

Minutes for March 7, 2005

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063546 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **March 7, 2005 at 9:00 a.m.** Greg Partch, Chairman, G.R. "Jerry" Finch and Les Wigen, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

9:00 a.m. - Call to Order/Board Business/BOCC Workshop.

Present: Sharron Cunningham.

063547 1. Items discussed included Web Sense Discovery, Winona gravel pit letter; Hunt contract, Wal-mart and annual dues request. No action taken.

10:00 a.m. - Pledge of Allegiance.

Present: Tom Miller, Tammy Lewis and Megan Doyle.

D063547A 2. Motion by Commissioner Finch to approve the consent agenda. Motion **seconded** by Commissioner Wigen and **carried**.

063548 3. Claims/Payroll warrants numbered **174263-174362** for **\$122,512.01** approved.

FUND	FUND NAME	AMOUNT
001	Current Expense	41,672.88
102	Building & Development	257.56
103	Countywide Planning	7.40
110	County Roads	9,521.44
117	Boating Safety	89.00
119	Emergency Services	3,142.67
135	Prosecutor's Stop Grant	20.96
136	Electronic Monitoring	333.50
142	Whitcom-911	57,616.89
400	Solid Waste	7,128.38
501	Equipment Rental & Revolving	1,568.78
510	Photocopier Revolving	478.44
513	Communications Revolving	674.11

063549 4. February 28, 2005 minutes approved.

063550-063552 5. Personnel board orders approved.

063553-063554 6. Commissioner Finch **moved**, Commissioner Wigen **seconded** the motion and it **carried** to approve the county inventory as of 12/31/04.

The complete inventory is available in the Commissioners' Office.

BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS

RESOLUTION NO. 063553

We, Les Wigen, Greg Partch, and G.R. Finch, the Commissioners of Whitman County, State of Washington, DO HEREBY CERTIFY that we have examined the inventories as of December 31, 2004, as duly prepared and certified by the heads of various departments of Whitman County and find the same to be correct, as we verily believe.

Dated this 7th day of March 2005.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Greg Partch, Chairman

G.R. Finch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Les Wigen, Commissioner

BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS

RESOLUTION NO. 063554

WHEREAS, R.C.W. 36.32.210 requires that the Board of County Commissioners shall each year file with the Auditor of the County a statement verified by oath showing for the twelve months period ending December 31st of the preceding year, a full and complete inventory of all capitalized assets kept in accordance with standards established by the State Auditor; and,

WHEREAS, a listing of Whitman County's capitalized assets as of December 31, 2004, was circulated to all county elected officials and department heads for review and certification; and,

WHEREAS, all county elected officials and department heads have reviewed and certified their respective inventories as of December 31, 2004.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Whitman County Commissioners, that the attached listing(s) of Whitman County's capitalized assets as of December 31, 2004, represented as Attachment A to be correct, as we verily believe.

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BE IT FURTHER RESOLVED that the Clerk of the Board is directed to file said resolution and Attachment A with the County Auditor.

Dated this 7th day of March 2005.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Greg Partch, Chairman

G.R. Finch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Les Wigen, Commissioner

Tag #	Type	Cost
GENERAL FUND		
Land		7,372,675.50
Buildings		9,999,025.98
Office Furniture		42,625.00
Office Equipment		236,296.19
DP Equipment		414,106.42
Maint/Shop Equip		22,262.59
Vehicles		409,185.01
Road Maint Equip		45,609.14
Communications		663,127.68
Other		77,145.48
General Fund		19,282,058.99
DP Equipment		41,949.37
Communications		51,134.53
2004 Purchases		93,083.90
General Total		19,375,142.89
SOLID WASTE		
Land		641,285.81
DP Equipment		5,350.00
Maint/Shop Equip		101,054.22
Vehicles		81,421.45
Other		519,118.35
Solid Waste Total		1,348,229.83

Tag #	Type	Cost
E R & R FUND		
Land		3,474,977.08
DP Equipment		14,984.17
Maint/Shop Equip		44,503.08
Vehicles		3,812,900.31
Road Maint Equip		5,314,291.54
Communications		38,778.81
Other		2,080,303.19
E R & R Total		14,780,738.18
Vehicles		355,946.44
Road Maint Equip		215,520.31
2004 Purchases		571,466.75
E R & R Total		15,352,204.93

PHOTOCOPIER REVOLVING		
Office Equipment		49,583.77
Total Photocopier		49,583.77

COMMUNICATIONS REVOLVING		
Comm Equipment		167,743.43
Comm. Total		167,743.43

063555 7. Commissioner Finch **moved**, Commissioner Wigen **seconded** the motion and it **carried** to approve the 2005-06 G. Andrew Hunt negotiator contract extension.

063556 8. Tom Miller submitted a contract with Affordable Asbestos Abatement for the Island Street Building. Commissioner Finch **moved**,

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Commissioner Wigen **seconded** the motion and it **carried** to approve the asbestos abatement contract with Affordable Asbestos Abatement.

