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Ordinance No. 378

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

ORDINANCE NO. 378

ADOPTING A MAP AMENDMENT TO THE WALLA WALLA COUNTY COMPREHENSIVE PLAN, RESOURCE LANDS MAP – 9, REMOVING THE UNIQUE LANDS DESIGNATION FROM PROPERTY OWNED BY MR. SCOTT BYERLEY, APPLICANT, FOR PROPERTY LOCATED AT 501 W. LANGDON ROAD.

WHEREAS, the Growth Management Act requires that the County take legislative action to review and revise, if necessary, its comprehensive land use plan to ensure that it complies with the requirements of the Growth Management Act, as described in RCW 36.70A.130; and

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

WHEREAS, the County must establish a public participation program that identifies procedures and schedules for consideration of proposed updates, amendments, or revisions to the comprehensive plan; and

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

NOW THEREFORE,

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

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

Procedural History and Public Information:

1. On March 17, 2009 the Board of County Commissioners signed County Proposal 2009 03-17-CDD, as recommended by the Community Development Director, beginning the 2009 Comprehensive Plan Amendment Cycle, and setting the deadline for receipt of non-County Comprehensive Plan Amendment Applications.



2. The Board of County Commissioners established the criteria for the 2009 Comprehensive Plan amendment process, and formalized the timeframe for the acceptance of non-County amendment application by the adoption of Resolution 09-078 on March 30, 2009.
3. The County issued a press release to local newspapers, and the Department website, on March 30, 2009 announcing the opening of the application period for non-county amendments to the Comprehensive Plan.
4. On March 31, 2009 the Union Bulletin newspaper printed an article summarizing the County's announcement of the beginning of the 2009 Comprehensive Plan Amendment Application cycle, including information to citizens about the procedure for applying.
5. On April 2, 2009 the Union Bulletin newspaper printed a second article summarizing the County's 2009 Comprehensive Plan Amendment Application cycle, including information to citizens about where to go for applications, and directions to the County's website where the application process is explained.
6. The application period for non-County amendments to the Comprehensive Plan closed at 5:00 p.m., June 1, 2009, and the County received five amendment applications.
7. A legal notice announcing a public workshop of the Walla Walla County Planning Commission held on July 1, 2009 was published in the Waitsburg Times and the Tri-City Herald on June 18, 2009, and in the Union Bulletin newspaper on June 19, 2009.
8. The Walla Walla County Planning Commission held a public workshop on July 1, 2009 to review all Comprehensive Plan Amendment Applications received by the June 1, 2009 deadline date.
9. On July 9, 2009 the Waitsburg Times newspaper printed an article summarizing the County's announcement of a public workshop held by the Board of County Commissioners on July 20, 2009 to review all Comprehensive Plan Amendment Applications received by the June 1, 2009 deadline date, including a description of each application received.
10. The Walla Walla Board of County Commissioners held a public workshop on July 20, 2009 to review all Comprehensive Plan Amendment Applications received by the June 1, 2009 deadline date.
11. A legal notice announcing a public hearing held by the Walla Walla County Planning Commission on August 5, 2009 was published in the Waitsburg Times, the Tri-City Herald, and the Union Bulletin newspapers on July 23, 2009.



