

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

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

Ordinance No. 379

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

Grantor

1. **Walla Walla County Commissioners**
- 2.
- 3.

Additional names on page ____ of document.

Grantee

1. **The Public**
- 2.
- 3.

Additional names on page ____ of document.

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

Additional legal is on page ____ of document.

Assessors Parcel Number

Additional parcel number is on page ____ of document.

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

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

ORDINANCE NO. 379

**ADOPTING A TEXT AMENDMENT TO THE WALLA WALLA COUNTY
COMPREHENSIVE PLAN, CHAPTER 12 – BURBANK SUBAREA PLAN AND
POLICY BSA-14, FOR THE PORT OF WALLA WALLA, APPLICANT.**

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:

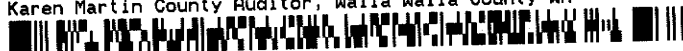
Procedural History and Public Information:

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 allowed, but did not receive any public comments regarding this amendment request at the November 4, 2009 public hearing.
32. 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.



33. On November 16, 2009 the Board of County Commissioners signed Resolution No. 09-330 setting a public hearing date for December 7, 2009.
34. 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.
35. 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.
36. 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.
37. 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 because it will provide less restrictive policy regarding future development opportunities for the public in the Industrial and Commercial land-use designations in the Burbank Subarea.
2. The applicant, the Port of Walla Walla, stated the proposed amendment will support the plans the Port has for the areas zoned Industrial/Business Park.
3. Approval of the policy amendment will allow greater flexibility for future development on Industrial/Commercial lands. Health standards will not be compromised but less expensive options will be available to property owners/developers.
4. The public need was not recognized in the existing comprehensive plan as the proposed changes to U.S. 12 and future access to the Industrial/Business Park had not yet been determined. Since the Comprehensive Plan was adopted the new configuration of U.S. 12 including the re-alignment of the intersections of U.S. 12 & SR 124, and the proposed overpass at U.S. 12 & Humorist Road has since been determined.



5. It is important that Walla Walla County remain competitive within the region, and to designate lands within in the County suitable for prospective businesses and industries.
6. The amendment does not require amendment of current policies in other areas of the Comprehensive Plan. As the plan is currently written much of the text and policies encourage industrial/commercial development in the Burbank area.
7. The defined need conforms to policy directives of the Comprehensive Plan and countywide planning policies, particularly the following policies from the Burbank Subarea (BSA) Plan:
 - Policy BSA-3: Implement the Coordinated Water System Plan and continue to investigate the potential for a community sewage treatment system.
 - Policy BSA-8: Development of commercial areas should be part of an overall development plan to ensure adequate access, parking, landscaping, and architectural control.
 - Policy BSA-11: Allow industrial/business parks in and on the periphery of industrial areas to provide a transition from and to minimize the impacts of heavy industry on surrounding land uses.
 - Policy BSA-24: Promote active and diverse industrial/business parks to stimulate economic growth.

Section III. Adoption of Port of Walla Walla Comprehensive Plan Amendment CPA2009-003.

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, text amendments shown on Exhibit A: Comprehensive Plan Text Amendments, and amendment to Policy BSA-14 shown on Exhibit B: Comprehensive Plan Policy Amendment.

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

Connie R. Vinti, Clerk of the Board



Gregory A. Tompkins

Gregory A. Tompkins, Chairman, District 3

Gregg C. Loney

Gregg C. Loney, Commissioner, District 1

Perry J. Dozier

Perry J. Dozier, Commissioner, District 2

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

Approved as to form

Jesse D. Nolte

Jesse D. Nolte

Deputy Prosecuting Attorney



The Burbank UGA has two areas designated for commercial uses. One is located along the east and west sides of the U.S. Highway 12 and Humorist Road intersection and the other is located on Second Avenue. Both provide neighborhood commercial services. Additionally, land owned by the Port of Walla Walla located northwest of the intersection of Humorist Road and U.S. Highway 12 is designated for a mix of commercial and light-industrial uses. This area is zoned Industrial/Business Park and has not yet been developed.

The McNary National Wildlife Refuge and Recreation Area is a major land use in the Burbank community. It provides critical wildlife habitat areas for a diverse population of migratory birds, which depend heavily on the refuge for resting and nesting opportunities. This area has provided hunting, fishing, and wildlife viewing opportunities for a regional public on both public and private lands. In addition to its recreational amenities the Wildlife Refuge provides a significant aesthetic benefit to the community and contributes to its overall desirability as a place to live and work.

