

BOCC MINUTES-03/17/08

067941 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, March 17, 2008** at **9:00 a.m.** Chairman Michael Largent, G.R. Finch and Greg Partch, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

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

Present: Bev Divine and Adam Roberts (9:00 a.m.), Bob Reynolds (9:15 a.m.) and Joe Smillie.

067942 1. Items discussed included an update on the status of the New World financial system, jail security, staffing review flow chart and Parks tower charges. No action taken.

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

Present: Maria Thomas and Joe Smillie.

D067942A 2. Motion by Commissioner Finch to accept the consent agenda deleting item #1E4. Motion **seconded** by Commissioner Partch and **carried**.

067943 3. Claims/Payroll warrants numbered 213347-213378, 213401-213424, 213442-213540 and 213549-213689 for **\$602,000.30** approved for the weeks of March 10th and 17th.

FUND	FUND NAME	MARCH 10	MARCH 10	MARCH 17
		AMOUNT	AMOUNT	AMOUNT
001	Current Expense	51,455.44	28,858.87	71,762.62
102	Building & Development	1,579.60	155.90	
103	Countywide Planning	2,513.60	396.06	
104	Developmental Services		64.63	84.91
110	County Roads	15,105.00	2,447.69	3,500.72
111	CETC Building			141.66
118	Inmate Welfare			1,923.13
122	Sheriff's K-9 Unit		25.85	
123	Paths & Trails-123.310.000		121.29	92.02
127	Drug Enforcement-Quad City	400.00	160.07	6,721.10
128	Crime Victims/Witnesses	350.00		
135	Prosecutor's Stop Grant	150.00		
136	Electronic Monitoring			126.50
141	Washington Housing SHB 2060		258.83	
143	Trial Court Improve.143.030.000			761.21
144	Emergency Commun.-144.260.001		7.86	624.69
300	Cap. Proj. Asset Acq.-300.010.001			4,552.25
400	Solid Waste	2,098.64	89,271.00	5,742.10
501	Equipment Rental & Revolving	4,984.00	13,058.10	35,720.51
513	Communications Revolving			255.92
655	Hospital Districts	400.00		
660	Whitcom-General-660.911.000		67,684.76	8,087.34

BOCC MINUTES-03/17/08

660	Whitcom-Grant Funding-660.911.001		5,943.11	714.30
690	PE Fair Build.-690.010.005		12,300.00	

067944 3. March 3, 2008 minutes approved.

067945-067949 4. Personnel board orders approved.

067950 5. Commissioner Finch **moved** Commissioner Partch **seconded** the motion and it **carried** to sign the 2008 Community Action Center subrecipient agreement.

067951 6. Commissioner Partch **moved**, Commissioner Finch **seconded** the motion and it **carried** to approve the resolution as reads.

RESOLUTION NO. 067951
OF THE BOARD OF COUNTY COMMISSIONERS
FOR WHITMAN COUNTY, STATE OF WASHINGTON

WHEREAS, the Board of County Commissioners for Whitman County, State of Washington, met in regular session on Monday, March 17, 2008; and,

WHEREAS, the Board of County Commissioners recognizes the recommendation and request of the Whitman County Developmental Services Board to lease two lots owned by Whitman County, located in Pullman, Washington to the Community Action Center for the construction of a new residential facility for low income housing with a priority for developmentally disabled individuals; and,

WHEREAS, the Board of County Commissioners recognizes the value of residential facilities for citizens with developmental disabilities and the need for additional appropriate residential facilities; and,

WHEREAS, the Board of County Commissioners recognizes the positive contributions and years of services by the Community Action Center in providing residential housing to developmentally disabled individuals; and,

WHEREAS, the Board of County Commissioners recognizes and appreciates the willingness of the Community Action Center to accept the lease of these lots for the construction and maintenance of low income housing for the developmentally disabled; and,

WHEREAS, the Board of County Commissioners believes that it is in the best interest of the citizens of Whitman County to provide opportunities for community based living for people who are developmentally disabled.

NOW, THEREFORE, BE IT RESOLVED AND IT IS ORDERED that Whitman County lease for a period of fifty (50) years the property located in Pullman,

BOCC MINUTES-03/17/08

Washington known as East 605 Steptoe Street and East 615 Steptoe Street to the Community Action Center for the purpose of building a residential facility for the developmentally disabled.