063557 9. Commissioner Finch **moved**, Commissioner Wigen **seconded** the motion and it **carried** to table the 2005 county dues request until March 14th.

063558 10. Commissioner Finch **moved**, Commissioner Wigen **seconded** the motion and it **carried** to regretfully accept Donald McHargue's resignation from the Whitman County Commission on Salaries for Elected Officials. A letter of appreciation was forwarded to Mr. McHargue.

063559 11. A letter was received from David Smith concerning the discontinuation of the public's access to free processed gravel from the Winona gravel pit. A letter of explanation will be returned to Mr. Smith.

063560 12. A letter was received from Nancy Mack of Pullman Civic Trust urging the commissioners to support the budget for the county Parks Department.

063561 13. Information pertaining to the process for administratively closing the county's 2004 CDBG Public Service grant #04-64004-014 was received from the Department of Community, Trade and Economic Development.

063562 14. A letter was received from the Senior Assistance Fund of Eastern Washington (SAFE) advising that the Council on Aging & Human Services has been selected by the SAFE Board to receive \$2,500 in 2005 to support programs that serve seniors.

063562A 15. Commissioner Finch **moved**, Commissioner Wigen **seconded** the motion and it **carried** to authorize the Chairman to sign the Community Action Center Emergency Shelter grant application.

16. Executed copies of the following documents received:

063563 WSU memorandum of agreement for 2005 Extension Agent wages,

063564 Qwest easement for access to their Mill Street equipment,

063565 DCTED CDBG-PS grant contract #05-64005-011,

063566 CRAB Rural Arterial Program for Farband Bridge and

063567 CRAB Rural Arterial Program for Henderson Mill Bridge.

D063667A 17. Commissioners' pending list reviewed.

10:40 a.m. - Recess.

10:30 a.m. - Timber Harvester's Tax Ordinance.

Present: Tammy Lewis and Megan Doyle.

063568 The Chairman convened the hearing for the Timber Harvester Tax ordinance amendment required for all counties that receive any amount of

timber tax funds from the state. The hearing was then opened to public comment. Since no comments were received, the Chairman adjourned the hearing. Commissioner Finch **moved**, Commissioner Wigen **seconded** the motion and it **carried** to sign the revised Timber Harvester Tax ordinance and agreement with the Department of Revenue.

FOREST EXCISE TAX ORDINANCE
ORDINANCE NO. 063568
WHITMAN COUNTY CODE CHAPTER 3.36.

AN ORDINANCE relating to taxation and imposing an excise tax on timber harvested from public lands, phased-in over ten years, and credited against the state tax, providing for administration and collection by the State Department of Revenue; creating a timber tax account; and establishing a January 1, 2005 effective date.

WHEREAS, the state legislature in 1984 authorized counties to impose a four-percent timber excise tax on timber harvested on private lands but not from timber harvested on public lands (chapter 204, Laws of 1984),

WHEREAS, the state legislature in 2004 extended the authorization for counties to impose a timber excise tax to include timber harvested from public lands (chapter 177, Laws of 2004), with the tax rate phased in over ten years, and with an effective date of January 1, 2005, and

WHEREAS, there currently is a five percent tax imposed by the state on timber harvested from private and public lands, and

WHEREAS, the county tax will be credited against the state tax, thus maintaining the current total rate of five percent, not increasing the tax burden imposed on timber harvesters, and

WHEREAS, the state law provides that the state department of revenue will collect, administer, and distribute the proceeds of the county timber excise tax to the county; and

WHEREAS, the Board of County Commissioners of Whitman County, being fully informed, desires to impose the timber excise tax, establish an account into which the proceeds can be deposited, and contract with the state department of revenue for the administration and collection of the tax;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Whitman County as follows:

Section 3.36.080 - Tax Imposed. There is imposed and shall be collected, on and after January 1, 2005, an excise tax on every person in the county engaging in business as a harvester on public lands as defined by RCW 84.33.035. The tax shall be paid, collected and remitted to the

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Department of Revenue of the State of Washington at the time and in the manner prescribed by RCW 84.33.086.

Section 3.36.090 - Determination of Tax. The tax shall be equal to the stumpage value of the timber, as defined in RCW 84.33.035, harvested from publicly owned land within the county, multiplied by the following rates:

- (a) For timber harvested January 1, 2005, through December 31, 2005, 1.2 percent;
- (b) For timber harvested January 1, 2006, through December 31, 2006, 1.5 percent;
- (c) For timber harvested January 1, 2007, through December 31, 2007, 1.8 percent;
- (d) For timber harvested January 1, 2008, through December 31, 2008, 2.1 percent;
- (e) For timber harvested January 1, 2009, through December 31, 2009, 2.4 percent;
- (f) For timber harvested January 1, 2010, through December 31, 2010, 2.7 percent;
- (g) For timber harvested January 1, 2011, through December 31, 2011, 3.1 percent;
- (h) For timber harvested January 1, 2012, through December 31, 2012, 3.4 percent;
- (i) For timber harvested January 1, 2013, through December 31, 2013, 3.7 percent;
- (j) For timber harvested January 1, 2014, and thereafter, 4.0 percent.

