

**A G E N D A**  
**WALLA WALLA COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, MAY 15, 2017**

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**9:30**

**COUNTY COMMISSIONERS**

**Chairman Duncan**

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

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

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

- e) **Action Agenda Items:**
  - 1) Review submitted Employee Payroll Action Forms
- f) **Public Hearing:**
  - 1) To consider amendments to the 2017 Walla Walla County Budget
- g) **Action Agenda Items:**
  - 1) Resolution \_\_\_\_\_ - Amendments to the 2017 Walla Walla County Budget
- h) **Consent Agenda Items:**
  - 1) Resolution \_\_\_\_\_ - Minutes of County Commissioners' proceedings for May 8 and 9, 2017
  - 2) Resolution \_\_\_\_\_ - Proclaiming May as Older Americans Month
  - 3) Resolution \_\_\_\_\_ - Setting a public hearing to consider merging the County's Open Space Timberland classification program with the Designated Forestlands program
  - 4) Resolution \_\_\_\_\_ - Meeting to consider leasing county property at 1520 Kelly Place, Walla Walla

BOARD OF COUNTY COMMISSIONERS  
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF  
AMENDMENTS TO THE 2017  
WALLA WALLA COUNTY  
BUDGET



RESOLUTION NO.

**WHEREAS**, subsequent to the establishment of the budgets and adoption of the 2017 Walla Walla County Budget, representatives of various offices and departments within the 2017 Walla Walla County Budget have provided information to County Auditor Karen Martin regarding proposed budget amendments; and

**WHEREAS**, a properly advertised public hearing was held on May 15, 2017, to consider said amendments as advertised as well as other amendments as necessary for accounting purposes, and hear testimony related thereto; now therefore

**BE IT HEREBY RESOLVED** by this Board of County Commissioners that the 2017 Walla Walla County Budget be amended as outlined on the attached Memo "2017 Budget Amendment #1", dated 4/27/17 from Karen Martin, County Auditor, which is by this reference made a part hereof.

*"Passed this **15th day of May, 2017** by Board members as follows: \_\_\_ Present or \_\_\_ Participating via other means, and by the following vote: \_\_\_ Aye \_\_\_ Nay \_\_\_ Abstained \_\_\_ Absent."*

Attest:

\_\_\_\_\_  
Connie R. Vinti, Clerk of the Board

\_\_\_\_\_  
James L. Duncan, Chairman, District 3

\_\_\_\_\_  
James K. Johnson, Commissioner, District 1

\_\_\_\_\_  
Todd L. Kimball, Commissioner, District 2

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

# MEMO

TO: BOCC  
 FROM: KAREN  
 DATE: 4/27/17  
 SUBJECT: 2017 Budget Amendment #1

FUND	BARS #	DESCRIPTION	AMENDMENT AMOUNT		NEW BUDGET
			REVENUE	EXPENDITURES	AMOUNT
<b>010 CURRENT EXPENSE</b>					
00050	308.90.00.0000	Beginning Fund Balance	(\$595,663)		\$5,204,337
00058	508.90.00.0000	Ending Fund Balance		(\$595,663)	\$3,969,365
		<b>Total Current Expense</b>	<b>(\$595,663)</b>	<b>(\$595,663)</b>	
<b>10800 LAW &amp; JUSTICE</b>					
	308.30.00.0000	Beginning Fund Balance	\$200,000		\$1,200,000
<b>10812</b>	563.20.11.0003	Chief Deputy Coroner		\$40,138	\$40,138
	563.20.21.0001	Medical-Life-Dental		\$8,496	\$8,496
	563.20.21.0002	Social Security		\$3,071	\$3,071
	563.20.21.0003	Retirement		\$4,817	\$4,817
	563.20.21.0004	Industrial Insurance		\$1,346	\$1,346
<b>10856</b>	597.00.00.0001	Transfer to Tech Services Reserve		\$25,000	\$75,000
<b>10898</b>	508.30.00.0000	Ending Fund Balance		\$117,132	\$808,088
		<b>Total Law &amp; Justice</b>	<b>\$200,000</b>	<b>\$200,000</b>	
<b>14800 911 ENHNCD/PUB COM BLDG</b>					
	308.30.00.0000	Beginning Fund Balance	\$5,389		\$5,389
	597.00.00.0000	Transfer out to fund 30500		\$5,000	\$5,000
<b>14898</b>	508.30.00.0000	Ending Fund Balance		\$389	\$389
		<b>Total E911 ENHNCD/PUB COM BLDG</b>	<b>\$5,389</b>	<b>\$5,389</b>	
<b>15100 Community Outreach</b>					
	308.50.00.0000	Beginning Fund Balance - Assigned	\$236,000		\$436,000
	571.10.49.0005	World War II Memorial - Fort Walla Walla Museum		\$100,000	\$100,000
	571.10.49.0006	Blue Mountain Action Council		\$150,000	\$150,000
<b>15198</b>	508.50.00.0000	Ending Fund Balance		(\$14,000)	\$178,750
		<b>Total Community Outreach</b>	<b>\$236,000</b>	<b>\$236,000</b>	
<b>30100 - CE Building</b>					
	397.00.00.0001	Operating Transfer in - CE	\$400,000		\$400,000
	594.11.62.0025	Buildings and Structures		\$150,000	\$150,000
<b>30198</b>	508.40.00.0000	Ending Fund Balance		\$250,000	\$1,332,698
		<b>Total Current Expense Building</b>	<b>\$400,000</b>	<b>\$400,000</b>	

# MEMO

**TO:** BOCC  
**FROM:** KAREN  
**DATE:** 4/27/17  
**SUBJECT:** 2017 Budget Amendment #1

FUND	BARS #	DESCRIPTION	AMENDMENT AMOUNT		NEW BUDGET
			REVENUE	EXPENDITURES	AMOUNT
<b>30500 Public Comm Building</b>					
	397.00.00.0000	Transfer In from Fund 14800	\$5,000		\$5,000
	522.50.48.0000	Repairs and Maintenance		\$5,000	\$10,000
		<b>Total Public Comm Building</b>	<b>\$5,000</b>	<b>\$5,000</b>	
<b>50600 Technology Services Cap</b>					
	397.00.00.0002	Oper Trans In - Law & Justice	\$25,000		\$75,000
50698	508.89.00.0000	Ending Fund Balance		\$25,000	\$215,000
		<b>Total Technology Services Cap</b>	<b>\$25,000</b>	<b>\$25,000</b>	

BOARD OF COUNTY COMMISSIONERS  
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF  
PROCLAIMING MAY AS  
OLDER AMERICANS MONTH



RESOLUTION NO.

