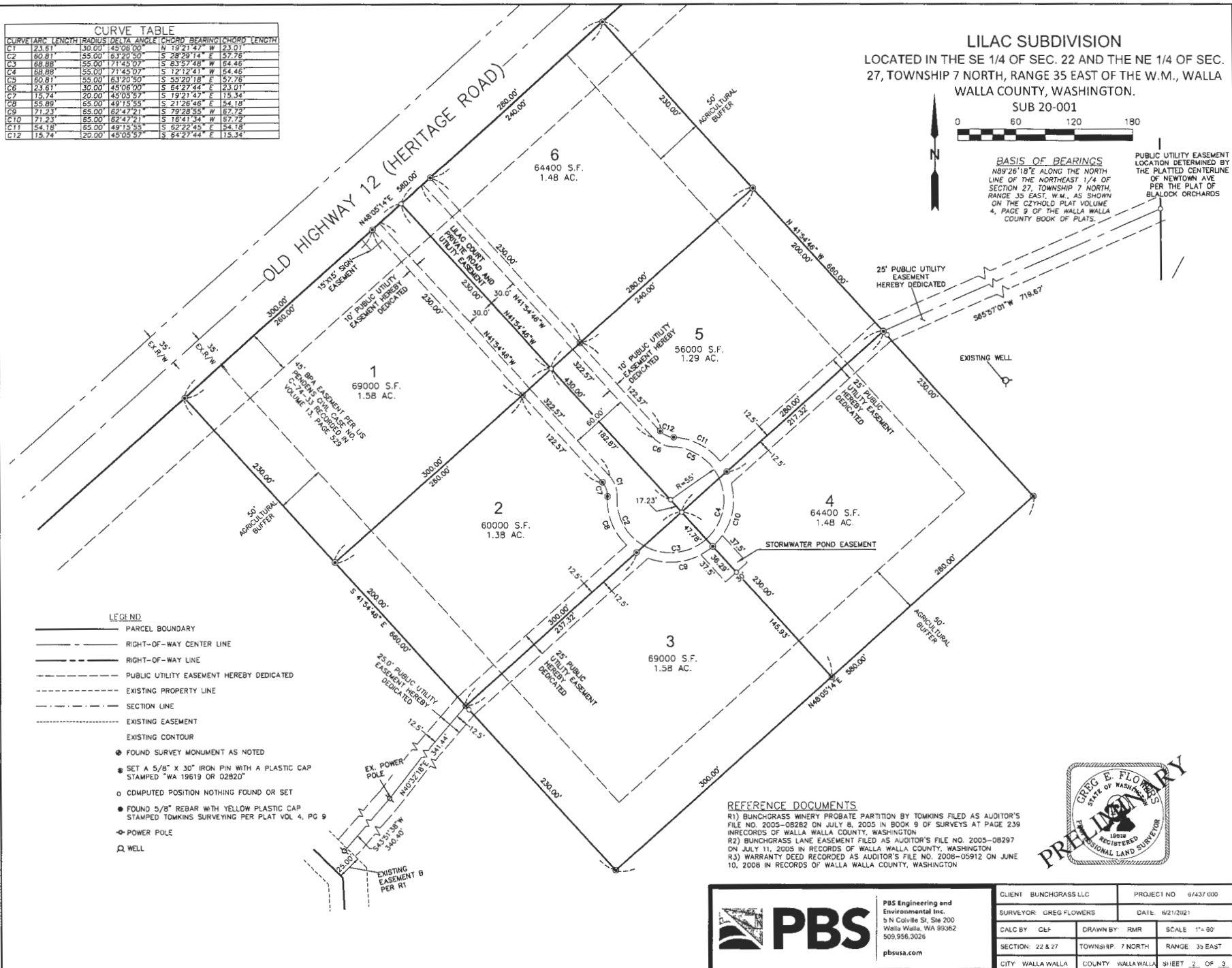
CURVE TABLE									
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH				
C1	23.61	30.00	45°08'00"	N 19°21'42" W	23.01				
C2	60.81	55.00	63°20'50"	S 28°29'14" E	57.26				
C3	68.88	55.00	71°45'07"	S 83°57'46" W	64.46				
C4	68.88	55.00	71°45'07"	S 12°12'41" W	64.46				
C5	60.81	55.00	63°20'50"	S 55°20'18" E	57.26				
C6	23.61	30.00	45°08'00"	S 84°27'44" E	23.01				
C7	15.74	20.00	45°05'57"	S 19°21'45" E	15.34				
C8	55.89	65.00	49°15'55"	S 21°28'46" E	54.18				
C9	71.23	65.00	62°47'21"	S 79°28'55" W	67.72				
C10	71.23	65.00	62°47'21"	S 18°41'54" W	67.72				
C11	54.18	65.00	49°15'55"	S 62°22'45" E	54.18				
C12	15.74	20.00	45°05'57"	S 64°27'44" E	15.34				

LILAC SUBDIVISION
 LOCATED IN THE SE 1/4 OF SEC. 22 AND THE NE 1/4 OF SEC. 27, TOWNSHIP 7 NORTH, RANGE 35 EAST OF THE W.M., WALLA COUNTY, WASHINGTON.
 SUB 20-001



BASIS OF BEARINGS
 N89°26'18"E ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 7 NORTH, RANGE 35 EAST, W.M., AS SHOWN ON THE CZYHOLD PLAT VOLUME 4, PAGE 9 OF THE WALLA WALLA COUNTY BOOK OF PLATS