Any harvester, as defined in RCW 84.33.035, incurring less than \$50.00 tax liability in any calendar quarter, is excused from the payment of the tax imposed by Section 1, but may be required by the Department of Revenue to file a return even though no tax may be due.

Section 3.36.100 - Administration and Collection. The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of RCW Chapter 84.33 and all sections of RCW Chapter 82.32 (as now existing or hereafter amended), except RCW 82.32.045 and 82.32.270, shall apply with reference to the taxes imposed under this ordinance.

Section 3.36.110 - Timber Tax Account. A county timber tax account for deposit of moneys distributed to the county as provided by RCW 84.33.081(1) is described in Whitman County Code Chapter 3.36.040.

Section 3.36.120 - Contract with Department of Revenue. The county is authorized to contract with the Department of Revenue (prior to the effective date of this ordinance) for the administration and collection of the tax imposed by Section 1 and to provide in such agreement for payment of the costs of collection and administration incurred by the Department

of Revenue as directed by RCW 84.33.081. The prosecuting attorney of the county shall first approve the form of the contract.

Section 3.36.130 - Agreement to Inspection of Records. The county agrees to give to the Department of Revenue such facts and information and to permit the department to inspect its records in connection with the imposition, collection and administration of the tax imposed by Section 1, as may be necessary to permit the county to obtain facts and information from, and inspect the records of, the Department of Revenue to facilitate the administration of the tax and insure the correct distribution of its proceeds as provided by RCW Chapter 84.33.

Section 3.36.140 - Severability. If any provision of this ordinance, or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

Section 3.36.150 - Effective Date. This ordinance shall take effect January 1, 2005.

ENACTED in open session by the Whitman County Board of Commissioners this 7th day of March 2005.

APPROVED AS TO FORM:

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Denis Tracy
Prosecuting Attorney

Greg Partch, Chairman

ATTEST:

G.R. Finch, Commissioner

Maribeth Becker, CMC
Clerk of the Board

Les Wigen, Commissioner

AGREEMENT

IN ACCORDANCE WITH WHITMAN COUNTY CODE CHAPTER 3.36

This agreement, between the State of Washington, Department of Revenue, and the County of Whitman, Washington, regards the administration and collection of excise tax on persons engaging in business as harvesters of timber.

This agreement made the 7th day of March 2005 by and between the State of Washington, Department of Revenue (the "Department") and the above Whitman County (the "County"), WITNESSETH:

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WHEREAS, counties have possessed the authority to impose an excise tax (the "Tax") on persons engaging in business as harvesters of timber from private lands; and

WHEREAS, the Legislature of the State of Washington has, by chapter 177, laws of 2004, extended the counties' authority to impose the Tax to persons engaging in business as harvesters of timber from public lands; and

WHEREAS, RCW 84.33.051(2) provides that a county imposing the Tax by ordinance shall, prior to the effective date thereof, contract with the Department for the administration and collection of the Tax; and

WHEREAS, prior agreements between the Department and counties apply only to taxes on harvesters of timber from private lands, and do not apply to taxes on harvesters of timber from public land; and

WHEREAS, the County has by ordinance, a copy of which is attached hereto, extended the Tax to harvesters of timber from public lands, as permitted by chapter 177, laws of 2004, commencing on January 1, 2005,

NOW THEREFORE, to satisfy the requirements of RCW 84.33.051(2), the parties agree as follows:

1. The Department shall exclusively perform those functions necessary for the administration and collection of the Tax, other than criminal prosecutions.
2. Taxes collected shall be deposited by the Department in the timber tax distribution account on a quarterly basis under the custody of the State Treasurer. As provided in RCW 84.33.081, there shall be retained from distributions to the County, the County's proportionate share of appropriations for collection and administration activities performed under the authority of chapter 84.33 RCW and the provisions of this agreement.

The proportionate share of appropriations of the County shall be determined on a quarterly basis. The proportionate share of appropriations of the County means that the product of the excise tax collected on behalf of the County under chapter 84.33 RCW for the quarter, multiplied by a fraction. The numerator is the total appropriation for the Department's collection and administrative activities under RCW 84.33.051 for the same quarter. The denominator is the total timber excise tax collected statewide under chapter 84.33 RCW for the same quarter.

The proportionate share of appropriations of the state shall be determined in a like manner and means the product of the timber

excise tax collected on behalf of the state for the quarter under chapter 84.33, multiplied by the above fraction.