**WHEREAS**, each May, the nation celebrates Older Americans Month to recognize older Americans for their contributions to our nation; and

**WHEREAS**, this year's theme is ***Age Out Loud***, to give aging a new voice—one that reflects what today's older adults have to say, as older Americans are working longer, trying new things, and engaging in their communities; and

**WHEREAS**, over 14,250 older Americans reside in Walla Walla County, and the county is committed to helping all individuals live longer, healthier lives; and

**WHEREAS**, our elders have taken advantage of unprecedented opportunities to make a difference in our communities by sharing their talents, wisdom, and time, and giving back in a myriad of ways; and

**WHEREAS**, as we age, many of us will need more assistance from our friends and family, so we ask for a recommitment by all to ensure that older Americans are not neglected or abused, receive the best healthcare available, live in suitable homes, have adequate income and economic opportunities, and enjoy freedom and independence in their golden years, as they deserve -- and we owe them -- nothing less; now therefore

**BE IT HEREBY RESOLVED** by this Board of Walla Walla County Commissioners that they shall sign a proclamation declaring May, 2017 as Older Americans Month, and urge every resident to take time this month to acknowledge older adults as powerful and vital individuals who greatly contribute to our county.

*"Passed this **15th day of May, 2017** by Board members as follows: \_\_\_ Present or \_\_\_ Participating via other means, and by the following vote: \_\_\_ Aye \_\_\_ Nay \_\_\_ Abstained \_\_\_ Absent."*

**Attest:**

\_\_\_\_\_  
Connie R. Vinti, Clerk of the Board

\_\_\_\_\_  
James L. Duncan, Chairman, District 3

\_\_\_\_\_  
James K. Johnson, Commissioner, District 1

\_\_\_\_\_  
Todd L. Kimball, Commissioner, District 2

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

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

IN THE MATTER OF SETTING A  
PUBLIC HEARING TO CONSIDER  
MERGING THE COUNTY'S OPEN  
SPACE                   TIMBERLAND  
CLASSIFICATION PROGRAM WITH  
THE DESIGNATED FORESTLAND  
PROGRAM



RESOLUTION NO.

**WHEREAS**, pursuant to RCW Chapter 84, it is in the best interest of the state to maintain, preserve, conserve, and otherwise continue in existence adequate open space lands for the production of food, fiber and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the state and its citizens; and the state legislature further declares that assessment practices must be so designed as to permit the continued availability of open space lands for these purposes; and

**WHEREAS**, Senate Bill (SB) 6180, later codified as RCW 84.34.400, to allow counties to merge its timberland classification with its designated forestland program as a County option, was passed by the Washington State Legislature in 2014; and

**WHEREAS**, applications for land classifications are made to the county assessor or the county legislative authority, and for administrative purposes, Walla Walla County Assessor Debra Antes presented a request to the Walla Walla County Board of Commissioners during an open, public session of the Board on May 2, 2017, to ask that the Board consider adoption of the statutorily allowed County option by means of an ordinance; and

**WHEREAS**, the Board of County Commissioners wishes to seek input from county citizens prior to adoption of such an ordinance; now therefore

**BE IT HEREBY RESOLVED** by this Board of Walla Walla County Commissioners that a public hearing shall be set for Tuesday, May 30, 2017, at the hour of 9:30 a.m. or as close thereto as possible, in Commissioners' Chambers, Walla Walla County Public Health and Legislative Building, 314 West Main, Walla Walla, Washington, for this purpose.

*"Passed this 15th day of May, 2017 by Board members as follows: \_\_\_ Present or \_\_\_ Participating via other means, and by the following vote: \_\_\_ Aye \_\_\_ Nay \_\_\_ Abstained \_\_\_ Absent."*

Attest:

\_\_\_\_\_  
Connie R. Vinti, Clerk of the Board

\_\_\_\_\_  
James L. Duncan, Chairman, District 3

\_\_\_\_\_  
James K. Johnson, Commissioner, District 1

\_\_\_\_\_  
Todd L. Kimball, Commissioner, District 2

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

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

**IN THE MATTER OF A MEETING  
TO CONSIDER LEASING COUNTY  
PROPERTY AT 1520 KELLY  
PLACE, WALLA WALLA**



**RESOLUTION NO.**

**WHEREAS**, pursuant to Walla Walla County Resolutions 13 275 and 14 140, Walla Walla County entered into Office Space Lease agreements with Central Washington Comprehensive Mental Health to lease office space in a county-owned building at 1520 Kelly Place, Walla Walla, Washington; and

**WHEREAS**, pursuant to RCW 36.34, an application to renew the lease of county property/office space at 1520 Kelly Place has been made by Central Washington Comprehensive Mental Health organization to the Board of County Commissioners of Walla Walla County, Washington, said application accompanied by a deposit as required by RCW 36.34.150; and

**WHEREAS**, the Board of County Commissioners deem it desirable to lease said property; and

**WHEREAS**, RCW 36.34.160 requires notice of the county's intention to make such a lease to be published and a date and time set for the purpose of considering leasing said property; now therefore

**BE IT HEREBY RESOLVED** by this Board of Walla Walla County Commissioners that a meeting to consider the lease of said property shall be set for Monday, June 5, 2017 at the hour of 9:30 a.m. in Commissioners' Chambers, County Public Health and Legislative Building, 314 West Main, Walla Walla, Washington.