PUBLIC UTILITY EASEMENT LOCATION DETERMINED BY THE PLATTED CENTERLINE OF NEWTOWN AVE PER THE PLAT OF BLADLOCK ORCHARDS



- LEGEND**
- PARCEL BOUNDARY
 - - - RIGHT-OF-WAY CENTER LINE
 - RIGHT-OF-WAY LINE
 - - - PUBLIC UTILITY EASEMENT HEREBY DEDICATED
 - - - EXISTING PROPERTY LINE
 - - - SECTION LINE
 - - - EXISTING EASEMENT
 - - - EXISTING CONTOUR
 - FOUND SURVEY MONUMENT AS NOTED
 - SET A 5/8" X 30" IRON PIN WITH A PLASTIC CAP STAMPED "WA 19619 OR Q2820"
 - COMPUTED POSITION NOTHING FOUND OR SET
 - FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED TOMKINS SURVEYING PER PLAT VOL 4, PG 9
 - ⊕ POWER POLE
 - ⊕ WELL

REFERENCE DOCUMENTS

R1) BUNCHGRASS WINERY PROBATE PARTITION BY TOMKINS FILED AS AUDITOR'S FILE NO. 2005-082B2 ON JULY 8, 2005 IN BOOK 9 OF SURVEYS AT PAGE 239 IN RECORDS OF WALLA WALLA COUNTY, WASHINGTON

R2) BUNCHGRASS LANE EASEMENT FILED AS AUDITOR'S FILE NO. 2005-08297 ON JULY 11, 2005 IN RECORDS OF WALLA WALLA COUNTY, WASHINGTON

R3) WARRANTY DEED RECORDED AS AUDITOR'S FILE NO. 2008-05912 ON JUNE 10, 2008 IN RECORDS OF WALLA WALLA COUNTY, WASHINGTON



PBS Engineering and Environmental Inc.
 5 N Colville St, Ste 200
 Walla Walla, WA 99362
 509.956.3026
 pbsusa.com

CLIENT BUNCHGRASS LLC		PROJECT NO 8/437 000	
SURVEYOR: GREG FLOWERS		DATE: 8/21/2021	
CALC BY: GEF	DRAWN BY: RMR	SCALE: 1" = 80'	
SECTION: 22 & 27	TOWNSHIP: 7 NORTH	RANGE: 35 EAST	
CITY: WALLA WALLA	COUNTY: WALLA WALLA	SHEET 2 OF 3	

LILAC SUBDIVISION

LOCATED IN THE SE 1/4 OF SEC. 22 AND THE NE 1/4 OF SEC. 27, TOWNSHIP 7 NORTH, RANGE 35 EAST OF THE W.M., WALLA WALLA COUNTY, WASHINGTON.
SUB 20-001

LEGAL DESCRIPTION PER STATUTORY WARRANTY DEED (2008-05912)

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 7 NORTH, RANGE 35 EAST OF THE WILLAMETTE MERIDIAN, WALLA WALLA COUNTY, WASHINGTON, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 27, BEING THE TRUE POINT OF BEGINNING;

THENCE SOUTH 0°17'24" EAST A DISTANCE OF 349.61 FEET TO THE INTERSECTION OF PEARMAIN AVENUE CENTERLINE AND COYLE STREET CENTERLINE;
THENCE SOUTH 0°00'11" WEST ALONG SAID CENTERLINE A DISTANCE OF 860.84 FEET; THENCE NORTH 90°00'00" WEST A DISTANCE OF 510.96 FEET;
THENCE SOUTH 0°00'11" WEST A DISTANCE OF 511.64 FEET TO A POINT IN THE CENTER OF MILL CREEK, THENCE ALONG THE CENTER OF MILL CREEK AS FOLLOWS:

THENCE NORTH 83°29'23" WEST A DISTANCE OF 57.97 FEET; THENCE NORTH 83°19'18" WEST A DISTANCE OF 138.41 FEET; THENCE NORTH 86°15'24" WEST A DISTANCE OF 75.22 FEET; THENCE SOUTH 75°07'08" WEST A DISTANCE OF 92.20 FEET; THENCE SOUTH 59°47'35" WEST A DISTANCE OF 77.19 FEET; THENCE SOUTH 52°37'07" WEST A DISTANCE OF 87.07 FEET; THENCE SOUTH 55°58'55" WEST A DISTANCE OF 75.04 FEET; THENCE SOUTH 48°11'00" WEST A DISTANCE OF 47.30 FEET; THENCE LEAVING SAID CREEK AND RUNNING NORTH 00°03' 20" WEST A DISTANCE OF 1100.74 FEET; THENCE SOUTH 89°36'40" WEST A DISTANCE OF 450.00 FEET; THENCE NORTH 00°03'20" WEST A DISTANCE OF 105.00 FEET; THENCE NORTH 41°54'48" WEST A DISTANCE OF 519.12 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROUTE 12;

THENCE ALONG SAID RIGHT OF WAY LINE AS FOLLOWS:

THENCE NORTH 48°05'14" EAST A DISTANCE OF 413.43 FEET;
THENCE NORTH 48°05'14" EAST A DISTANCE OF 1748.19 FEET;
THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 333.41 FEET, WITH A RADIUS OF 920.00 FEET, WITH A CHORD BEARING OF NORTH 58°28'10" EAST; WITH A CHORD LENGTH OF 331.59 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 22;

THENCE SOUTH 00°22'10" EAST ALONG SAID EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 22 A DISTANCE OF 1325.61 FEET TO THE SOUTHEAST CORNER THEREOF, WHICH IS THE TRUE POINT OF BEGINNING.