3. In carrying out its administration and collection responsibilities the Department shall apply the provisions of chapter 82.32 RCW, as now exist or are hereafter amended (except RCW 82.32.045 and 82.32.270) as implemented by the Department's rules promulgated pursuant to RCW 82.32.300, as the same exist now or may hereafter be amended. The Department shall adopt additional rules in accordance with the State Administrative Procedure Act (chapter 34.04 RCW) to facilitate the administration and collection of the county's excise tax as it may deem necessary or desirable.
4. The Department shall administer and collect the County's Tax in a manner consistent to the fullest extent possible with the administration and collection of the excise tax imposed by the state under chapter 84.33 RCW.
5. The County shall have the right from time to time to examine the records of the Department as they concern taxpayers subject to the County ordinance.
6. All refunds and credits of the Tax made by the Department shall be charged against future collections of such tax. The Department shall, by advice to the State Treasurer and notice to the affected counties, require redistribution of any tax, penalty, and interest distributed to a county other than the county entitled thereto.
7. This agreement shall take effect on the 1st day of January 2005 and shall thereafter be automatically renewed on December 31 of each year, unless one of the parties gives written notice of termination on or before November 1 of each such year.
8. This agreement supersedes any previous agreement between the Department and the County for collection of the Tax.

IN WITNESS WHEREOF the parties by their officers, duly authorized for the purpose, affix their signatures as follows:

APPROVED AS TO FORM:

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Denis Tracy
Prosecuting Attorney

Greg Partch, Chairman

ATTEST:

G.R. Finch, Commissioner

Maribeth Becker, CMC
Clerk of the Board

Les Wigen, Commissioner

WASHINGTON STATE DEPARTMENT OF REVENUE

Signature

Title

Date

11:00 a.m. - Dane Dunford, Public Works Director.

Present: Mark Storey, Mark Bordsen, Phil Meyer, Alan Thomson, Jonathan Scholz, Mary Munson, Tammy Lewis and Megan Doyle.

Action Items:

063569 1. The Chairman convened the hearing for the proposed vacation of an access bridge off Blackwell Road near Steptoe.

Mark Storey presented his engineer's report stating the bridge is currently in use as an approach bridge that services agricultural activities. In his opinion, it is not advisable to preserve this bridge for the county transportation system in the future.

Chairman Partch opened the hearing to public comment.

Jonathan Scholz said contrary to the notice in the paper, Stan Gfeller told him this morning that he does in fact use the bridge to access the field, service combines, etc. because it is at the corner of his field. Mr. Gfeller also spoke to county staff at the bridge site about 2 years ago. They informed him the bridge would be replaced with a culvert. Otherwise, in order for him to haul his wheat he must drive ½-¾ miles through his field to access Blackwell Road and this is the reason he would like to see the bridge replaced with a culvert.

Mr. Scholz asked if the records could be reviewed to determine if the road leading to an old house is a county road or a vacated county road. It was Mr. Storey's understanding the road was abandoned right up to the bridge. Mr. Scholz thought there was an easement to this house from the bridge. If a new house were built on that home site, the bridge would be needed to access the house.

Mark Storey said he did the calculations for replacing the bridge with a culvert. Washington State Department of Fish and Wildlife no longer allows

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the county to install twin culverts and a single culvert would be too large for the creek. The only other option is another full size bridge.

Mr. Scholz asked if the bridge could remain in place as a county bridge and Mr. Storey said that is the Board's decision. He also asked why the issue came up and Mr. Storey responded, the condition of the bridge has deteriorated over the years causing the weight limits to continually be reduced to the point that the bridge will eventually become unusable.

According to Mr. Scholz, Stan Gfeller did say if the bridge was to become the property owner's responsibility he did not want the liability of the wooden bridge. The engineer pointed out the county could remove the bridge if the landowners do not want it.

It is still Public Works intent to eliminate the bridge liability, but they are certainly open to any suggestions. Should the Board wish the department to look into this matter further.

Mr. Scholz asked if the Board's decision could be delayed for several months so everyone involved could think about this and do more studies. The Chairman said the hearing can be continued, but not for several months.

Mr. Scholz thought the largest single culvert would always handle the stream except once in maybe 50 or 100 year flood event.

After further discussion it was agreed to continue the hearing until March 21st at 11 a.m.

063570 2. Commissioner Wigen **moved**, Commissioner Finch **seconded** the motion and it **carried** to award the bid at the Gnaedinger Quarry to Shawnee Rock.

063571 3. Commissioner Wigen **moved**, Commissioner Finch **seconded** the motion and it **carried** to award the bid at the Repp Quarry to Shawnee Rock.

063572 4. Commissioner Finch **moved**, Commissioner Wigen **seconded** the motion and it **carried** to award the bid for one 2005, 4 door, 4WD 1500 Chevrolet Suburban to Chipman and Taylor for a total bid amount of \$26,406.61 without tax.

063573 5. Quoted steel decking through the small works roster was awarded to Contech of Edmonds for \$11,466 without tax.

063574 6. Quoted bridge H-pile through the small works roster was awarded to Skyline Steel of Gig Harbor for \$12,635.20 without tax.

Planning Division:

063575 7. The official transmittal for the Munson zone change request was received from the Planner. Commissioner Finch **moved**, Commissioner Wigen

seconded the motion and it **carried** to set the decision on amending the Whitman County Zoning Map for the proposed Munson (Streibick-Cluster C) rezone changing 21.5 acres of land from agricultural district to cluster residential district to be held in this room at 11 a.m. on March 14th.