PASSED, APPROVED AND ADOPTED this 17th day of March 2008.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Michael Largent, Chairman

Greg Partch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

G.R. Finch, Commissioner

067952 7. Bob Reynolds presented a memorandum recommending award of a contract with BCL Electric for the first phase of the wire pull project in accordance with specifications outlined by the Detention Facility Security Upgrade project contractor, Engineered Control System in an amount not to exceed \$43,885.00. Commissioner Finch **moved** Commissioner Partch **seconded** the motion and it **carried** to sign a board order and execute the contract at a later date.

067953 8. Commissioner Partch **moved** Commissioner Finch **seconded** the motion and it **carried** to sign Washington Military Department contract #SDEM-0719 for homeland security purposes (08/31/09).

067954 9. Commissioner Finch **moved** Commissioner Partch **seconded** the motion and it **carried** to sign Washington Military Department contract #E08-242 for homeland security purposes (06/30/08).

067955 10. A letter was received from the Sheriff commending Fran Martin on her work with Emergency Management.

067956 11. Information was received from the City of Pullman regarding the proposed preliminary plat of Lost Trails Townhomes.

067957 12. The Washington State Auditor's Office accountability audit report for Whitman County was received for the period January 1, 2006-December 31, 2006.

067958 13. An executed copy of interagency agreement #IAA08061 with the Administrative Offices of the Courts was received (06/30/09).

067958A 14. Commissioners' pending list reviewed.

10:30 a.m. - Home Based Businesses.

Present: Mark Bordsen, Janet Schmidt, Maria Thomas, Joe Smillie, Evan Ellis and 5 residents.

067959 Chairman Largent convened the hearing for proposed revisions to the Comprehensive Plan and Zoning ordinance and creating a new chapter related to Home Based Businesses. Upon review of the hearing procedures, County Planner, Mark Bordsen provided the following staff report.

In 1979 when the current zoning ordinance was adopted home occupations was included. The current language is very vague. It speaks about home occupations being permitted unless:

- You have more than one member outside of the family employed in the home occupation,
- You have more than 500 square feet of outdoor storage for a home occupation business,
- You have more than 2 trucks stored outside.

If any of the above applies, the resident would have to go through the Conditional Use Permit (CUP) process.

Since 1979, there are certain automatic conditional uses in the CUP section of Agricultural District such as dog kennels and commercial horse boarding. The Planning Commission thought the home occupation language should be changed to make it clearer for the public and staff to determine a permitted use and what should go through the CUP process. In the past, the decision was left up to business owner whether or not to proceed through the CUP process or risk the county investigating their business later and then coming to the conclusion that a condition use permit is necessary.

One thing that triggers conditional use is the protection of the neighborhood. Problems usually arise around such things as traffic brought in by the home based business, noise, or any other negative impacts on the neighbors. That is why staff asked the Planning Commission to look into this further.

The Planning Commission came up with what Mr. Bordsen thought was great ideas. If a neighbor stands on the edge of his property adjoining a home based business and if the neighbor can't see it, can't smell it, can't feel it or can't hear it, the county shouldn't care. In this case, there would be no impacts to the neighbors and an outright permitted use.

BOCC MINUTES-03/17/08

The other instance is while standing on the edge of property adjoining a home based business and the neighbor can tell something is going on, maybe seeing 5 or 6 vehicles/day visiting the home based business. For this reason, the Planning Commission came up with the idea of an Administrative Use Permit (AUP) process thereby eliminating the SEPA process, time and money. This process could be followed if the business owner and neighbors come to an agreement then the business owner could go through AUP process which is valid for 5 years.

If neighbors disagrees with the business owner's plan and come to an agreement about plan changes, the business owner would continue through the AUP process. However, if the neighbor and business owner disagree, then the home business proposal must go before the Board of Adjustment for a conditional use hearing. The business owner always has the option of proceeding through the CUP process.

The Planner understood the concerns about horse boarding which is currently an automatic conditional use and has been since 1979. When he refers to horse boarding, he is only referring to those individuals paid to board horses.

