

Pamela Ransier

From: Michael Melder <melderdt@gmail.com>
Sent: Monday, September 14, 2026 4:50 PM
To: Permits; Pamela Ransier
Cc: Michael Melder
Subject: Critical Areas Comments

Good Evening,

Thank you for the opportunity to provide my personal commentary on the draft critical areas ordinance code updates. I am a licensed professional civil engineer in Washington state and have spent the last 14 years of my career working in Walla Walla. In reviewing the existing code and draft code updates there are several sections that will be detrimental to development within the City of Walla Walla.

Overall my two main concerns in review of the Draft Code are below.

1. It appears the author's focus when rewriting this chapter was on specific "Critical Areas", and not the entirety of "Critical Areas" as defined in the Code. The focus appears to be around water bodies, drainages, streams, wetlands, or associated buffers. However, the underlying City's Municipal Code defines a Critical Area below.

"Critical areas"

include any of the following areas or ecosystems: aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands, as defined in Chapter [36.70A](#) RCW and this chapter.

This definition, a review of the City's Critical Area Maps, and a review of the Code shows that nearly 100% of the City of Walla Walla falls within a single, or multiple, defined Critical Areas making all property within any Critical Area subject to the existing code and future code amendments.

2. What are the economic impacts associated with property valuations and taxes for properties that are now further encumbered? Has the Walla Walla County Tax Assessor and the City of Walla Walla conducted an evaluation of the potential tax liability associated with this change?

In addition to my two overall concerns about the author's intent and Draft Ordinance – the City's website ([Critical Areas Ordinance | City of Walla Walla](#)) has other language/statements that is not readily identified in the Code update.

Website Statement -

Walla Walla is in a dryland ecosystem. Within dryland ecosystems, WDFW's new science calls for cities to set a site-specific Riparian Management Zone (RMZ) area with a 100-foot minimum width of existing riparian vegetation, whichever is greater. This distance is generally needed to remove most pollutants and protect water quality. The [state's mapping tool](#) shows where this 100-foot RMZ should be applied. Overall, following this new BAS will significantly increase buffer width requirements for both fish-bearing and non-fish-bearing streams in Walla Walla.

Comments –

1. Where is an RMZ defined in this code? I do not see any references to RMZ being defined or delineated in the Draft Ordinance.
2. What is the maximum width of an RMZ identified within the City of Walla Walla? The maximum width reference is in regards to the statement on the City's website noting - "whichever is greater".

Comment – Can the City please provide definitions to the following based on language in the code.

Define "Reasonable Use"

Define "Reasonable Economic Use"

Define a "Trail Corridor"

Chapter 21.04.085(B)(2-3, 7-23) Critical Areas – Allowed Activities

Comment – The allowed uses generally appear to be associated with maintenance, or non-invasive uses, in and around water bodies. If a use is not outright allowed, is it disallowed? There are a host of uses within the defined Critical Areas inside city limits that are needed such as Commercial, Residential, and Public uses that need to be allowed without the need for professional studies or approval by the Director. This section does not reference other Allowed Uses as defined in 21.04.220.

Chapter 21.04.085(B)11)–

Comments –

1. Is the above Allowed Use for Minor Sitework applicable to All Critical Areas?
2. Minor Site Investigation that displaces more than 5 cubic yards of material shall require submittal of specific plans and restoration plans.
As a point of emphasis a typical geotechnical test pit (2x6x12) is in excess of 5 CY.
 - What is the "Specific Plans and Restoration Plans" required? This creates a substantial burden on our geotechnical engineers and due diligence and obtaining advance approvals.
 - Is this 5 CY value cumulative for Minor Site Investigative Work, per project, per discipline/individual action performed?
 - IE – If a single test pit is excavated that is beyond 5 CY, other minor work listed is now responsible for "Specific Plans and Restoration Plans"?
3. How does damage to native trees/plants/shrubs in Critical Areas viewed when it comes to clearing property lines, locating/establishing project boundaries, pins, etc.?

Chapter 21.04.090(B)(2-3)

Comments –

1. Define what is to be included in an Exception Request. The terms used in this section are very subjective, "including mitigation plan, if necessary," and "any other related project documents", "special studies" are too vague to understand, and/or scope for a project.
2. The exception is at the sole discretion of the "Director". What is the appeal process if applicant disagrees with the "Director"? Is the "Director's" decision binding?

...the applicant demonstrates that other permitted uses in the areas that have less impact on the critical area and buffer are not technically feasible as an alternative."

Comment –

1. Who determines if the Applicant demonstrates sufficient information?

...to allow for reasonable economic use of the property; and upon request, the director may require the applicant to provide a neighborhood analysis that evaluates the surrounding conditions in the immediate vicinity to verify that the applicant's request is consistent with the minimum necessary reasonable use criteria.

Comments –

1. What is the scope of a neighborhood analysis and who is the qualified professional that can prepare this document?
2. What are the "Minimum necessary reasonable use criteria"?

Chapter 21.04.085(B)(2-3)9.d. -

“Sensitive area and/or buffer widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas; and”

Comment – See above request to define a “Trail Corridor”.

Chapter 21.04.130(A)

Comments -

- Are all future building permits subject to a critical areas report given the presence of one or multiple critical areas encompassing the vast majority of the City of Walla Walla and it’s UGA?

Chapter 21.04.200(B) –

Comments

1. The 10-year time of travel is considered a CARA by the City of Walla Walla. This is classified as a Critical Area.
2. How are allowed uses such as Commercial, Industrial, and Residential Uses defined for this area?
3. How are the impacts to Walla Walla County being addressed based on the City’s Code for this section? The CARA effectively goes to the ridge of the Blue Mountains in encumbers substantial property outside the City of Walla Walla.

Chapter 21.04.320(B)(3) –

Comments –

Note the statement in this chapter “...and other critical areas...”. Are citizens required to do complete critical areas studies for all projects within 250’ of any critical area?

In closing, it would appear that the wording and updates to this code chapter have been hasty and without a full understanding and appreciation of the impacts social, environmental, economic impacts. I would like to see further study to address the above concerns and further clarifications added to the code to avoid unforeseen hardships on the citizens of our community.

Respectfully,



Michael Melder, PE

Civil Engineer