11:25 a.m. - Jean Wardwell.

Solid Waste Division:

D063575A 8. The department will soon advertise for spring cleanup and the Landfill continues to receive a great deal of tonnage.

Administrative Division:

D063575B 9. Public Works year-end report should be completed by the end of this month.

Maintenance Division:

D063575B 10. Maintenance crews are busy sweeping paved roads throughout the county and cleaning ditches but rain is needed for the gravel roads.

11:35 a.m. - **Darren McKee, Fire District #12.**

Present: Dane Dunford, Mark Storey, Mark Bordsen, Alan Thomson, Phil Meyer, Lester Irwin, Jean Wardwell, Tammy Lewis and Megan Doyle.

D063575C Mr. McKee was present to represent cluster residential developers and citizens as well as Lester Irwin, Fire Chief for Fire District #12, Jim and Mary Munson and Mr. Thornson, who are all in support of his proposal. (It was later found Mr. McKee was not speaking for the Munson's.)

Mr. McKee had concerns about the new fire flow requirements proposed for Cluster Residential District (CRD) zoned properties. In talking with Lester Irwin and the assistant chief, there has never been a water shortage issue. He proceeded to read the following letter from Lester Irwin.

"The total number of gallons Whitman County Fire District #12 can have out of the station for the first fire call is 9,675 gallons. With the foam system, we can double the water mixed with this. Once doubled, it is basically like bringing 20,000 gallons with them. We also have mutual aid agreements with surrounding departments in our area of Whitman County. If those departments respond to calls it would a second request for assistance. I feel that our department can fight most fires successful, but there are exceptions. Therefore, I would like to see the money that is going into ponds or tanks be used for more tenders for the department so the water is mobile and would be more useful. However, if the county is going to have ponds or tanks put in then we could make this kind of system work for the department."

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Mr. McKee referred to a section of the International Fire Code that Whitman County has been reviewing to determine what fire flow requirements are required in the state. In talking with Dane Dunford, it sounds as though Whitman County is concerned with what the state will require of the county and not being able to have sole jurisdiction on this matter.

He spoke with Timothy Noble, Managing Director for the State Building Council who informed Mr. McKee that the county has complete sole discretion for determining fire flows.

Mr. McKee's concern about the new requirement was that those who fight fires have no history of water shortage; they have always brought enough water with them to the site. If there must be more water, they prefer it be mobile rather than creating a complicated network of water storage all over Whitman County.

Appendix B to the International Fire Code says, "Provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance". Mr. McKee reiterated there are no specific requirements from the state. The Code is only for assistance if there is a water shortage problem in the county. Basically, it is left to the sole discretion of Whitman County.

Commissioner Finch asked as the county's risk manager, who would stand the liability if the county foregoes this requirement. Mr. McKee said people in town have insurance on their homes. Commissioner Finch interjected; residents in the cities also have on-site water (fire hydrants) on every street. Mr. McKee stated the biggest problem for residents in the county is response time not water shortage. More water won't shorten the fire district's response time. He understood the concern is avoidance of the county's liability.

Lester Irwin said he had no preference either way. If the money was put into a fund used by the fire department to development 2 more tenders that can carry 4,000-5,000 gallons of water then the water could be used where needed. Response time is the issue. The fire district also has mutual aid agreements. They will make it work one way or the other.

Dane Dunford commented one of the largest issues is the fact the county is the authority for enforcement of the fire code that states there must be an engineered road constructed. The rural fire districts don't issue the permit for the road, they don't inspect the engineering design and they don't issue the permit for the road to be built. The county is charged with that authority and liability to insure emergency equipment can get into these developments. In the case of fire flow, the county is also charged with some reasonable attempt at safety.

Mr. McKee wondered about looking into the fire district capabilities before adding another requirement. In theory, Mr. Dunford said he was not

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opposed to the fire districts receiving the money for additional tenders, but he was not sure how the commissioners could supply a consistent flow of money to the rural fire departments for additional equipment. It is not a matter of a developer donating a certain amount of money to a rural fire district for equipment. It is an on-going cash issue after the purchase of equipment for maintenance.

Given that, Mr. Dunford said, the county went through a process to address fire flow in rural developments. The former building inspector did much research and talked to the State Fire Marshal's Office in an effort to achieve a reasonable compromise of 20,000 gallon per development. This would provide some additional resource for fire flow since they are the ones (commissioners, building inspector, Public Works Director and County Engineer) that sign the building permits, enforce the code and hold the liability for not taking some reasonable steps.

It was Mr. Dunford's personal opinion it would be great if the county didn't have to deal with the road issue for fire apparatus or emergency services. If there were a way to funnel money to the rural fire district he wouldn't oppose it at all. Given the fact he did not know how to do this within our system, they used what they thought were reasonable steps. It is entirely up to the county. The state holds no code enforcement, nor does Mr. Irwin or his district therefore they do not hold any liability. The only way to change this is for the Board to send the CRD back to the Planning Commission asking them to bring forth a different recommendation.