The Planning Department does not travel around looking for violations. The Building Inspector does travel the county making inspections because his job involves life safety issues. The Planning Department doesn't investigate anything without a signed written complaint. At that time, the Department would decide if some sort of zoning action needed to take place. If this ordinance is adopted and someone complains about horse boarding, the Planning Department will investigate the issue. Commercial horse boarding means stabling horses, feeding them and related traffic. The Planning Department would suggest, when possible, that the AUP process be followed. If neighbors can't agree, they would suggest the CUP process be followed. It would then be the business owners' choice to either continue the commercial horse boarding operation or seek a permit.

Continuous horse boarding businesses established prior to the adoption of the 1979 Code would be grandfathered in as a non-conforming use. Horse boarding businesses established after the 1979 Code was adopted would have to go through the CUP or AUP process if adopted.

Horse boarding is treated differently because it has the potential of having a negative impact on a neighbor.

The Chairman opened the hearing to public testimony from those in attendance.

Jeff West said he does board horses. He doesn't have a problem with the CUP or AUP processes. He did want to know if the county was changing the horse classification to non-agricultural animals and if so, it could have

BOCC MINUTES-03/17/08

an effect in other area. He asked if this ordinance is adopted, would it disqualify an individual from applying for federal disaster assistance. He also wondered why horticulture and floriculture (nursery) are exempt from conditional use because they do create much traffic for their neighbors. Lastly, he asked what has caused the need for these changes since there is already a conditional use process in place.

Mark Bordsen responded as follows:

1. This ordinance is not classifying horses as non-agriculture. What it is classifying, subject to the approval of the AUP process or the CUP process, is the paid horse boarding operations.
2. This ordinance would not affect federal disaster aid.
3. Nurseries - that is one of the gray areas under the current code. We have had 2 or 3 business owners choose to proceed through CUP process voluntarily because they did not want to take the chance of their business being shut down.
4. Why the change? One Planning Commission member didn't think horse boarding should be an automatic conditional use and the reason for coming up with the AUP process.

Jeff West asked if other counties in the state use conditional use to regulate horse boarding facilities. Commissioner Partch said the idea was to make it simpler for home based businesses.

Mr. Bordsen clarified only the AUP expires after 5-years; the CUP continues for as long as the business is in operation.

At the request of Debbie Gumm the Planner reviewed the 3 proposed changes in the agricultural District portion of the proposal noting all of which were reviewed by the Prosecutor before any action was taken by the Planning Commission.

1. "...But not commercial horse boarding..."
2. Home occupations - replaced with "Home-based business..."
3. Two conditional use changes - "Commercial horse boarding" was struck from this section and "K" - "Any non-agricultural home occupation requiring outdoor storage..." deleted and reworded.

Wendy Ssienknecht read an excerpt from the legal notice about today's hearing which confused her and the Planner addressed Ms. Ssienknecht's concern.

Jeff West asked if the commissioners would look into what other counties have done to address some of these conditional use issues. Mark Bordsen pointed out that the Planning Commission did in fact check with other counties. He went on to say this Planning Commission is cutting edge. Their idea of the AUP is to make the process easier and simpler. There is

BOCC MINUTES-03/17/08

no similar or better ordinance in the state. Many county ordinances are much more awkward and less friendly for home based business.

Debbie Gumm thought it was a good idea to strike horse boarding as an automatic conditional use and to allow it as an administrative use giving a resident the opportunity for a smaller home based business. As a business grows the owner can then move towards the conditional use which would probably promote more agricultural uses.

Darrin Watkins, member of the Planning Commission whole heartedly supported the proposed ordinance with the exception of horse boarding. His concern deals with whether or not horses are agricultural. All state information indicates horses are by nature declared agriculture, i.e. livestock, health and how we treat farm workers. Since the Planning Commission's decision, a couple court cases have said if a county has an agricultural exemption provision in its code, just as we do, then horses need to be included as an exemption. Whitman County is the only county in the state that requires a CUP for horses with the exception of rural Thurston County. It is a very involved process and the permit is only good as long as no changes are made. Chairman Largent pointed out that he personally forwarded the Prosecutor the court cases Mr. Watkins is referring to.

There being no further public comment, the Chairman closed the public hearing.

Commissioner Partch noted he had a conversation with Brock Hill who too had some concerns about horticulture and floriculture.