**BE IT FURTHER RESOLVED** that the Clerk of the Board of Walla Walla County Commissioners shall give notice of said meeting and description of the property proposed to be leased, in the manner prescribed by law.

*"Passed this **15th day of May, 2017** by Board members as follows:      Present or      Participating via other means, and by the following vote:      Aye      Nay      Abstained      Absent."*

**Attest:**

\_\_\_\_\_  
Connie R. Vinti, Clerk of the Board

\_\_\_\_\_  
James L. Duncan, Chairman, District 3

\_\_\_\_\_  
James K. Johnson, Commissioner, District 1

\_\_\_\_\_  
Todd L. Kimball, Commissioner, District 2

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

**COUNTY COMMISSIONERS (continued)**

**h) Consent Agenda Items (continued):**

- 5) County voucher/warrants/electronic payments as follows: \_\_\_\_\_ in the amount of \$\_\_\_\_\_ (draw taxes)
- 6) Payroll action and other forms requiring Board approval
  
- i) Miscellaneous business to come before the Board
  
- j) Review reports and correspondence; hear committee and meeting reports
  
- k) Review of constituent concerns/possible updates re: past concerns



9:45

**DEPARTMENT OF COMMUNITY HEALTH**

**Meghan DeBolt**

- a) Resolution \_\_\_\_\_ - Appointment to the Veterans' Relief Advisory Board (Parrish)
- b) Department update and miscellaneous

**a) Action Agenda Items:**

- 1) Ordinance No. 464 - Amending Walla Walla County Code Section 17.36.010 regarding the regulations of nonconforming use, structure, and lot provisions in the event of acquisition of right-of-way by eminent domain or potential eminent domain in unincorporated Walla Walla County
  
- b) Further discussion/review of proposed amendments to the City of Walla Walla service areas boundaries in the Coordinated Water System Plan to accommodate a new water system proposed by Sunset Development, LLC to serve a proposed 18-lot subdivision (Public hearing was held May 1, 2017)
  
- c) Department update and miscellaneous

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

**ORDINANCE NO. 464**

**AMENDING WALLA WALLA COUNTY CODE SECTION 17.36.010 REGARDING THE REGULATION OF NONCONFORMING USE, STRUCTURE, AND LOT PROVISIONS IN THE EVENT OF ACQUISITION OF RIGHT-OF-WAY BY EMINENT DOMAIN OR POTENTIAL EMINENT DOMAIN IN UNINCORPORATED WALLA WALLA COUNTY.**

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

**WHEREAS**, recent road construction activities in the unincorporated areas of Walla Walla County have triggered the need by the County to acquire right-of-way by the potential exercise of eminent domain; and

**WHEREAS**, current standards of the Walla Walla County zoning code, Title 17, Chapter 17.36, provide for the regulation of nonconforming buildings, structures, and uses; and

**WHEREAS**, these regulations do not address buildings, structures, lands, and uses made nonconforming as a result of right-of-way acquisition by the exercise of eminent domain or potential exercise of eminent domain; and

**WHEREAS**, the Board adopted interim zoning standards via Ordinance No. 457, which expires on May 21, 2017, to temporarily modify Chapter 17.36 to extend these regulations to apply to nonconforming situations that result from right-of-way acquisition or potential right-of-way acquisition by a governmental entity.

**NOW THEREFORE**,

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

**Section I. The Board of County Commissioners Makes the Following Findings of Fact:**

1. On November 21, 2016, the Board of County Commissioners adopted interim zoning regulations via Ordinance No. 457 relating to the regulation of nonconforming situations resulting from right-of-way acquisition by a governmental entity. Ordinance No. 457 directed staff to prepare possible permanent development regulations for consideration by the Planning Commission and Board of County Commissions.

2. On March 1, 2017, the Planning Commission discussed the proposed permanent code amendments in a workshop meeting.
3. On March 3, 2017, as required by RCW 36.70A.106, a copy of the proposed amendments was sent to the Washington State Department of Commerce for processing under Material ID #23437. On March 20, 2017, the County was notified that the Department of Commerce granted expedited review for these amendments. No comments from State agencies were submitted during this review period.
4. On March 14, 2017, a Notice of Public Hearing and Informational Public Meeting was posted on the Community Development Department website for meetings on April 5, 2017. On March 16, 2017, this notice was published in the Waitsburg Times and Walla Walla Union Bulletin, and on March 17, 2017, the notice was published in the Tri-City Herald.
5. On April 5, 2017, an Informational Public Meeting was held by Community Development Staff as required by Walla Walla County Code (WWCC) 14.15.050B.2. No members of the public attended this meeting.
6. On April 5, 2017, a public hearing was held by the Planning Commission. There was no public testimony provided at the public hearing.
7. On April 5, 2017, after the close of the public hearing the Planning Commission voted unanimously to recommend that the Board of County Commissioners approve the proposed permanent code amendments presented in the April 5 staff report (ZCA16-013). On April 24, 2017, the Planning Commission Chairman issued Resolution 17-02 documenting this recommendation.
8. On March 29, 2017 a SEPA threshold determination of non-significance (DNS) was issued by the Community Development Department Director for the proposed amendments (ZCA16-013). The DNS was filed with the Department of Ecology SEPA Register and distributed to consulting agencies. No public or agency comments were submitted on the SEPA DNS and no appeals were filed.
9. On April 17, 2017, the Board of County Commissioners adopted Resolution 17-108 setting a public hearing on the proposed amendments for May 1, 2017.
10. On April 20, 2017, a Notice of Public Hearing for the May 1 public hearing was published in the Waitsburg Times and the Walla Walla Union Bulletin; on April 21, 2017, the same notice was published in the Tri-City Herald. On April 18, 2017, this notice was published on the Walla Walla County website.
11. On May 1, 2017, the Board of County Commissioners held a public hearing. Staff presented the Planning Commission's recommendation for approval. There was no public testimony.
12. On May 1, 2017, after closing the public hearing, the Board of County Commissioners voted unanimously to approve the permanent amendments (ZCA16-013) as presented, and direct staff to prepare an ordinance for adoption.