Mark Storey pointed out this isn't something new they are considering. This was established many years ago for any development with greater than 2 homes or commercial buildings.

Commissioner Finch asked Mr. Dunford's clarification that county officials could be held personally liable if they allow these standards to go by the wayside. Mr. Dunford replied yes, when it comes to life safety issues, which is what this is. The person signing the permit, the Public Works Director and County Commissioners can be held personally liable for life safety issues if you chose not to provide some reasonable attempt.

Mr. McKee said he totally agreed with development of a nice engineered road for fire trucks but he could not understand how someone could sue the county if their home burns down for lack of water when water has never been the issue.

Commissioner Wigen said 7 years ago we addressed this issue and reduced the requirement from 180,000 to 20,000 gallons/minute.

Jean Wardwell, Planning Commission Chairperson commented when the Planning Commission discussed fire flow and fire code for CRD they talked long and hard about the engineered road and to what point the engineered road would be built. It was a given water would be there for CRD. They discussed

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detention, retention or storage. They were more in favor of storage than ponds. Even though the county has never had a case of West Nile Virus, more ponds would bring more mosquitoes. Therefore they wanted to encourage storage rather than retention ponds. The fire danger in eastern Washington, according to the Boise Forest Service Office is at the low end of "extreme" because of our dry winter and now we are building houses. These houses will only have 1250/gallons of water per day. It is great for the house but it doesn't allow for 5 acres of lawn or what is referred to as defense perimeters for fire. We all remember Spokane County being on fire about a decade ago and trying to fight fires coming across a field and we could be approaching that this fall across many sections of eastern Washington. If there are not good detention ponds for fire suppression property insurance rates would be increased.

If the commissioners overturned the fire issue, the CRD would have to go back before the Planning Commission and a moratorium would have to be put on CRD's because water is essential for them.

Water has been the biggest problem for development in this county. As you know, we had to go before the state legislature to look at larger than the 4 packs to change the water rights. We have not had a water right granted in this county since 1992 and currently it takes the transfer of a water right through the Department of Ecology 5 years. We must have water for our CRD's.

Mark Bordsen seconded Jean Wardwell's remarks. He believed the CRD ordinance mandated fire flow capacity to be in concert with the county's adopted fire code. If this were to change, that part of the code would have to be amended after a hearing. It might also be that the Planning Commission recommends no further CRD zones be allowed. We are trying to accommodate the public demand for a rural lifestyle but at the same time the fire potential is greater then it was previously.

He further talked about the liability issue and the public record of awarded settlements. The county, like many other cities/towns is self-insured because insurance companies found that Whitman County was too great a risk to provide liability insurance at a reasonable cost. Many cities, towns and counties have banded together to form a common fund but those funds also have limits.

In addition, the people that pass these laws are not immune from suit personally, i.e. Planning Commission members who makes the recommendation and the County Engineer and County Commissioners who sign the short plat. It is up to the Board to decide this issue. Even if they keep things the way they are and there is a fire but not enough water, it may be that someone may still try to sue the county, but at least the county will have taken a reasonable measure to try to assure the availability of a sufficient amount of water to give fire fighters a chance.

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Mr. McKee proposed Whitman County look at what water flow systems are already in place within the fire districts and then determine a number based on that information.

Commissioner Finch was not willing to put his personal assets on the line by reducing the water requirement. Therefore he was not willing to rescind the current requirement.

Commissioner Wigen said this is the 6th CRD they have approved and he was not going to ask the Planning Commission to rewrite the code or shut down growth in this county. The requirement has been reduced from 180,000 to 20,000 gallons in the past 8 years. He too was not willing to accept the financial liability.

Chairman Partch understood Mr. McKee's position and noted the outstanding job our fire districts do, but it does come down to the determination of fire, health, safety and welfare. As far as he was concerned he would always error on the side of being too conservative in this area. He too was not willing to change the recommendations of the Planning and Engineering Departments. Therefore, the answer to Mr. McKee's request is that the Board is not in favor of making any changes.

12:15 p.m. - Recess.

1:00 p.m. - Board Business Continued/BOCC Workshop.

Present: Dane Dunford, Mark Storey, Tim Davis, Mark Bordsen, Denis Tracy (1:15 p.m.).

D063575D 18. Items discussed included pilot project for wood waste, Pullman-Moscow Corridor hearing, joint planning, adoption of International Building Code (IBC), WRIA 34 and 35, and Road and Bridge Committee appointments. No action taken.

3:00 p.m. - Chad Connors, Juvenile Administrator.

D063575E 19. Commissioner Wigen **moved**, Commissioner Finch **seconded** the motion and it **carried** to go into executive session with the above individual until 3:30 p.m. for personnel matters.

3:30 p.m. - Return to Open Session/Recess.