12. A public hearing was held by the Walla Walla County Planning Commission on August 5, 2009 to review all Comprehensive Plan Amendment Applications received by the June 1, 2009 deadline date, and to receive input regarding those applications, and to make a recommendation to the Board of County Commissioners regarding the establishment of the 2009 Comprehensive Plan Amendments Preliminary Docket.
13. The Planning Commission received public comments at the August 5, 2009 public hearing, all in favor (no one spoke against any of the proposed amendments).
14. On August 17, 2009 the Board of County Commissioners received from the County Planning Commission Resolution No. 09-03 summarizing recommendations the Planning Commission made at the August 5, 2009 public hearing.
15. On August 17, 2009 the Board of County Commissioners signed Resolution No. 09-227 setting a public hearing for August 31, 2009.
16. A legal notice announcing a public hearing held by the County Commissioners on August 31, 2009 was published in the Waitsburg Times, the Tri-Cities Herald, and the Union Bulletin newspapers on August 20, 2009.
17. At the public hearing held on August 31, 2009 the Board of County Commissioners received input regarding to one of the proposed comprehensive plan amendment applications, CPA 2009-004, City of Walla Walla.
18. During an open, public work session of the Board of County Commissioners on September 1, 2009 a motion was approved to establish the Final Docket for the 2009 County Comprehensive Plan amendments cycle.
19. During an open, public work session on September 8, 2009 the Board of County Commissioners signed Resolution No. 09-257 establishing the Final Docket of the 2009 Comprehensive Plan Amendment Applications.
20. A threshold Determination of Non-Significance (DNS) was issued per requirements of the State Environmental Policy Act (SEPA) by the Community Development Director on September 14, 2009 [DNS (File Nos. EA2009-014, EA2009-013, EA2009-015, and EA2009-026. The City of Walla Walla SEPA Checklist had no file number assigned)].
21. The SEPA threshold determination was placed on the SEPA Registry on September 15, 2009.

22. Publication of the SEPA threshold determination was published in the Waitsburg Times on September 17, 2009, and in the Walla Walla Union Bulletin and the Tri-City Herald on September 15, 2009.
23. The comment period for the Determination of Non-Significance closed on September 28, 2009.
24. The County received no comments on the SEPA threshold determination issued September 14, 2009.
25. On September 1, 2009 the County sent notice to the Washington State Department of Commerce of the County's intent to adopt amendments to the Comprehensive Plan, and of the commencement of the 60-day review and comment period as required by RCW 36.70A.106.
26. The comment period for the 60-day review period closed November 1, 2009.
27. The County received no comments from the Department of Commerce, or any other agency, to the final docket.
28. A legal notice announcing a public hearing held by the Walla Walla County Planning Commission on November 4, 2009 was published in the Waitsburg Times and the Union Bulletin newspapers on October 22, 2009, and in the Tri-City Herald newspaper on October 23, 2009.
29. An article appeared in the Union-Bulletin newspaper on November 3, 2009 describing the public hearing set for November 4, 2009, and summarizing each of the proposed Comprehensive Plan amendments.
30. A public hearing was held by the Walla Walla County Planning Commission on November 4, 2009 to consider staff's analysis and recommendations regarding the Final Docket, to receive testimony regarding the Final Docket, and to make a recommendation concerning each of the amendment applications to the Board of County Commissioners.
31. The Planning Commission received public comments regarding the Final Docket at the November 4, 2009 public hearing.
32. The Planning Commission received one comment in favor of this application (from the applicant), and one comment "not necessarily opposed" (from a neighbor).
33. On November 16, 2009 the Board of County Commissioners received from the County Planning Commission Resolution No. 09-04 summarizing recommendations the Planning Commission made at the November 4, 2009 public hearing regarding the Final Docket.

34. On November 16, 2009 the Board of County Commissioners signed Resolution No. 09-330 setting a public hearing date for December 7, 2009.
35. A legal notice announcing a public workshop held by the County Commissioners on December 1, 2009 was published in the Waitsburg Times and Union Bulletin newspapers on November 19, 2009, and in the Tri-Cities Herald on November 20, 2009.
36. A legal notice announcing a public hearing held by the County Commissioners on December 7, 2009 was published in the Waitsburg Times on November 26, 2009, and in the Union Bulletin and Tri-Cities Herald on November 24, 2009.
37. The Walla Walla Board of County Commissioners held a public workshop for public information purposes only on December 1, 2009 to review all Comprehensive Plan Amendment Applications comprising the Final Docket and the Planning Commission recommendations.
38. The Board of County Commissioners held a public hearing on December 7, 2009 to review the Final Docket, to consider the Planning Commission recommendations, to receive testimony, and to provide direction to staff. No comments were received in favor or against the proposed amendment.