The approved permanent amendments are the same as those enacted temporarily via Ordinance No. 457. The motion passed unanimously.

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

1. The proposed amendment is in compliance with Walla Walla County Code Sections 14.15.070B(3) as outlined below.
  1. *The amendment is consistent with the comprehensive plan; and*  
Discussion: The Comprehensive Plan does not contain any specific goals or policies relating to nonconforming situations so there is no conflict between the Comprehensive Plan and the amendments. The amendments will simply apply the same standards to nonconforming situations resulting from road and right-of-way projects as other nonconforming situations.
  2. *The amendment meets a definable public need; and*  
Discussion: The amendments would address nonconforming situations arising from projects that result from right-of-way acquisition, which are currently not given any special consideration in application of the zoning code. This change will help to ensure that the same development regulations are applied consistently across all properties within a given zoning district and land use designation and that the County is able to accommodate properties made nonconforming as a result of right-of-way acquisition by any governmental entity.
  3. *The amendment is in the long term interest of the County.*  
Discussion: These amendments are in the long term interest of the County because they will allow the County to better accommodate property owners who have nonconforming situations resulting from right-of-way acquisition by a governmental entity. The proposed amendments will allow the County to accommodate properties made nonconforming as a result of right-of-way acquisition in the same way it accommodates nonconforming situations resulting from zoning changes. Any development or redevelopment of these lots or structures will still have to comply with applicable development regulations and other standards (e.g. fire code, building code, environmental health standards), so these amendments are not expected to result in any risk to public health or safety.
2. Members of the general public were notified of the April 5 and May 1, 2017 public hearings and had the opportunity to submit testimony. No testimony was submitted.
3. As proposed, the amendments will not have a significant adverse impact on public welfare and safety.
4. The proposed amendments are in compliance with RCW 36.70A, RCW 36.70B and the Washington Administrative Code.

**Section III. Adoption of the amendment to Chapter 17.36:**

Walla Walla County Code Section 17.36.010A is amended as follows:

A. The provisions of this chapter shall apply to buildings, structures, lands and uses which become nonconforming as a result of the application of this title to them, or from classification or reclassification of the property under this title or any subsequent amendments thereto, or as a result of acquisition of right-of-way by the exercise of eminent domain or threat of eminent domain by a governmental entity.

**Section IV. Effective Date and Savings.**

This Ordinance is effective upon signing.

**Section V. Severability.**

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

**Section VI. Publication.**

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

PASSED by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 15<sup>th</sup> day of May, 2017.

Attest:

\_\_\_\_\_  
Connie R. Vinti, Clerk of the Board

\_\_\_\_\_  
James L. Duncan, Chairman, District 3

\_\_\_\_\_  
James K. Johnson, Commissioner, District 1

\_\_\_\_\_  
Todd L. Kimball, Commissioner, District 2

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

Approved as to form


\_\_\_\_\_  
Jesse D. Nolte, Deputy Prosecuting Attorney

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# Walla Walla County Community Development Department

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

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Date: May 15, 2017  
To: Board of County Commissioners  
From: Tom Glover, Director   
RE: Follow up to discussion at Public Hearing, May 1, 2015 re **Public Hearing Agenda Item No. 1** – CWSP17-001, Amendment to the City of Walla Water Service Area.

As stated in my staff report to you dated May 1, 2017, state law is clear that if utility service cannot be provided in a timely and reasonable manner by the designated water purveyor, then the local legislative authority may allow a new public water system to be constructed, and the service area shall be amended to “reflect the decision of the local legislative authority” (i.e., remove the impacted property from the service area). “Timely and reasonable” is clarified in the RCW to be service “within one hundred twenty days.” Under these circumstances, the new system must be developed in accordance with the construction standards in the CWSP.

RCW 70.116.060(3)(b):

*“No other purveyor shall establish a public water system within the area covered by the plan, unless the local legislative authority determines that existing purveyors are unable to provide the service in a timely and reasonable manner, pursuant to guidelines developed by the secretary. An existing purveyor is unable to provide the service in a timely manner if the water cannot be provided to an applicant for water within one hundred twenty days unless specified otherwise by the local legislative authority. If such a determination is made, the local legislative authority shall require the new public water system to be constructed in accordance with the construction standards and specifications embodied in the coordinated water system plan approved for the area. The service area boundaries in the coordinated plan for the affected utilities shall be revised to reflect the decision of the local legislative authority.”*