SAID PARCEL BEING DESCRIBED IN THAT CERTAIN SURVEY RECORDED JUNE 5, 2007 IN BOOK 10 OF SURVEYS AT PAGE 144 UNDER THE AUDITOR'S FILE NO. 2007-06423.

SITUATED IN THE COUNTY OF WALLA WALLA, STATE OF WASHINGTON.

APPROVALS

THE SUBDIVISION SHOWN HEREON CONFORMS TO THE WALLA WALLA COUNTY COMPREHENSIVE PLAN AND TO COUNTY ORDINANCE 18.36.

LAUREN PRENTICE, DIRECTOR _____ DATE _____
WALLA WALLA COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

TONY GARCIA MORALES, P.E. _____ DATE _____
COUNTY ENGINEER/PUBLIC WORKS DIRECTOR

I HEREBY CERTIFY THAT _____ TAXES FOR THE YEAR _____ AGAINST THE LAND SHOWN IN THIS SUBDIVISION HAVE BEEN PAID.

WALLA WALLA COUNTY TREASURER _____ DATE _____

APPROVED BY THE WALLA WALLA COUNTY COMMISSIONERS:

JENNY MAYBERRY, DIST. 1 COMMISSIONER _____ DATE _____

TODD KIMBALL, DIST. 2 COMMISSIONER _____ DATE _____

GREG TOMPKINS, DIST. 3 COMMISSIONER _____ DATE _____

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, BUNCHGRASS LLC., HAVE CAUSED THESE LANDS TO BE SURVEYED AND SUBDIVIDED AS SHOWN, AND DO HEREBY DEDICATE TO THE PUBLIC ALL ROADS AND RIGHTS OF WAY NOT DESIGNATED AS PRIVATE, AND ALL EASEMENTS DESIGNATED AS PUBLIC UTILITY EASEMENTS (P.U.E.'s) AS SHOWN HEREIN. WE HEREBY WAIVE FOR OURSELVES AND OUR SUCCESSORS ANY CLAIMS FOR DAMAGES AGAINST ANY PUBLIC AUTHORITY RESULTING FROM CONSTRUCTION OR MAINTENANCE OF PUBLIC FACILITIES OR PUBLIC PROPERTY ON THE PROPERTY DESCRIBED HEREIN.

AUTHORIZED REPRESENTATIVE FOR BUNCHGRASS LLC.

(PRINT NAME)

AUTHORIZED REPRESENTATIVE FOR BUNCHGRASS LLC.

ACKNOWLEDGEMENT

STATE OF _____

COUNTY OF _____

BEFORE ME THIS _____ DAY
OF _____ 20____ APPEARED

_____, AN AUTHORIZED REPRESENTATIVE FOR BUNCHGRASS LLC, TO ME PERSONALLY KNOWN, WHO ACKNOWLEDGED THE FOREGOING SUBDIVISION AND DEDICATION OF LAND TO BE A FREE AND VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 20____

NOTARY PUBLIC
FOR THE STATE OF _____

RESIDING IN _____

MY COMMISSION EXPIRES _____

AGRICULTURAL LANDS STATEMENT
PER WALLA WALLA COUNTY CODE CHAPTER
8.40 "RIGHTS TO FARM"

THE SUBJECT PROPERTY IS LOCATED WITHIN OR NEAR DESIGNATED AGRICULTURAL LANDS ON WHICH A VARIETY OF COMMERCIAL ACTIVITIES OCCUR THAT ARE NOT COMPATIBLE WITH RESIDENTIAL DEVELOPMENT FOR CERTAIN PERIODS OF LIMITED DURATION.



PBS
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5 N Colville St, Ste 200
Walla Walla, WA 99167
509.956.3026
pbsusa.com

CLIENT: BUNCHGRASS LLC		PROJECT NO.: 87437 030
SURVEYOR: GREG FLOWEKS		DATE: 6/21/2021
CALC BY: GEF	DRAWN BY: RMR	SCALE: N/A
SECTION: 22 & 27	TOWNSHIP: 7 NORTH	RANGE: 35 EAST
CITY: WALLA WALLA	COUNTY: WALLA WALLA	SHEET: 3 OF 3



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

LILAC SUBDIVISION PRELIMINARY PLAT

FILE NUMBER: SUB 20-001

OWNER/APPLICANT: Bunchgrass, LLC.
c/o Joseph Cange
510 L Street #901; Anchorage, AK 99501

TYPE OF APPLICATION: Preliminary Subdivision – 7-lot preliminary subdivision application for a cluster development of 74.02 acres, with just six residential lots on a portion of the property leaving the remaining 63-acres preserved in a designated resource parcel. The entire project is in the County’s Agriculture Residential 10-acre (AR-10) zoning district.

LOCATION/TAX PARCEL: The project is on a single 74+acre tax parcel, APN 350727110006, generally forming the southeast corner of Old Highway 12 & Bunchgrass Lane in unincorporated Walla Walla County.

STAFF RECOMMENDATION: Approval.