D063575F THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **March 8, 2005 at 7:00 p.m.** Greg Partch, Chairman, G.R. "Jerry" Finch and Les Wigen, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

7:05 p.m. - Reconvene/Pullman-Moscow Corridor Plan.

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063576 Approximately 45 individuals attended the hearing. The Chairman made introductions and reviewed the hearing instructions.

063577 The hearing for proposed revisions to the existing Pullman-Moscow Corridor plan was convened by Chairman Partch and opened to comments from those in attendance.

063578 Pete Dickinson, Planning Director for the City of Pullman read a prepared statement. Some of the city's main points were:

- City is not opposed to development in the corridor but is opposed to strip development.
- City urges county to ensure SR 270 will continue to be recognized primarily as a transportation corridor between the two intersections with Airport Road without impacting the 55 MPH speed limit.
- City promotes the provision of proper utilities for development; depending on the size of the development, water and sewer utilities may be required to service the land use.

Steve Busch of Busch Distributing, Inc. spoke in favor of the amendment but suggested the county work with the City of Moscow for utility development on east end of the corridor in return for some type of revenue sharing.

John Decker, owner of the Crossroads Nursery was pro-growth for the corridor but felt zoning should be more specific and the conditional use process done away with. Overall, he wanted an easier development process inside the corridor.

Jeff Motley of Motley-Motley said this is a great step in the right direction. He noted they have 2 businesses in the corridor and they also own a vacant piece of property they are trying to get a business on. Mr. Motley informs those interested in developing this property that they must go through the conditional use process before their proposed business can be located in the corridor. One suggestion he had with the proposal is to increase the sign height limits because it will be hard to see a 15' sign from as far away as 300' from the highway.

Sam Young, owner of Champion Electric & Lighting in the corridor spoke in favor of the revisions. He would like to add on to his existing building or build a separate structure to rent out to another contractor, but he cannot do that with the current 50% set aside. Therefore, he was in favor of reducing the set aside from 50% to 25% and would like to deal with the conditional use process through some sort of zoning ordinance.

063579 Nancy Mack was present representing the Pullman Civic Trust and thousands of stakeholders that value the corridor. Ms. Mack read a prepared statement taking issue with the majority of the proposed changes. Her main points were:

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- Preserve primary purpose of Pullman-Moscow Corridor.
- Preserve and protect the Bill Chipman Palouse Trail (BCPT) and its users from spot development.
- List the BCPT in the Corridor document.
- Target Airport Road rather than SR 270 for development.
- Protect and enhance bicycle safety.
- Put limitations and requirements on crossings and traffic impacts.
- Put limitations on types and size of developments.
- Cluster smaller parcels into unified sections.
- Maintain 50% open space requirement.
- Increase building setbacks to 150' from the centerline of the BCPT or Paradise Creek, whichever is further south.
- Landscaping language should be stronger.
- Signs should be only 32 square feet in size.
- Trail/River buffer zones-no development between SR 270 and the BCPT.

Joe Ford appreciated the need to encourage business growth. As a resident close to the corridor, he agreed businesses do need to advertise using signs. He would encourage minimizing light pollution with the design of the signs and minimizing the hours of luminated signs. He also encouraged the protection of the natural quality on the south side of the corridor where there is wildlife habitat and recreational use.

063580 Doug Young of Pullman has worked at WSU College of Agriculture for 30 years and is an Oregon ranch owner. Economic growth needs to be a net addition to Whitman County as opposed to substitution growth, which has been done in the past. He suggested the commissioners encourage long run engines of growth within the city limits and discourage development that increases congestion and strip development. He felt Whitman County needed to reserve open space as much as possible to attract new engines of growth in our communities. Mr. Young distributed a written statement.

Duane Brelsford indicated the current plan is too restrictive. The proposed changes will encourage the ability for legacy responsible growth. The corridor will either be developed now or by future generations. We have a rare window of opportunity for implementing guidelines and controls to insure constructive growth. This proposal goes a long way toward that goal. He supported the current revisions of the PMC and asked that future administrations not be burdened by challenges we were not able to resolve.

Susan Fagan of Pullman said her family members of all ages are major users of the BCPT. She believed there could be development in the corridor that suits trail users like her. She appreciated and thanked the commissioners for moving forward and making this happen. In response to a previous comment about high tech companies not liking congestion, she works for a high tech company and they think downtown Pullman is very congested. If there were development in the corridor, maybe there would be less downtown

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area congestion. She thought the mix is very good for development in the corridor and did not feel this proposal would put a drain on Pullman nor chase our people away.

Jesse Quintanilla said he is employed by Motley-Motley and has been involved in many of the conditional use processes, a tough process to go through, but it is in place for good reasons as is the zoning ordinance. He commended the commissioners for their changes because not everything is perfect the first time around. In regards to the crushing of materials in the corridor, there may be an opportunity for a potential project whereby materials removed from the project have to be processed at a facility along the corridor. He asked that this use be included as part of the conditional use process so these temporary crushing activities can occur only on permitted, existing operations in the corridor. This would lessen the burden of citing new crushing facilities in the corridor.