Mark Bordsen suggested since additional information has been forwarded to the Prosecutor, the Board may want to postpone any action or comments at this time.

Based on the testimony provided today and the information submitted to the Prosecutor, the Chairman didn't believe the Board was in a position to make a decision at this time. The Board will continue to accept comments in writing or orally until the proposed 03/31/08 at 10:30 a.m. decision date.

Commissioner Partch talked about all the hard issues the Planning Commission had been dealing with over the past several years. They thought this issue was going to be a relatively easy one to address. The Planning Commission was simply trying to make things easier and not harder for the residents. It becomes more important to handle these types of issues the closer home based businesses are to the Pullman area.

BOCC MINUTES-03/17/08

Commissioner Finch said if we lived in a perfect world and people were good neighbors, we wouldn't need any of this. If a resident has a bad neighbor they appreciate zoning.

There being no further discussion, the Chairman thanked everyone for attending the hearing.

11:00 a.m. - Phil Meyer, Public Works Director.

Present: Alan Thomson, Maria Thomas and Joe Smillie.

ACTION ITEMS

Planning Division:

067960 1. The WSDOT zone change issue from RCC-2 District to a Limited Light Industrial District was before the Board. Commissioner Finch **moved** Commissioner Partch **seconded** the motion and it **carried** to accept the Planning Commission's recommendation to approve the zone change of a 1-acre parcel for WSDOT from an RCC-2 District to a Limited Light Industrial District.

ORDINANCE NO. 067960

AN ORDINANCE AMENDING THE WHITMAN COUNTY ZONING MAP TO CHANGE THE ZONING FROM AN RCC-2 DISTRICT TO A LIMITED LIGHT INDUSTRIAL DISTRICT.

BE IT ORDAINED and enacted by the Board of County Commissioners of Whitman County, State of Washington, it having been determined by the Board after hearing the Recommendations and Findings of Fact of the Whitman County Planning Commission that these should be accepted and this action is consistent with the Whitman County Comprehensive Plan.

Change the zoning of the WSDOT 1 acre parcel from an RCC-2 District to a Limited Light Industrial District as may be allowed by the Whitman County Zoning Ordinance, Chapter 19.04. The site of this proposed rezone is located on the north side of the intersection of SR 26 and SR 127 in Dusty, Washington, in the NE ¼ of the NE ¼ of Section 9, Township 15 N., Range 41 E., W.M., Whitman County, WA.

PASSED AND APPROVED by the Board of Whitman County Commissioners of

Whitman County, Washington, on the 17th day of March 2008.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Michael Largent, Chairman

ATTEST:

Greg Partch, Commissioner

Maribeth Becker, CMC
Clerk of the Board

G.R. Finch, Commissioner

Engineering Division:

067961 2. Commissioner Partch **moved**, Commissioner Finch **seconded** the motion and it **carried** that the release of easement in the matter of Staley No. 3 Bridge replacement, CRBP No. 9050-04.18(8) be signed as presented.

Maintenance Division:

D067961A 3. Road posting have been removed south and west of Penewawa Road and Endicott Road and some paved roads. The remainder of the roads will continue to be posted for another week or more. However, permits are being issued.

D067961B 4. Phil Meyer shared a thank you note from Pullman area resident, Barbara O'Donnell for cleaning out the ditches and keeping the roads open this winter.

Administrative Division:

067962 5. Through the small works roster process, Public Works awarded the 2008 tire bid to Tire Distribution Systems, Inc. Western States of Spokane for a total bid amount of \$18,968.44.

11:50 a.m. - Recess.

1:30 p.m. - Tim Myers, Parks and Developmental Services.

Present: Maria Thomas.

067963 1. Mr. Myers presented DSHS contract amendment #0763-19053-02 for developmental services county day program (06/30/09).

D067963A 2. The Director will be attending the Developmental Disabilities County Coordinator's meeting Wednesday.

D067963B 3. According to Mr. Myers, a park user who was opposed to the previously imposed parking fees made a donation to the county for parking fees that are no longer imposed.

1:45 p.m. - Recess.

2:00 p.m. - Board Business/Executive Session.

BOCC MINUTES-03/17/08

Present: Brett Myers, Denis Tracy and Bob Lothspeich.