SUMMARY OF DECISION: APPROVED, subject to conditions

DATE OF DECISION: October 6, 2020

I. CONTENTS OF RECORD.

Exhibits:

1. Community Development Department Staff Report and Recommendation (of APPROVAL) to the Hearing Examiner regarding the Lilac Subdivision Preliminary Plat Application File No. SUB20-001, prepared by Lauren Prentice, CD Dept. Director, dated August 6, 2020 [hereinafter referenced as the “*Staff Report*”];
2. Preliminary Subdivision application (SUB20-001), dated January 8, 2020;
3. Proposed Preliminary Plat Map, dated January 8, 2020;
4. Preliminary Civil Layout, dated January 6, 2020;
5. Environmental Checklist (SEPA20-001), dated January 6, 2020 (with five attachments);
6. Critical Areas Permit application (CAP20-001), dated January 15, 2020;
7. Geotechnical Engineering Report, dated November 4, 2019;
8. SEPA Determination of Non-Significance, dated June 24, 2020;
9. Notice of Public Hearing, publishing, and mailing affidavits;
10. Email from Hydro 9 Irrigation District, dated July 30, 2020;
11. Letter from Department of Ecology, dated August 6, 2020;
12. Letter from Department of Archaeology and Historic Preservation, dated August 6, 2020;
13. Letter from Darrell Sowards, Walla Walla County Surveyor, dated August 7, 2020; and
14. Public comment letter from neighboring landowners, C. Scholl and M. Lasher, dated August 7, 2020.

Testimony/Comments: The following persons participated in the open-record hearing held on August 10, 2020, and provided testimony under oath as part of the record:

1. Lauren Prentice, Director of the Walla Walla County Community Development Department;
2. Joe Cange, for the applicant; and
3. Greg Flowers, with PBS engineering, the applicant’s primary hearing representative.

II. SUMMARY OF PROCEEDINGS.

The applicant, Bunchgrass LLC, seeks approval of a development project known as the *Lilac Preliminary Plat*, a 7-lot subdivision of a 74+ acre site, with six clustered single-family residential lots on about 11-acres and one 63-acre lot to be preserved as a designated resource parcel. The entire property is located in the County’s Agriculture Residential 10-acre (AR-10) zoning district.

The County’s SEPA Responsible Official issued a final SEPA Determination of Non-Significance (DNS) for the project on June 24, 2020. (*Ex. 8*). No one appealed the SEPA DNS issued for the project within the time period provided by law or otherwise.

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.

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.

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 Lilac preliminary plat, 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 August 10th 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 written 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 Community Development Department Director, Ms. Prentice, 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. She 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. She highlighted how the residential development will be located far from critical areas, particularly Mill Creek, and that no one appealed the SEPA DNS issued for the applicant's project.

6. Mr. Cange and Mr. Flowers both offered testimony for the applicant, confirming that the applicant accepts the analysis and recommended conditions include in the Staff Report; that they understand that using density in the clustered development area means the preserved acreage cannot be used in subsequent proposals for purposes of enhancing density calculations. Mr. Cange requested a modified condition limiting any cultural resources survey to the project development area, instead of the entire 74+ acre parcel; and suggested that he would include limits in CC&R's addressing 'fugitive lighting' that might be seen from adjacent properties (as one written comment expressed concern). The Examiner has added additional conditions or modified proposed conditions on all of these subjects. (*See Conditions of Approval 5, 9, and 11, re: Density Restrictions, Cultural Resources, and Lighting respectively*).
7. Neighboring property owners submitted a written comment shortly before the public hearing, offering their observations of birds and plants in the area, asking questions about the homes to be built on the site, and requesting a measure to control light pollution from the new subdivision that might come from large outdoor lighting systems or security lights. (*Ex. 14, School/Lasher comment letter*). The letter offered no facts or legal authority that would serve as a basis to deny the pending application. The Examiner has added a condition of approval to ensure that 'light pollution' impacts are avoided, minimized, or mitigated. (*See Condition No. 11*).
8. By the end of the hearing, the parties left three topics for the Examiner to address in the form of specific conditions of approval, without proposed language from the applicant. Those three issues are addressed in new or modified conditions of approval addressing the scope of any cultural resources survey; density restrictions; and fugitive light.

Site Visit.

9. In previous personal stops at a winery once operated on the project site, and in connection with previous development applications in the area, the Examiner has visited the applicant's property, conducted a site visit of the project location, and the surrounding area, including surrounding roads 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.

10. *Critical Areas/Shoreline regulations:* 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, shorelines, or associated buffers.

11. 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. For example, the portions of the site developed as a cluster subdivision will only take up about 11 acres of the 74+ acre, and the residential development will be located more than 1,000 feet away from Mill Creek.
12. 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”.
13. *Access:* As shown on the proposed plat map, access to the six residential lots will be via a new private road connected with Old Highway 12.
14. *Neighborhood Characteristics:* The site is surrounded by agricultural and rural residential uses.
15. *Traffic Impacts:* This proposal is expected to result in additional traffic from six additional dwelling units when fully developed. The Public Works Department reviewed the proposal and did not recommend that any further traffic analysis or additional conditions should be required.
16. *Cultural Resources:* Application materials were distributed to DAHP, which submitted a comment letter recommending that a survey of the site should occur prior to development. As noted above, the applicant requested a modified condition, limiting the scope of any cultural resource survey to portions of the property that are to be disturbed as the project is developed. Based on such input, the Examiner has modified the condition addressing cultural resources, requiring a survey on portions of the property where ground disturbance work will occur. (*See Condition of Approval No. 9*).