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

1. The amendment request meets a definable public need by ensuring that an accurate agricultural designation is applied to the property so that it can be preserved in a way that will achieve its maximum public benefit.
2. The property does not meet the criteria listed for the "Unique Lands" designation as it is not currently being used for the growing of the "unique crops" that had been the reason for the designation in 1991.
3. The applicant states the unique crops that had been grown there (grapes and onions) cannot be grown there now due to a high water table and the infestation of the soil by white rot.
4. The proposed amendment will conform to Goal RL 10 from the County Comprehensive Plan which is to maintain a buffer between lands designated for urban use and resource lands. The proposed site is zoned Rural Residential 5 and located between areas proposed for urban growth and resource lands.
5. The amendment does not require additional amendments to the Comprehensive Plan.

6. Removing the agricultural designation of "Unique Lands" has no bearing on concurrency requirements for transportation, and does not adversely affect adopted level of service standards for other public facilities and services (e.g., sheriff, fire and emergency medical services, parks, fire flow, and general governmental services).
7. The proposed amendment is consistent with the goals, policies, and implementation strategies of the various elements of the Walla Walla County Comprehensive Plan, particularly Goal RL 10: *"Maintain a buffer between lands designated for urban use and Resource lands."*
8. The proposed amendment is not likely to result in probable significant adverse impacts to the County's transportation network, capital facilities, utilities, parks, and environmental features that cannot be mitigated, and is not likely to place uncompensated burdens upon existing or planned service capabilities.
9. The site appears to be physically suitable for the proposed amendment.
10. The proposed amendment is not likely to create pressure to change the land use designation of other properties, but it may lead to requests by other property owners to review the County's resource maps regarding the "Unique Lands" designation throughout the County.
11. Removing the agricultural land designation of "unique lands" from the subject property does allow an increase in density for that property, so the amendment is not likely to affect the land use and population growth projections that are the bases of the Comprehensive Plan
12. The subject property is not located within an unincorporated urban growth area (UGA), so the proposed amendment is not likely to directly affect the adequacy of urban facilities and services to the immediate area and the overall UGA, except that with the removal of the "Unique Lands" designation it may be easier to subdivide and develop the property in the future.
13. The amendment is consistent with the Growth Management Act and the county-wide policies for Walla Walla County.

Section III. Adoption of Scott Byerley Comprehensive Plan Amendment CPA2009-001.

- A. Based on its review of the requirements of RCW 36.70A, the analysis and proposed amendment prepared by County staff, the recommendation proposed by the Planning Commission, and the public comments received, the Board of County Commissioners hereby adopts the proposed amendment to the

Comprehensive Plan Resource Lands Map Rural Lands-9, removing the designation of Unique Lands from the property located at 501 W Langdon Road. Map RL-9 is amended as shown on Exhibit A.

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.

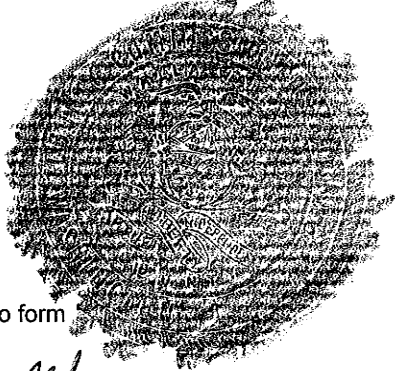
This Ordinance will be published by an approved summary consisting of the title.

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 21st day of December, 2009.