Exhibit VI-I of the Walla Walla/College Place Coordinated Water System Plan (CWSP) provides a flowchart titled “Water Utility Service Review Procedure for New Development or Building Permits” which is the process that should be followed by the County in reviewing the current preliminary plat application for an 18-lot subdivision by Sunset Development, LLC. This constitutes a new development. In following the process shown in the flowchart, the applicant was referred to the designated utility, the City of Walla Walla. On February 27, 2017, the City provided a response to this request stating that the City of Walla Walla was “willing and capable of providing utility service” if the property were annexed and “appropriate main extensions” were completed. As noted by the City of Walla Walla in their April 28, 2017 comment letter, this property is not adjacent to the current city limit so it cannot be annexed until the intervening property owners are also willing to be annexed. The nearest city limit boundary to this property is about 2,500-feet away from the northwest corner of the subject property, measuring along the railroad tracks up to Prospect Avenue. It appears that there are at least 10 intervening property owners. It is clear that the

property will not receive service within 120 days. As noted at the hearing, the current owners and previous property owners have sought several times over recent years to either obtain service from the city or start a new water system. Whether the City's timeframe for providing service is "timely and reasonable" is ultimately a question for the Board; however, the Coordinated Water System Plan flowchart provides guidance. The CWSP flowchart (attached), and the CWSP, at VI-2, state that: "Where services is to be provided by a public water system to a proposed development with more than one service, the preferred order of service is as follows:"

1. Immediate direct service by the designated utility. *(The City cannot provide).*
2. Remote system service by the designated utility. *(The City has declined).*
3. Interim service provided by an adjacent utility. *(There are no adjacent utilities).*
4. Service provided by an adjacent utility, service areas adjusted. *(There are no adjacent utilities).*
5. Service provided by Satellite System Management Agency (SMA), service areas adjusted.

Since the designated utility is unable to provide timely and reasonable service, the next step in the process then is to remove the property from the City's Water Service Area. When that is done, the applicant may then pursue another water utility provider, or establish a new water district with supervision by a Satellite Management Agency. Either course of action cannot be finalized until the property is removed from the water service area. Under the terms of RCW 70.116.060(3)(B), the service areas must be adjusted.

This is further supported in the Coordinated Water System Plan (CWSP), which also requires that a 20-year water system plan, and a six-year capital improvement plan be developed and approved by the State for by each city, for each city's water service area:

*Section V – Water Utility Design Standards, paragraph 4, Development of Urban Services:  
"The water systems within the urban growth boundary will be required to develop a water system plan for their designated service area that covers a twenty-year horizon, with a specific six-year capital improvement plan to meet the new urban level service standards outlined under the Growth Management Law. These [plans] need to be approved by the appropriate state agencies. This approved Capital Improvements Plan will be a condition of building permit issuance. This plan will also be required for State funding assistance. Technical approval will be done by the appropriate regulatory agency.*

*If the Capital Improvement Plan is not developed and implemented in accordance with the State GMA requirements, the city and/or County will be required to deny issuance of building permits for structures served by the nonconforming utility. In this event, a property owner that is denied water service due to the inadequacy of the designated water utility, would initiate the Utility Service Review Procedure (USRP) that defines the process for establishing timely and reasonable water service. If the water utility is unable to meet the urban level standard, they would then be unable to provide public water service and/or fire protection to the property in a timely and reasonable manner, and the adjacent utilities could then be requested to extend water service to the area. The existing water utility would be required to relinquish that service area.*



*The GMA provision changes the flexibility of the CWSP and may require all existing water systems to implement a water system upgrade to meet the urban level standards within a designated period or relinquish their service area to an adjacent utility.*

In its letter addressed to the Board of County Commissioners dated April 28, 2017, the City implied that the process for adjusting a water service area boundary was not followed, and cited Section III(3)(D) of the Coordinated Water System Plan, which states:

*"This CWSP shall be reviewed by the WUCC (Water Utility Coordinating Committee), at a minimum, every five years, and updated as necessary. Service areas adopted in this Plan may also be revised at that time, if such revisions are considered appropriate by the utilities concerned."*

It is my opinion that this reference provides for the occasional review of the boundaries of the service areas in conjunction with a formal update process of the CWSP. At this time, there is no update of the CWSP occurring, or planned.

Additionally, the City stated in that same letter that:

*"An amendment to a service area boundary pursuant to a planning document is a legislative action. It is not subject to the one hearing rule and should require discussion between the affected jurisdictions for consensus rather than merely providing for one opportunity to comment."*

The CWSP file is full of letters exchanged between the City and County (and Mr. Case) over the years, going as far back as a letter received from the City dated October 11, 2012. The file includes a formal written code interpretation by me dated February 22, 2017 wherein I suggested this property be removed from the City's water service area. That interpretation was not appealed though we did receive a letter from the City a few days later, on February 27<sup>th</sup>, that stated:

*"While we do not necessarily agree with the County's decision, we recognize the County's authority in this matter and will not support nor object."*

That was the second time the City stated in writing that it did not object to this, the first time being in a letter to the County dated November 23, 2015:

*"Therefore, while the City of Walla Walla does not approve of Mr. Case forming a class B water system in the urban growth area, it will not object."*

The file contains documentation of at least one other water service area boundary adjustment made prior to this, in 2005. That particular request was not made in conjunction with a formal update of the CWSP, but the City (the Port of Walla Walla was the requestor) was consulted, and concurred with the amendment.

#### **Walla Walla County Comprehensive Plan**

As noted above, the City has argued that it would be necessary to amend the Walla Walla County Comprehensive Plan to remove this property from the City of Walla Walla Urban Growth Area before the water service area boundary could be amended. This is not required by the CWSP, the state statute, the Comprehensive Plan, or the Countywide Planning Policies. The City indicated that the County needed to consider both the CWSP on the "one hand" and the Comprehensive Plan "on the other hand." However, the Walla Walla Coordinated Water System Plan is incorporated by reference into the Comprehensive Plan (Walla Walla County Comprehensive Plan at 9-6.)

Countywide Planning Policy 3.10 states that "within urban growth areas (UGAs), cities are the

*preferred* providers of urban services...” This Policy recognizes that Cities should be the provider of urban services, but it also recognizes that other entities may need to provide those services. This policy also states, as a general proposition, that “Urban Services shall not be extended through the use of special purpose districts except on an interim basis, or as applies to the Port of Walla Walla.” While Policy 3.10 seems to indicate that no urban services can be extended except by a City, Countywide Planning Policy 5.11 specifically addresses the issue of water districts. It states that “Cities should be purveyors of urban services. Existing water districts should not expand boundaries, nor should new ones be created *except as stated in a Coordinated Water System Plan...*” Again, it is clear that the City should be the purveyor, but this specific policy, which governs water districts, recognizes that the CWSP provides a procedure that would allow for other purveyors under certain circumstances.