17. *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.
18. *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.
19. *Water:* The six residential lots would utilize individual wells (*Page 5, Exhibit 5: SEPA Environmental Checklist*). The applicant will allocate 18 acre feet from Water Right No. 398-D(B) to the residential lots. The application materials estimate that annual indoor usage per household (lot) will be 0.245 acre feet and that the outdoor usage will be 2.755 acre feet (3 acre feet allocated to each lot minus the indoor usage).
20. *Fire Protection.* Staff provided notice of this application to the County's Fire Marshall and the Walla Walla County Fire District No. 4. No comments were submitted by the fire district or Walla Walla County's Building Official/Fire Marshal.
21. *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:

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

Finding: The proposed development meets the requirements and intent of WWCC Chapter 17.31 by preserving land for long term farming activities.

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.

Policy RL-3 *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: The development is in compliance with WWCC Chapter 17.31 which requires the protection of agricultural resource lands. 63 acres are preserved for agricultural uses.

Policy RL-47 *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: The proposed development establishes adequate buffer space between residential uses and agricultural uses.

22. 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*).

23. As explained in the Staff Report, the entire project is located in County’s Agriculture Residential 10-acre (AR-10) zoning district.
24. 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.

As Conditioned, the application meets requirements for Preliminary Plat approval

25. 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.”

26. 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.
27. 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)*.
28. 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)*.
29. As conditioned below, the Examiner finds that the proposed division of land provides adequate measures for the control of drainage and stormwater. *See WWCC 16.14.030(C)*. The project is required to retain all water onsite and comply with all County stormwater regulations found in WWCC Title 11.

30. 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).*

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

31. 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. 8*) issued in connection with the application.
32. 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.

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

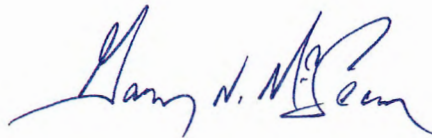
VI. CONCLUSIONS OF LAW.

1. Based on the Findings as summarized above, the undersigned examiner concludes that the proposed plat, 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 Lilac Subdivision Preliminary Plat (Department File Nos. SUB20-001), subject to the attached Conditions of Approval.

Decision issued: October 6, 2020.

A handwritten signature in blue ink, appearing to read "Gary N. McLean". The signature is fluid and cursive, with a large initial "G" and "M".

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

LILAC SUBDIVISION PRELIMINARY PLAT

SUB20-001

General:

A. The preliminary plat known as the Lilac 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 2, 3, and 4*, 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:

1. Before construction, the applicant must first obtain any other associated permit(s) or approvals required by the County or any other governmental agency or regulatory authority with jurisdiction over a particular aspect of the project. Any conditions of approval or requirements imposed as part of such permits or approvals shall be and are hereby incorporated as Conditions of Approval for this plat.
2. The applicant must comply with applicable County and State stormwater management regulations.
3. The final plat map must show the required 100-foot buffer required by the Walla Walla County Shoreline Master Program (Appendix A, Table 6.5-1, Page A-52).
4. The final plat map must show the limits of shoreland areas as defined in the Walla Walla County SMP (Page 19) which includes those lands extending landward for 200 feet of the ordinary high water mark, as well as floodways and contiguous floodplains extending 200-feet from such floodways.
5. *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. 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.
6. Adequate fire protection shall be required pursuant to WWCC 16.14.030(B).

7. Private road improvements must be provided in compliance with Walla Walla County Road Standards established by the Walla Walla County Public Works Department.
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. *Cultural Resources* – Consistent with the Department of Archaeology and Historic Preservation recommendations provided in their August 6, 2020 letter, included in the Record as *Exhibit 12*, prior to any ground disturbance work, the applicant shall obtain a professional archaeological survey of all portions of the project area, with a report discussing any findings submitted to the Community Development Director for review and approval prior to ground disturbing activities on the Lilac Subdivision project site. The Director shall have discretion and authority to exclude some or all portions of the applicant's property from such survey, provided such areas are located in the designated 63-acre "resource parcel" and no ground disturbance work will occur on such lands in connection with construction or site development work for the residential lots. The Director shall have authority to impose additional conditions that are consistent with those recommended in the archaeological survey report for the project area. If the archaeological survey report required by this condition recommends that an archaeological monitor should be present for all ground disturbing activities, then consistent with guidance provided by the State's Department of Archaeology & Historic Preservation, the monitor must be a professional archaeologist who meets the Secretary of the Interior's standards for prehistoric archaeology. In any event, the applicant must prepare and implement an Inadvertent Discovery Plan; this plan must include the Washington State Department of Archaeology and Historic Preservation (DAHP) recommended language and current contact information for all parties that must be notified under State law. A copy of the plan must be provided to the County for review and approval, and after approval, a copy must be provided to all contractors and be available on-site for reference throughout all phases of the development process. If ground-disturbing activities uncover or reveal objects that might appear to be human skeletal remains during the course of construction, then all activity will cease that could cause further disturbance to such remains.
10. The August 7, 2020 comments from County Surveyor Darrell Sowards must be addressed/corrected in final plat map submittals, subject to final review and approval by the Community Development Department Director.
11. *Lighting* – All exterior lighting used in residential portions of the plat shall be designed and installed to: reduce or eliminate problems with glare; minimize light trespass onto public spaces and private property; promote energy conservation; protect the nighttime character of the rural sky; and limit the area that outdoor-lighting fixtures are used to illuminate. Preference shall be given to "Dark-Sky" fixtures and/or design considerations intended to reduce light glare upward into the night sky and minimize 'fugitive light' that could carry over onto residential properties or public spaces, including streets. Exterior lighting shall be directed and shielded in a manner which minimizes its visibility at the site's boundaries. Any temporary lighting associated with construction activities on the site shall only be used during hours approved by the Director. Final exterior lighting standards for the final plat shall be prepared by the applicant for review and approval by the Director, who shall have authority and discretion to require reference to such lighting requirements, in whole or summary form, to be included as part of CC&Rs for the plat and/or written on the face of the final plat.