Larry Thonney said he was born on the corridor in 1926 and has lived there all his life. He pointed out that photography is not listed as a conditional use. He sees two faults with the proposal, one being the sewage connection on the south side of the highway. Chairman Partch interjected the county does not have any sewage system plans pending, however, the City of Pullman did conduct a study and made a recommendation. Mr. Thonney thought a sewage connection should be on the north side of the highway because the natural gas line is on the south side. In addition, the south side of the highway is in a 100-year floodplain. He was opposed to only allowing crushing on the south side of the highway. He thought crushing on the north side of the highway should be grandfathered in.

Gary Kopf, now a Pasco resident, but is also a property owner in the corridor where his relatives still farm including Larry Thonney's property. Mr. Kopf read his written comments that included the following points:

- The proposal removes uses that now exist in the PMC.
- It is a very lengthy code in comparison to some other counties.
- Reserving 3000 acres for the PMC is grossly over-reserved.
- Requiring 25% open space and 3 acre minimum lot size wastes valuable farmland and drives up the acquisition cost as well as continued irrigation costs for landscaping upkeep.
- Not using the PMC zoned property to the maximum extent is pricing the property out of the ability of the developer to compete with city and port development.
- The fewest number of restrictions possible should apply to encourage residential and commercial development.
- The cluster minimum lot size is too large.
- Open the corridor zone to residential development.
- A hearing board should be established to make judgments over the Planner or staff decisions disputed by the applicant.

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Peg Motley of Pullman encouraged development in the corridor. The property development is compatible with the natural environment and if done properly it can address both issues. She echoed Gary Kopf's comments about the acreage and set-aside requirements should be reduced.

Chairman Partch noted the written comments received prior to the hearing from:

063581 Gary Kopf,
063582 Glenn Aldrich and
063583 Milt Emerson.

The comment period is extended to 5 p.m. on March 15th.

As of today, the Chairman said this issue becomes a quasi-judicial hearing which means the Board has the ultimate decision making power. Because the Board must remain impartial, they can no longer talk about this subject with the residents. They can only ask that you submit your written comments.

Gary Kopf asked if there would be another hearing?

Mark Bordsen responded in discussing this issue with the prosecutor, it depends on the amount of change the Board intends to make. Unless there are substantial changes, they would not have to conduct another hearing.

Chairman Partch said the Board would have to digest all the information received tonight before making that decision.

Denis Tracy clarified, if the Board makes significant changes to their proposal already published, legally they would have to conduct another hearing. Otherwise, another hearing is entirely up to them.

Mr. Kopf encouraged another hearing after the Board's final revisions.

Chairman Partch said the Board would be receptive to receiving additional comments later if substantial revisions are made.

Nora Mae Keifer clarified this is the commissioner's proposal to the citizens. In this comment period it is very important everyone submit his or her comments by the March 15th deadline. If the Board makes any significant changes to the current proposal, it would behoove them to hold another hearing.

John Decker thought there should still be significant changes made and applauded the commissioners for reaching this point. He didn't believe anyone in attendance has any inclination about ill affects to the BCPT. Any improvements to the esthetics of the corridor would be a plus.

Larry Thonney thought some of the restrictions proposed tonight for the BCPT were a little outlandish. Some of the users of the trail do not look where they are going and the grasses are very tall. He talked about the fact his rock quarry is the only rock in the area that can supply the needs of the asphalt plants. If he cannot mine his quarry on the north side of the corridor, the asphalt companies will have to haul rock in to meet the needs.

Commissioner Finch thanked everyone for attending and stated the commissioners have received a lot of comments to ponder. They have worked very hard on this proposal and will weigh all comments very seriously because the PMC will affect the county for many years and they want to get it right.

Commissioner Wigen said the Planning Commission and former county commissioners have worked on the PMC for over 18 years, but they are making progress. Now that we know where the blueprint for SR 270 will be located he wanted to see a business friendly, people friendly corridor and the best plan they can have. They have an opportunity for a good-looking corridor. If they can get Pullman and Moscow to work with us for the betterment of the people in Pullman, Moscow and Latah and Whitman County it would be a real bonus. There are developers interested in building a good product. Thank you for coming out tonight.

Chairman Partch reminded everyone that the commissioners cannot talk about this issue after tonight. From this point on, comments must be submitted in writing. He thanked the people that took the time to review the existing ordinance and proposed changes, made suggestions and sent them to the commissioners.

Hearing adjourned.

8:30 p.m. - Adjournment.

D063583A Commissioner Finch **moved** to adjourn the **March 7 and 8, 2005** meeting. Motion **seconded** by Commissioner Wigen and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **March 14, 2005**. The foregoing action made this **8th** day of **March 2005**.

ss/ G.R. FINCH, Commissioner
ss/ LES WIGEN, Commissioner

MARIBETH BECKER, CMC
Clerk of the Board

GREG PARTCH, CHAIRMAN
Board of County Commissioners