The Comprehensive Plan provides the following overall policy to guide the County in the implementation of the CWSP.

*Policy UT-9 Continue implementation of the Walla Walla Coordinated Water System Plan policies and strategies to increase cooperation among purveyors; reduce public investment in duplicate facilities; increase water supply for human and habitat needs; support improved irrigation practices; implement water conservation and efficiency measures; and protect groundwater resources.*

The City states in their April 28 letter that “if utility line extensions and annexation of the subject property are considered unfeasible *at this time*, then the subject property and surrounding area should be removed from the urban growth area with the upcoming comprehensive plan amendment cycle...” The City also indicates in this letter that they already have intentions to apply to remove this area from their urban growth area (UGA) during the 2018 update cycle. A decision on removal of this or any other property from the UGA will ultimately be one for the Board of County Commissioners to decide. It is the County that sets the urban growth area boundaries upon cooperation and consideration with the cities pursuant to the policies and procedures in the Growth Management Act, Comprehensive Plan, and Countywide Planning Policies.

One thing that would need to be considered if a UGA removal was proposed in the future is that this area is already somewhat characterized by urban development. For example, there is a development south of current development proposal. If these one-acre lots were removed from the UGA they would become nonconforming lots. Lots smaller than five acres outside of an Urban Growth Area have been discouraged by the Growth Management Hearings Board in their interpretation of the Growth Management Act. The current zoning for this area is R-96, Suburban Residential, which is urban zoning. If these properties are removed from the UGA, the zoning assigned to them would be RR-5, Rural Residential 5-acre minimum lot size. That action would make the existing development, as well as the proposed 18-lot subdivision, nonconforming as to lot size. The area is already developing at urban densities, as anticipated when it was placed within the UGA, and assigned urban zoning more than two decades ago.

Furthermore, removal of the area from the UGA would necessitate that the County review what impact the removal of the property would have on the County’s ability to accommodate growth. These population projections were last reviewed by the County in 2013.

Review and decision on the overall development proposal, the preliminary plat application, will include consideration for how the project complies with the County’s development standards and the Walla Walla County Comprehensive Plan. Countywide Planning Policy 5.4 allows for urban development to be located outside of a municipal boundary within an urban growth area, as proposed by Mr. Case. The Comprehensive Plan requires the County to adopt development

standards for the UGA which are consistent and compatible with the City's standards (Policy LU-40), which we have done, and to coordinate review of developments within the UGA with the City (Policy LU-39), which we have also done and will continue to do as the preliminary plat application is processed.

**Other issues:**

During the Hearing, questions arose regarding what size lots could be created, since the lots would be serviced by on-site septic. Depending on the soil type, lots served by public water systems can be smaller than one acre, and are governed by State Department of Health Regulations and Walla Walla County Code 8.16.090.

Under Washington law, new water districts must be owned or operated by a Satellite Management Agency (SMA). The State Department of Health maintains a list of approved agencies. In Walla Walla County, the approved SMAs are Northwest Water Systems of Port Orchard, and Valley Water Services of Yakima.