a) **Public Hearing:**

- 1) To consider franchise application by Kristin Dykes, Dykes Holdings LLC

b) **Action Agenda Items:**

- 1) Resolution – Application of Dykes Holdings LLC for a franchise to construct, operate, and maintain a pressurized water line within the county road right of way, Walla Walla County, Washington
- 2) Resolution – Adopting a revised Walla Walla County Public Works Equipment Rental and Revolving Fund (ER&R) Policy and Procedures

c) **Consent Agenda Items:**

- 1) Resolution – Approving use of county roads for the Providence St. Mary Foundation Finish Cancer Walk, Run, Ride Event
- 2) Resolution – Adopting right-of-way procedures for Walla Walla County

d) Department update and miscellaneous

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF USE OF }
COUNTY ROADS FOR THE }
PROVIDENCE ST. MARY }
FOUNDATION FINISHCANCER }
WALK.RUN.RIDE EVENT }

RESOLUTION NO. 21

WHEREAS, the Providence St. Mary Foundation has requested permission to use Walla Walla County roads for the purpose of a fund-raising event for the St. Mary Regional Cancer Center; and

WHEREAS, said event will be held on Saturday, September 25, 2021 between the hours of 6:00 a.m. and 3:00 p.m.; and

WHEREAS, said event will consist of 35-mile, and 65-mile bicycle courses; and

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

WHEREAS, the event organizers have provided a certificate of insurance naming Walla Walla County as additional insured and have agreed to include Walla Walla County in their registration/release waiver; and

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

BE IT HEREBY RESOLVED, by this Board of Walla Walla County Commissioners, that permission be granted to Providence St. Mary Foundation to use the County roads as shown in attachment "A" on Saturday, September 25, 2021.

Passed this 24th day of May, 2021 by Board members as follows: Present or Participating via other means, and by the following vote: Aye Nay Abstained Absent.

Attest:

Diane L. Harris, Clerk of the Board

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*

Attachment "A" Roads

35 Mile Ride:

Berney Drive
Russell Creek Road
Depping Road
Reser Road
Cottonwood Road
Powerline Road
Stateline Road
Valley Chapel Road
Frog Hollow Road
Mojonnier Road
Bussell Road
Old Milton Highway
Plaza Way
Prospect Avenue

65 Mile Ride:

East Isaacs Avenue
Mill Creek Road
Five Mile Road
Russell Creek Road
Foster Road
Depping Road
Reser Road
Cottonwood Road
Hood Road
Stateline Road
Fredrickson Road
Frog Hollow Road
McDonald Road
Detour Road
Forest Road
Stovall Road
Last Chance Road
Locher Road
Old Milton Highway
Peppers Bridge Road
Taumarson Road
Prospect Road
Berney Drive

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF ADOPTING
RIGHT-OF-WAY PROCEDURES
FOR WALLA WALLA COUNTY



RESOLUTION NO. 21

WHEREAS, Local Agencies wishing to acquire right-of-way must adopt right-of-way procedures in accordance with the Washington State Department of Transportation Local Agency Guidelines; and

WHEREAS, staff changes and Washington State Department of Transportation updates to the current procedures require adoption of the new right-of-way procedures; now therefore

BE IT HEREBY RESOLVED by this Board of Walla Walla County Commissioners that the attached Right-of-Way Procedures be adopted.

*Passed this 12th day of **July, 2021** by Board members as follows: Present or Participating via other means, and by the following vote: Aye Nay Abstained Absent.*

Attest:

Diane L. Harris, Clerk of the Board

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*



Right of Way Procedures

The **Walla Walla County Public Works Department**, hereinafter referred to as “AGENCY”, desiring to acquire real property (obtain an interest in, and possession of, real property) in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act and applicable federal regulations (49 CFR Part 24) and state law (Ch. 8.26 RCW), and state regulations (Ch. 468-100 WAC) hereby adopts the following procedures to implement the above statutes and Washington Administrative Code. The AGENCY is responsible for the real property acquisition and relocation activities on projects administered by the AGENCY. To fulfill the above requirements the AGENCY will acquire right-of-way (ROW) in accordance with the policies set forth in the Right of Way Manual M 26-01 and Local Agency Guidelines. The AGENCY has the following expertise and personnel capabilities to accomplish these functions:

1. The following relate to the AGENCY’s request.

a. Below is a list of responsible AGENCY individual names and positions, for which the AGENCY has qualified staff to perform the specific right-of-way function(s). Attached are resumes for each individual AGENCY staff listed to perform those functions below, and a brief summary of their qualifications pertaining to the specific ROW function(s) for which they are listed. The procedures shall be updated whenever staffing changes occur. The AGENCY will be approved to acquire based upon staff qualifications.

i. **PROGRAM ADMINISTRATION :**

Oversee delivery of the R/W Program on federal aid projects for the agency. Ensures R/W functions are carried out in compliance with federal and state laws, regulations, policies and procedures.