D067963C 15. Commissioner Partch **moved** Commissioner Finch **seconded** the motion and it **carried** to go into executive session with the above individuals until 3:00 p.m. for negotiation matters.

3:00 p.m. - Return to Open Session/Lacrosse South Stockpile Site

Present: Phil Meyer, Julie Banks, Maria Thomas and 3 bidders.

067964 The following bids were received for crushing at the Lacrosse South Stockpile site.

BIDDER	AMOUNT
Seubert Excavators, Cottonwood, ID	\$204,380 w/o tax
DeAtley Crushing, Lewiston, ID	\$366,000 w/o tax
Shawnee Rock, Colfax, WA	\$195,900 w/o tax

The commissioners will make an award March 24th.

3:15 p.m. - Recess.

3:30 p.m. - One New Hot Oil Tank w/Heater.

Present: Phil Meyer and Maria Thomas.

067965 The following bids were received for one new hot oil tank w/heater.

BIDDER	AMOUNT
Heatec, Inc, Chattanooga, TN	\$ 79,976.00 w/o tax
Asphalt Equipment & Service Co, Auburn, WA	\$115,000.00 w/o tax
Morgan Green, North Branch, MN	\$132,400.00 w/o tax

The commissioners will make an award on March 24th.

3:45 p.m. - Board Business Continued/Executive Session.

Present: Kelli Campbell and Gary and Valerie Hunt.

D067965A 16. Commissioner Largent **moved**, Commissioner Finch **seconded** the motion and it **carried** to go into executive session with the above individuals until 5:00 p.m. for negotiation matters.

5:00 p.m. - Return to Open Session.

D067965B THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Tuesday, March**

BOCC MINUTES-03/17/08

18, 2008 at 2:00 p.m. Chairman Michael Largent, Greg Partch and G.R. Finch, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

2:00 p.m. - Meeting Reconvene/Board of Health.

Present: Fran Martin, Denis Tracy, Jessie Hunter, Jana Mathia and Maria Thomas.

067966 1. A draft copy of the Whitman County Policy and Procedures-Complaints of Non-Compliance was received and reviewed. Discussion ensued about how this policy will affect a Hookah Bar. Ms. Martin indicated provided the Department has a signed statement from the owner that the facility is a private club, the Health Department has done its job. Commissioner Finch **moved**, Commissioner Partch **seconded** the motion and it **carried** to adopt the proposed policy upon receipt of a revised policy referencing with perjury language to be provided by the Prosecutor. The revised document was later signed by the Board.

D067966A 2. Dr. Moody still in London and will return in May. The communication system with him has worked very well.

D067966B 3. John Skyles has visited several town councils explaining the upcoming vehicle crushing program. He is working with the City Clerks so residents can register for the program in their own community.

D067966C 4. Ms. Martin provided a brief staffing report.

067967 5. The Director talked about the Champ software designed specifically for Public Health nurses charting that she is considering. The cost of the software is \$39,000 with an on-going maintenance fee of \$4,800/year. This expenditure would fall into the 5930 funding as well as funds derived from saved salaries. This program would help to save time and reduce medical liability.

D067967A 6. According to Ms. Martin, the same debt collection process used for restaurant inspections will be used for inspection of WSU fraternities/sororities.

D067967B 7. The Rural Health Association of WA is having their annual meeting in Spokane. Each year the Association selects someone for the rural health practitioner award. This year the award is being presented to Pete and Fran Martin.

D067967C 8. The next Board of Health meeting is April 15th.

3:00 p.m. - Board Business Continued/Executive Session.

BOCC MINUTES-03/17/08

Present: Fran Martin.

D067967D 17. Commissioner Largent **moved**, Commissioner Finch **seconded** the motion and it **carried** to go into executive session with the above individual until 3:45 p.m. for a personnel matter.

3:45 p.m. - Return to Open Session/Adjourn.

D067967E Commissioner Finch **moved** to adjourn the **March 17 and 18, 2008** meeting. Motion **seconded** by Commissioner Partch and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **March 24, 2008**. The foregoing action made this **18th** day of March **2008**.

ss/ GREG PARTCH, COMMISSIONER

ss/ G.R. FINCH, COMMISSIONER

MARIBETH BECKER, CMC
Clerk of the Board

MICHAEL LARGENT, CHAIRMAN
Board of County Commissioners