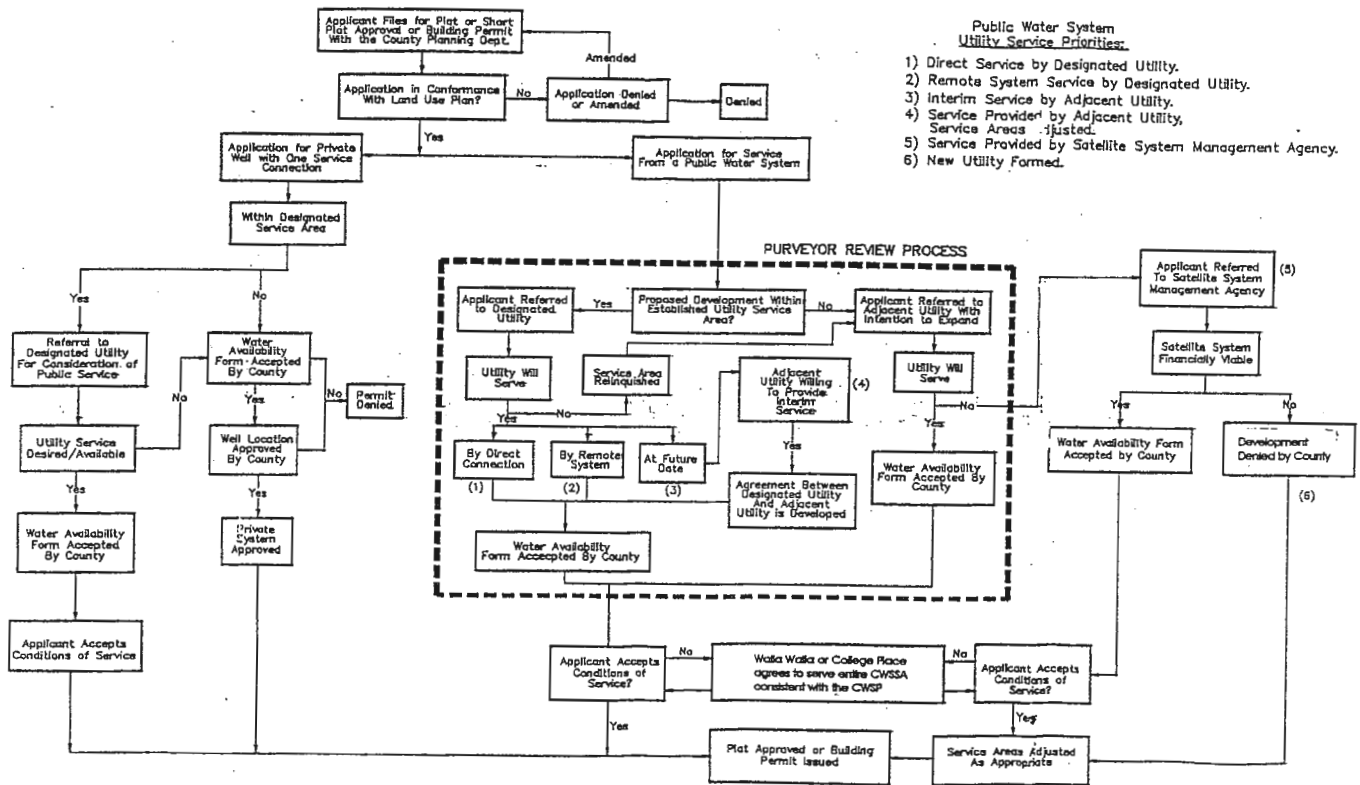
**Request**

Staff recommends that the Board of County Commissioners approve the request to remove property identified by parcel numbers: 360605514809 (1.23 acres) and 3606055100006 (10.43 acres), both owned by Sunset Development, from the City of Walla Walla's Water Service Area, as shown on the attached map. Furthermore, any new public water system created within the UGA shall be constructed in accordance with the construction standards and specifications embodied in the CWSP, and any new public water system must be operated by a state approved Satellite Management Agency.

**EXHIBIT VI-I  
WATER UTILITY SERVICE REVIEW PROCEDURE  
FOR NEW DEVELOPMENT OR BUILDING PERMITS**

**Public Water System  
Utility Service Priorities:**

- 1) Direct Service by Designated Utility.
- 2) Remote System Service by Designated Utility.
- 3) Interim Service by Adjacent Utility.
- 4) Service Provided by Adjacent Utility, Service Areas Adjusted.
- 5) Service Provided by Satellite System Management Agency.
- 6) New Utility Formed.



**a) Consent Agenda Items:**

- 1) Resolution \_\_\_\_\_ - Initiating a County Road Project designated as CRP 17-03, Mud Creek Road, MP 0.15 to MP 0.75; South Fork Coppei Road, MP 0.99 and Wallula Avenue, MP 0.08
- 2) Resolution \_\_\_\_\_ - Use of county roads for the Walla Walla Multi-Sports Onion Man Triathlon
- 3) Resolution \_\_\_\_\_ - Setting a public hearing date for Alex Hendler and Dorothy Copeland, DBA Cottonwood Canyon Farms LLC, for a franchise to construct, operate, and maintain a utility system within the county road right of way
- 4) Execute Rural Arterial Program Project Agreement for Construction Proposal (Project Number 3616-01, Mill Creek Road)
- 5) Execute Small Works Contract with ASPC for the Public Works Building Paint and Flooring Replacement Project

**b) Department update and miscellaneous**

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

**IN THE MATTER OF INITIATING A COUNTY ROAD PROJECT DESIGNATED AS CRP 17-03, MUD CREEK ROAD, MP 0.15 TO MP 0.75; SOUTH FORK COPPEI ROAD, MP 0.99 AND WALLULA AVENUE, MP 0.08.**



**RESOLUTION NO.**

**WHEREAS**, erosion damage has occurred due to high runoff at Mud Creek, South Fork Coppei Creek and Mill Creek; and

**WHEREAS**, Mud Creek Road, South Fork Coppei Road, and Wallula Avenue may incur further damage if repairs are not made; now therefore

**BE IT HEREBY RESOLVED** that Mud Creek Road, MP 0.15 to MP 0.75, Road Log No. 76200, located in Section 25, Township 8N, Range 37E; South Fork Coppei Road, Road Log No. 76830, located in Section 18, Township 8N, Range 38E; and Wallula Avenue, MP 0.08, Road Log No. 92440, located in Section 28, Township 7N, Range 35E, be improved as follows:

Replace Mud Creek culvert and place bank protection to protect roads from future erosion.

This project is declared to be a public necessity and the County Engineer is hereby authorized to proceed with the improvement to Mud Creek Road, South Fork Coppei Road, and Wallula Avenue.

**IT IS FURTHER RESOLVED** that appropriation from the officially adopted road fund budget, based on the County Engineer's estimate, be made in the amounts and for the purposes shown:

<b>Purpose</b>	<b>County Funds</b>
Design	\$40,000
ROW	\$10,000
Construction	<u>\$500,000</u>
<b>Total</b>	<b>\$550,000</b>

[ ] This project is included in the officially adopted annual road program as Item No. \_\_\_\_\_

[x] This project is hereby made a part of the officially adopted annual road program in accordance with RCW 36.81.130

Passed this 15<sup>th</sup> day of May, 2017 by Board members as follows:      Present or      Participating via other means, and by the following vote:      Aye      Nay      Abstained      Absent.

Attest:

\_\_\_\_\_  
Connie R. Vinti, Clerk of the Board

\_\_\_\_\_  
James L. Duncan, Chairman, District 3

\_\_\_\_\_  
James K. Johnson, Commissioner, District 1

\_\_\_\_\_  
Todd L. Kimball, Commissioner, District 2

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

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

IN THE MATTER OF USE OF  
COUNTY ROADS FOR THE  
WALLA WALLA MULTI-SPORTS  
ONION MAN TRIATHLON



RESOLUTION NO.