Responsibilities/Expectations:

- Ensures agency’s approved R/W Procedures are current, including staff qualifications, and provides copies to consultants and agency staff;
- Oversight of ROW consultants;
 - use of consultant contract approved by WSDOT
 - management of ROW contracts
 - management of ROW files
 - reviews and approves actions and decisions recommended by consultants
 - Overall responsibility for decisions that are outside the purview of consultant functions
- Sets Just Compensation prior to offers being made;
- Approves administrative offer summaries per policy;
- Ensure agency has a relocation appeal process in place prior to starting relocation activities;

- Oversight of Administrative Settlements;
- Obligation authority for their agency;
- Obtain permits (Non-Uniform Relocation Act (URA));
- Ensures there is a separation of functions to avoid conflicts of interest.
- Verifies whether or not ROW is needed, and that the property rights and/or interests needed are sufficient to construct, operate and maintain the proposed projects (see Appendix 25.176).

Tony Garcia Morales, P.E., Public Works Director/County Engineer
Seth Walker, P.E., Chief, Engineering & Construction Division

ii. **APPRAISAL**

Prepare and deliver appraisals on federal aid projects for the agency. Ensures that appraisals are consistent and in compliance with state and federal laws, regulations, policies and procedures.

Responsibilities/Expectations:

- Use only qualified agency staff approved by WSDOT to perform appraisal work;
- Use appraiser from WSDOT’s Approved Appraiser List if agency does not have qualified staff;
- Prepare Project Funding Estimates (PFE) or, when applicable, True Cost Estimates (TCE);
- Prepare Administrative Offer Summaries (AOS or Appraisal Waiver);
- Obtain specialist reports;
- Coordinate with engineering, program administration, acquisition, relocation, and/or property management as necessary.

Consultant Appraiser from WSDOT Appraiser List
WSDOT Appraiser

iii. **APPRAISAL REVIEW:**

Review appraisals on federal aid projects for the agency to make sure they are adequate, reliable, and have reasonable supporting data, and approve appraisal reports. Ensures appraisals are adequately supported and represent fair market value and applicable costs to cure and are completed in compliance with state and federal laws, regulations, policies and procedures.

Responsibilities/Expectations:

- Use only qualified agency staff approved by WSDOT to perform appraisal review work;
- Use review appraiser from WSDOT’s Approved Appraiser List if agency does not have qualified staff;

- Ensures project wide consistency in approaches to value, use of market data and costs to cure;
- Coordinate with engineering, program administration, acquisition, relocation, and/or property management as necessary.

Consultant Appraisal Reviewer from WSDOT Approved Appraisal Reviewer List
WSDOT Appraiser/Reviewer

iv. **ACQUISITION:**

Acquire, through negotiation with property owners, real property or real property interests (rights) on federal aid projects for the agency. Ensures acquisitions are completed in compliance with federal and state laws, regulations, and policies and procedures.

Responsibilities/Expectations:

- Use only qualified staff to perform acquisition activities for real property or real property interests, including donations;
- To avoid a conflict of interest, when the acquisition function prepares an AOS, only acquires property valued at \$10,000 or less;
- Provide and maintain a comprehensive written account of acquisition activities for each parcel;
- Prepare administrative settlement justification and obtain approval;
- Prepare Project Funding Estimates (PFE) or, when applicable, True Cost Estimates (TCE);
- Prepare Administrative Offer Summaries (AOS or Appraisal Waiver);
- Review title, and recommend and obtain approval for acceptance of encumbrances;
- Ensure acquisition documents are consistent with ROW plans, valuation, and title reports;
- Provide a negotiator disclaimer;
- Coordinate with engineering, program administration, appraisal, relocation, and/or property management as necessary;
- Maintain a complete, well organized parcel file for each acquisition.

Tony Garcia Morales, P.E., Public Works Director/County Engineer
Seth Walker, P.E., Chief, Engineering & Construction Division
Misty L. Jones, Office Engineer Technician

v. **RELOCATION:**

Provide relocation assistance to occupants of property considered displaced by a federally funded projects for the agency. Ensures relocations are completed in compliance with federal and state laws, regulations, policies and procedures.

Responsibilities/Expectations:

- Prepare and obtain approval of relocation plan prior to starting relocation activities;
- Confirm relocation appeal procedure is in place;

- Provide required notices and advisory services;
- Make calculations and provide recommendations for agency approving authority prior to making payment;
- Provide and maintain a comprehensive written account of relocation activities for each parcel;
- Coordinate with engineering, program administration, appraisal, acquisition, and/or property management as necessary;
- Maintain a complete, well organized parcel file for each displacement;
- Ensure occupants and personal property is removed from the ROW.

ROW Consultant
WSDOT

vi. **PROPERTY MANAGEMENT:**

Establish property management policies and procedures that will assure control and administration of ROW, excess lands, and improvements acquired on federal aid projects for the agency. Ensures property management activities are completed in compliance with federal and state laws, regulations, policies and procedures.

Responsibilities/Expectations:

- Account for use of proceeds from the sale/lease of property acquired with federal funds on other title 23 eligible activities;
- Keep R/W free of encroachments;
- Obtain WSDOT/FHWA approval for change in access control along interstate;
- Maintain property records;
- Coordinate with engineering, program administration, appraisal, acquisition, and/or property management as necessary;
- Maintain a complete, well organized parcel file for each displacement;
- Ensure occupants and personal property is removed from the ROW.