The rural activity centers are located north of the McNary National Wildlife Refuge and Recreation Area and in the Basin Drive area. Both centers are separated from the Burbank UGA and have a character distinct from the UGA. The rural activity center north of the UGA is composed largely of 1- to 2-acre residential single-family parcels with some slightly higher density development overlooking the Snake River. The land uses represent a stark contrast to those in the UGA: more than 80% of the parcels contain site-built homes and approximately 18% contain mobile homes.

12.2.4. Population and Future Land Use Designations

The latest population projections from the Washington State Office of Financial Management indicate that Walla Walla County can expect a population increase of over 15,000 people by the year 2025 (See Chapter 5, Land Use Element). Population estimates for the Burbank community have been historically based using a percentage of the census estimates for the Burbank Division, Census Dedicated Place. Based on historical growth rates in the Burbank area, approximately 250 additional people will seek residence in the Burbank area by the year 2025.

It should be noted that population estimates for this community are inexact and adjustments to these figures will be made periodically as part of the County's process for monitoring growth and land uses consistent with the requirements of the GMA.

The intent of the Burbank Subarea Plan and the Walla Walla County Comprehensive Plan are to encourage new growth to occur in the UGA and to a lesser extent in the rural activity centers. Basic



assumptions were used to determine the land uses depicted on the Burbank Area Land Use Map, as identified below (Map BSA-1).

- Actual use is the primary indicator of where lands are most suitable and desirable for small acreage single-family development, hobby farms, and other uses that can be developed in harmony with the community vision.
- Generally, the lower density land use designations are on lands with the highest development constraints (e.g., steep slopes, critical areas, floodplains, and near active commercial agriculture). The highest densities are in areas already platted to smaller lots (the UGA) or in rural activity centers.
- The County Health Department requirements for water and domestic waste disposal will continue to dictate minimum lot size in the absence of full public utilities.

The approximate amount of land devoted to the different land use designations in the Burbank community are as follows: (Map BSA-1):

- Agriculture Residential: 1,272 acres
- Rural Agriculture: 820 acres
- Rural Residential 2-5 (Burbank Rural Activity Center): 1,381 acres
- Residential Single Family: 1,084 acres
- Commercial: 23 acres
- Industrial: 385 acres
- Public Reserve: 1,192 acres

12.2.5. Burbank Urban Growth Area

Within the Burbank UGA, the following urban land use designations apply:

Industrial

The purpose of the Industrial designation in Burbank is to provide for industrial and business park developments in a way that protects nearby residential uses and public schools. The designation allows a broad range of industrial, distribution, wholesale, assembly, manufacturing, office, and commercial uses. Heavy industrial uses are located on properties near the Snake and Columbia Rivers and U.S. Highway 12 for convenient access and minimal impacts on residential uses. Light industrial and business park uses are intended to provide a transition between heavy industrial uses and residential land uses. The business park includes retail commercial uses intended to meet future long-term needs of the community and the anticipated employees of the business park. ~~In Burbank a broader range of~~

~~commercial uses are allowed to~~ The commercial uses in the business park also account for the redesignation of 30 acres of commercially designated property near the intersection of Humorist Road and Highway 12 in 2005. ~~Those opportunities for additional commercial uses are subject to an acreage limitation of thirty contiguous acres.~~ Previously, the County had indentified these 30 acres of commercial property as necessary to meet the commercial needs of the community and its anticipated growth.

The essential functions the Industrial land use designation is intended to fulfill are to:

- provide employment,
- expand and diversify the tax base, and
- sustain and enrich the local and regional economy.

Commercial

There is a need for commercial development to serve the existing population. Most commercial development in the near future will be of the Neighborhood Commercial type as the established regional shopping centers in the Tri Cities area will continue to serve the residents of Burbank. The Subarea Plan acknowledges the historical commercial center of the community while recognizing the need to meet future long-term needs of the community at a location in the vicinity of Humorist Road and U.S. Highway 12. This area provides good arterial and highway access and can be efficiently and adequately served by urban services. Under existing conditions both areas are limited due to the lack of urban services. In light of the commercial opportunities also available at the mixed light-industrial/commercial business park the The land use plan map allows for sufficient commercial lands to accommodate the anticipated growth in the Burbank Subarea through 2025.

Residential Single Family

Lands designated as Residential Single Family on the land use map are all located in the Burbank UGA. This designation permits a wide range of urban residential densities. This land use designation is the largest land use designation in the UGA.

Public Reserve

This district is ex-clusively reserved for public and semipublic uses in order to preserve and provide lands for those community facilities which serve the public health, safety, and general welfare of the County. In the Burbank UGA this designation is applied to lands used for schools and public facilities.