**WHEREAS**, Walla Walla Multi-Sports has requested permission to use the below listed Walla Walla County roads for the biking portion of this triathlon event; and

**WHEREAS**, said triathlon will be held Sunday, May 21, 2017, between the hours of 9:00 am and 2:00 pm; 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 shall provide traffic control, signage and flaggers in accordance with the approved Special Event Permit; 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 have provided a news release to the local newspapers announcing the event date; now therefore

**BE IT HEREBY RESOLVED** by this Board of Walla Walla County Commissioners that permission be granted to Walla Walla Multi-Sports to use the following County roads on Sunday, May 21, 2017: Reservoir Road from the Corps office to North Tausick Way; from North Tausick Way to the Walla Walla Community College entrance; from that entrance along Campus Loop to Isaacs Avenue; along the Isaacs Avenue bike path to Mill Creek Road and turn onto 5 Mile Road; from there to Russell Creek Road up to Berney Drive, and reversing the course for the return trip with a short out and back on Scenic Loop Road.

Passed this 15<sup>th</sup> day of May, 2017 by Board members as follows:      Present or      Participating via other means, and by the following vote:      Aye      Nay      Abstained      Absent.

Attest:

\_\_\_\_\_  
Connie R. Vinti, Clerk of the Board

\_\_\_\_\_  
James L. Duncan, Chairman, District 3

\_\_\_\_\_  
James K. Johnson, Commissioner, District 1

\_\_\_\_\_  
Todd L. Kimball, Commissioner, District 2

\_\_\_\_\_  
*Constituting the Board of County Commissioners  
of Walla Walla County, Washington*

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

IN THE MATTER OF SETTING A PUBLIC HEARING DATE FOR ALEX HENDLER AND DOROTHY COPELAND, dba COTTONWOOD CANYON FARMS, LLC FOR A FRANCHISE TO CONSTRUCT, OPERATE, AND MAINTAIN A UTILITY SYSTEM WITHIN THE COUNTY ROAD RIGHT OF WAY, IN WALLA WALLA COUNTY, WASHINGTON



RESOLUTION NO.

**WHEREAS**, Alex Hendler and Dorothy Copeland, dba Cottonwood Canyon Farms, LLC have requested a franchise to construct, operate, and maintain a utility system within the public right of way in Walla Walla County; now therefore

**BE IT HEREBY RESOLVED** by this Board of Walla Walla County Commissioners that a public hearing date be set for June 5, 2017 in the Commissioners' Chambers, County Public Health and Legislative Building, located at 314 West Main Street, Walla Walla, Washington, at the hour of 10:30 a.m. or as soon thereafter as such hearing may be held.

*Passed this 15<sup>th</sup> day of May, 2017 by Board members as follows:      Present or      Participating via other means, and by the following vote:      Aye      Nay      Abstained      Absent.*

Attest:

\_\_\_\_\_  
Connie R. Vinti, Clerk of the Board

\_\_\_\_\_  
James L. Duncan, Chairman, District 3

\_\_\_\_\_  
James K. Johnson, Commissioner, District 1

\_\_\_\_\_  
Todd L. Kimball, Commissioner, District 2

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



**Walla Walla County Public Works**  
**PO Box 813**  
**Walla Walla, WA 99362**



To: Board of County Commissioners

From: Randy Glaeser, Public Works Director

Date: 11 May 2017

Re: Director's Report for the Week of 8 May 2017

**Board Action: 15 May 2017**

**Resolutions:**

**In the Matter of Initiating a County Road Project Designated as CRP 17-03, Mud Creek, MP 0.15 to MP 0.75; S. Fork Coppei Road, MP 0.99 and Wallula Avenue, MP 0.08**

**In the Matter of Use of County Roads for the Walla Walla Multi-Sports Onion Man Triathlon**

**In the Matter of Setting a Public Hearing Date for Alex Hendler and Dorothy Copeland DBA Cottonwood Canyon Farms LLC for a Franchise to Construct, Operate, and Maintain a Utility System within the County Road Right of Way**

**Miscellaneous:**

**Execute Rural Arterial Program Project Agreement for Construction Proposal**

**Execute Small Works Contract for Public Works Building Paint and Flooring Replacement**

**ENGINEERING:**

- Mill Creek FH: Hoping to advertise late May or early June.
- Blue Creek Bridge: Working with utilities on relocations.
- Pflugrad Bridge: Finalizing plans and working on environmental permits.
- Second Avenue (Burbank): Contractor is pulverizing the existing road.
- Mill Creek Road MP 1.1 to MP 3.96: Acquisition will begin when time allows.
- Miscellaneous: Updating priority array.

**FLEET MGT/DEVELOPMENT:**

- Working on 2018 budget

**MAINTENANCE:**

- Conducted annual chip seal meeting with crews
- Crews preparing roads for chip seal.

**ADMINISTRATION:**

- Attending Mill Creek Coalition meeting.
- Counseling underway.

10:45

**PROSECUTING ATTORNEY**

**Jim Nagle/Jesse Nolte**

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

- a) Department update and miscellaneous
- b) **Active Agenda Items:**
  - 1) Possible discussion/decision re: any pending claims against the County
- c) **Action Agenda Items:**
  - 1) Revised job description approval form – Chief, Road Operations and Fleet Management for Public Works Department
  - 2) Revised job description approval form – Design Engineer for Public Works Department
  - 3) Revised job description approval form – Assistant Chief of Engineering and Construction for Public Works Department
  - 4) Revised job description approval form – Chief Fiscal Officer for Public Works Department
- b) Possible executive session re: personnel (pursuant to RCW 42.30.110(g)), collective bargaining negotiations (pursuant to RCW 42.30.140(4)(b)), and/or litigation or pending or potential litigation (pursuant to RCW 42.30.110(i))

**11:15 COUNTY COMMISSIONERS**

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

**12:00 Recess**

**1:30 COUNTY COMMISSIONERS**

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

**- A D J O U R N -**

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

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