Tony Garcia Morales, P.E., Public Works Director/County Engineer
Seth Walker, P.E., Chief, Engineering & Construction Division
Misty L. Jones, Office Engineer Technician
Darrell W. Sorwards Jr., PLS, County Surveyor

- b. Any functions for which the AGENCY does not have qualified staff, the Agency will contract with another local agency with approved procedures, an outside contractor, or the Washington State Department of Transportation (WSDOT). An AGENCY that proposes to use outside contractors for any of the above functions will need to work closely with the WSDOT Local Agency Coordinator (LAC) and Local Programs to ensure all requirements are met. When the AGENCY proposes to have a staff person approved to negotiate who is not experienced in negotiation for FHWA funded projects, the LAC must be given a reasonable opportunity to review all offers and supporting data before they are presented to the property owners.

- c. An AGENCY wishing to take advantage of an Appraisal Waiver (aka Administrative Offer Summary or AOS) procedure on properties valued up to \$25,000 or less should make their proposed waiver procedure a part of these procedures. The procedure outlined in LAG manual has already been approved using form LPA-003.

The AGENCY may submit a procedure different than that shown and it will be reviewed and approved if it provides sufficient information to determine value.

- d. Attached is a copy of the AGENCY's administrative settlement procedure showing the approving authority(s) and the procedure involved in making administrative settlements.
2. All projects shall be available for review by the FHWA and WSDOT at any time and all project documents shall be retained and available for inspection during the plan development, right-of-way and construction stages, and for a three year period following acceptance of the projects by WSDOT.
 3. Approval of the AGENCY's procedures by WSDOT may be rescinded at any time the AGENCY is found to no longer have qualified staff or is found to be in non-compliance with the regulations. The rescission may be applied to all or part of the functions approved.

Chair of the Board Walla Walla County
Commissioners

Date

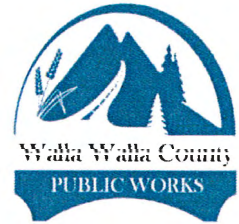
Washington State Department of Transportation

Approved By:

Local Programs Right of Way Manager

Date

**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: 6 July 2021

Re: Director's Report for the Week of 5 June 2021

Board Action: 12 July 2021

Hearings:

In the Matter of the Application of Dykes Holdings for a Franchise to Construct, Operate and Maintain a Pressurized Water Line within the County Right of Way

Resolutions:

In the Matter of Adopting the Application of Dykes Holdings for a Franchise

In the Matter of Use of County Roads for the Providence St. Mary Foundation FINISHCANCER

Walk.Run.Ride Event

In the Matter of Adopting a Revised Walla Walla County Public Works Equipment Rental and Revolving Fund (ER&R) Policy and Procedures

In the Matter of Adopting Right-of-Way Procedures for Walla Walla County

ENGINEERING:

- Middle Waitsburg Road: MP 6.1 to MP 7.92: Project is out to ad. Bid Opening will be August 2nd.
- Seven Mile Bridge: Working on design.
- Dell Sharpe Bridge: Reviewing 50% design.
- Fishhook Park Road: Survey is complete.
- Drumheller Bridge: Bridge is open to traffic.

MAINTENANCE/FLEET MANAGEMENT:

- Chip sealing going well, over 66 miles complete as of last week. Should wrap up the rest of the County roads this week and finish the reimbursable work next week.
- Signs and Vegetation performing sign maintenance and assisting with chip seal operations.
- Garage working on routine maintenance.

ADMINISTRATION:

- Attended a web-based meeting with the Washington State Association of County Engineers (WSACE) related to COVID-19.

**10:30 DEPARTMENT OF COMMUNITY HEALTH/
BOARD OF HEALTH**

**Dr. Kaminsky
Nancy Wenzel**

a) COVID-19 update and miscellaneous

10:45 FACILITIES MAINTENANCE DEPARTMENT

Robert Henry

a) Department update and miscellaneous

Walla Walla County Facilities Department

317 W Main St, Walla Walla, WA 99362

Update July 12th 2021

Maintenance:

- Continued work on the door locks inside the courthouse to complete the conversion to electronic locks
- Completed HVAC repairs at Old Health, Jail, JJC, Sheriff's Office

Custodial

- Custodial cleaning with a focus on disinfecting has continued throughout the county.

Grounds

- Continued with irrigation repair.

Facilities:

- Continued work with McKinstry on electrical room design, and preparation of the future electric room space for construction
- The county surplus sale was complete, with a large number of items sold.

11:00 SHERIFF

Mark Crider

- a) Presentation and review of expenditures proposed for county's portion (\$4,798.00) of 2021 Federal Byrne Justice Assistance Grant. Funds are proposed to be used to acquire technology equipment to include computers and portable radio equipment.
- b) Receive public comments re above
- c) **Action Agenda Items:**
 - 1) Resolution - Interlocal Agreement between the City of Walla Walla, WA and the County of Walla Walla, WA relative to 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program

11:15 COUNTY COMMISSIONERS

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

11:30 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))

- A D J O U R N -

Walla Walla County is ADA compliant. Please contact TTY: (800) 833-6384 or 7-1-1 or the Commissioners' Office at 509/524-2505 three (3) days in advance if you need any language, hearing, or physical accommodation.

Please note that the agenda is tentative only. The Board may add, delete, or postpone items and may take action on an item not on the agenda.