12.2.6. Burbank Rural Activity Center

In the Burbank rural activity center, the following urban land use designations apply:



Rural Agriculture

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 are allowed. A limited amount of commercial-tourism activities are allowed in this district, while limited commercial businesses that support agriculture are encouraged, with those uses having a high nuisance value, safety issues, or environmental implications allowed only by Conditional Use Permit (CUP). 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. These lands lie outside of the Burbank UGA and outside of a designated water system service area.

Land divisions that comply with the minimum lot size of 10 acres are allowed, provided that adequate provision of public facilities, utilities, and services such as water, wastewater disposal,

homeowners associations. Accordingly, the Burbank Subarea Plan does not address processing or treatment plants and the distribution/collection systems typically associated with such services. The only exception to this general condition takes place when a private water system is placed in receivership under State law and the County must assume responsibility as an interim condition.

Water Service

Revised Code of Washington (RCW) 36.94.020 states that the construction, operation, and maintenance of a system of sewers and water are a County purpose. Under State law, all new public water systems must be owned or operated by a satellite system management agency. This ensures that new systems have sufficient management and financial resources to provide safe and reliable service to the users. If a system loses its owner or operator due to noncompliance, the system goes into receivership. If no system management agency or person is willing to be named as a receiver the court names the County as a receiver of last resort.

In 1978, the Board of County Commissioners established a Critical Water Supply Service Area in response to a preliminary assessment of water system problems related to public water supply prepared by the State Department of Social and Health Services. This assessment identified initial problems consisting of unreliable service and uncoordinated planning.

In 1981, a Coordinated Water System Plan was prepared under the direction of the Western Walla Walla County Utility Coordinating Committee. This plan provided procedures for planning for safe, reliable water systems by examining water quality, system storage, and system reliability. Updated in 1998 and again in 2004, the plan identified five major public water systems currently in operation that had the potential to intertie and share facilities: The Burbank Irrigation District No. 4, Columbia View Water

Services, Harrison Ray Water Company, Arlene's Addition, and Westbourne Acres Subdivision. These water systems account for more than 700 metered and unmetered services in the Burbank area. ~~In addition to these purveyors, the Port of Walla Walla is in the process of constructing a water system designed primarily to serve its properties in the Burbank UGA.~~ In addition, the 2004 plan amendment authorized the formation of a new public water system by the Port of Walla Walla. Since then, the Port has constructed and is operating the new Port of Walla Walla Burbank Public Water system. The system has been constructed to serve Port properties and to provide drinking water to the local schools and other Burbank public water systems.

The reliability of Burbank's water system remains a major concern to the County's emergency service providers. A number of separate conditions have led to the existing situation:

- pipe size and configurations are too small or not looped to assure reliable constant water pressure,

...



Comprehensive Plan Policy Amendment

Exhibit B

- Goal BSA 2.** Provide the public policy framework for orderly development of the area while maintaining the rural character and lifestyle of the community outside the Burbank UGA.
- Policy BSA-4 Guide the development of the community with a balance of residential, commercial, industrial, and agricultural land uses.
- Policy BSA-5 Encourage land use decisions that are sensitive to the character of the community and utilize a citizens' advisory committee to provide input on major development issues.
- Policy BSA-6 Encourage new residential development to locate in areas near or adjacent to existing development prior to expansion into the outer periphery of the community.
- Policy BSA-7 Encourage non agricultural industries to locate on sites less suited for food production but with adequate infrastructure.
- Policy BSA-8 Development of commercial areas should be part of an overall development plan to ensure adequate access, parking, landscaping, and architectural control.
- Policy BSA-9 Develop industrial areas in a manner that creates an orderly transition from more intense land uses to less intense land uses, for example, by buffering heavy industrial uses from existing residential uses.
- Policy BSA-10 Provide areas with natural buffers or encourage man made buffers to separate industrial uses from the non industrial uses.
- Policy BSA-11 Allow industrial / business parks in and on the periphery of industrial areas to provide a transition from and to minimize the impacts of heavy industry on surrounding land uses.
- Policy BSA-12 Encourage the location of schools and other public facilities to be contiguous and centrally located.
- Goal BSA 3.** Provide the policy framework to coordinate public and private development projects and services to serve the general public.
- Policy BSA-13 Ensure adequate standards of design and construction in keeping with the rural character of the community.
- Policy BSA-14 Adequate sewer waste water disposal, water, fire protection, and utility services shall be available before commercial development begins.