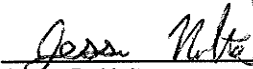
Attest:



Connie R. Vinti, Clerk of the Board



Approved as to form



Jesse D. Nolte
Deputy Prosecuting Attorney



Gregory A. Tompkins, Chairman, District 3



Gregg C. Loney, Commissioner, District 1



Perry L. Dozier, Commissioner, District 2

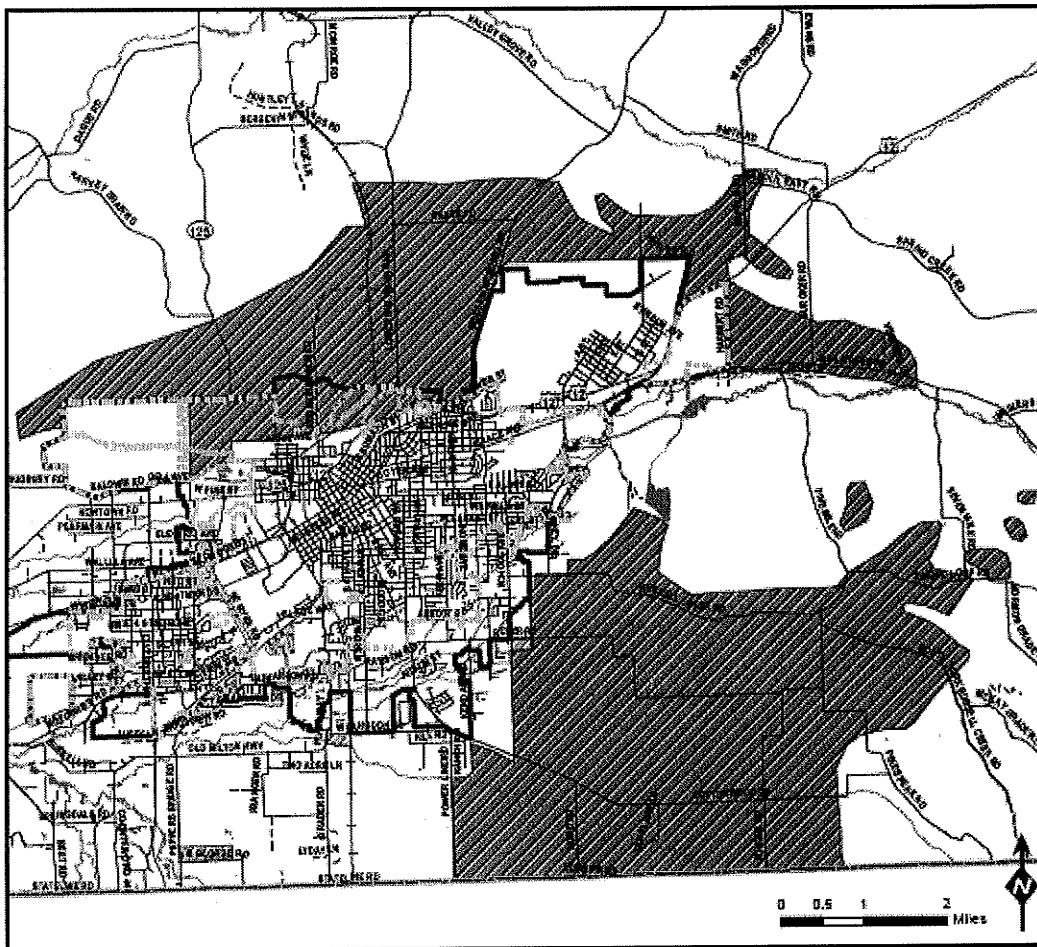
Constituting the Board of County Commissioners
of Walla Walla County, Washington



EXHIBIT A

Chapter 6, Map RL-9

Lands of Primary Significance and Unique Lands, Southern County



<p>BASE MAP LAYERS</p> <ul style="list-style-type: none"> — RAILROADS — HIGHWAYS — PUBLIC ROADS - - - PRIVATE ROADS ▨ RIVERS/STREAMS 	<p>BOUNDARIES</p> <ul style="list-style-type: none"> ▭ URBAN GROWTH AREA ▭ CITY LIMITS ▭ COUNTY BOUNDARY 	<p>AGRICULTURAL LANDS OF SIGNIFICANCE</p> <ul style="list-style-type: none"> ▨ PRIMARY SIGNIFICANCE ▨ UNIQUE LANDS
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Print Date: 12/22/2009 Walla Walla County Community Development Department - 310 W. Poplar, Walla Walla WA 99362 - (509) 824-2610

