

Minutes for March 19, 2012

Disclaimer: This is only a web copy of the Whitman County Commissioners' Monday Meeting Minutes. Official minutes may be obtained by contacting the Whitman County Commissioners office at (509) 397-5240.

072862 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, March 19, 2012** at **9:00 a.m.** Chairman Greg Partch, Patrick J. O'Neill and Michael Largent, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

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

Present: Gary Petrovich, Kelli Campbell, Dean Kinzer, Bob Reynolds and Kelli Hadley.

072863 1. Items discussed included budget amendment #1, First Wind retail sales and use tax, G-4 spread sheet, today's financial review, Pullman 2020 Visioning meeting and the Pullman Chamber meeting. No action taken.

9:15 a.m. - Board Business/Executive Session.

Present: Gary and Valerie Hunt and Kelli Campbell.

072864 2. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to go into executive session with the above individuals until 10:00 a.m. in accordance with RCW 42.30.140(4)(a) for matters related to negotiations.

10:00 a.m. - Return to Open Session/Pledge of Allegiance.

Present: Karen Johnson, Joan Willson, Dean Kinzer, Chris Nelson, Joe Smillie and Kelli Hadley.

D072864A 3. Motion by Commissioner O'Neill to accept the consent agenda. Motion **seconded** by Commissioner Largent and **carried**.

072865 4. Claims/Payroll warrants numbered **261677-261693, 261864-261878** and **262003-262111** for **\$351,257.96** approved.

072866 5. March 5, 2012 minutes approved.

072867-072869 6. Personnel change orders approved.

BOCC MINUTES-03/19/12

072870 7. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to publish the notice of hearing for budget amendment #1.

072871 8. Chris Nelson presented a request for a new Barracuda primary backup system noting the county will receive a rebate for the old system. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to approve the purchase of Barracuda Backup Service 890 estimated at \$13,071 plus tax.

072872 9. Gary Petrovich explained a proposed interfund loan resolution from Solid Waste Operations to Current Expense for the Sheriff's Corrections Facility chiller. The current system is not functioning properly, is antiquated, outdated and not very efficient. McKinstry has performed an evaluation for efficiency and recommends a system with an energy savings pay-back. The county's current contractor, DIVCO, will not renew the service contract based on the lack of parts available. Current Expense does not have sufficient funds to pay for this expenditure and are considering the option of borrowing from Solid Waste. Repayment of the loan would be derived from the additional property taxes generated by the First Wind project with the first payment beginning in 2014 through 2020 at a rate of 2.5%. The 9-year loan total with interest is \$608,000.

Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to authorize an interfund loan from the Solid Waste Operating fund to Current Expense for the Sheriff's Corrections Facility chiller.

**RESOLUTION NO. 072872
BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

WHEREAS, the board of Whitman County Commissioners met in regular session on the 19th day of March, 2012; and,

WHEREAS, the Board of County Commissioners recognize the importance of making upgrades to the Sheriff's Jail Facility, specifically in terms of the obsolete Heating and Cooling systems (HVAC); and,

WHEREAS, the Board of County Commissioners can designate funds in the Public Works Solid Waste Operating Fund, as being available to borrow for Whitman County General Government Capital Improvement purposes, and sufficient funds are available; and,

WHEREAS, the Board of County Commissioners currently has the need to borrow \$600,000 from the Solid Waste Operating Fund to complete the repairs and upgrades to the Jail HVAC system; and,

BOCC MINUTES-03/19/12

WHEREAS, the Board of County Commissioners have identified a new source of revenue from the Palouse Wind Industrial Wind Farm Facility property tax revenues, to be used exclusively for repayment of the loan from the Solid Waste Operating Fund, until such loan is repaid in full; and,

WHEREAS, this request complies with R.C.W.'s regarding loan agreements and debt limitations; and,

WHEREAS, the interfund loan will be repaid per the attached repayment schedule ("Amortization Schedule") which has a payback period of nine (9) years, as the first priority of General Fund property tax revenues derived from the Palouse Wind project, to the exclusion of other uses, at an interest rate of 0.25% per annum.

NOW, THEREFORE, BE IT HEREBY RESOLVED that an interfund loan of \$600,000 is loaned to the Whitman County Capital Improvement Fund (300.010.000) from the Whitman County Solid Waste Operating Fund, to be disbursed and repaid as stated.

PASSED, APPROVED AND ADOPTED this 19th day of March, 2012.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Greg Partch, Chairman

ATTEST:

Patrick J. O'Neill, Commiss.

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

072873 10. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to sign Washington State Military Department contract #E12-239 homeland security grant in the amount of \$24,688 (05/31/14).

072874 11. **Information was received from the** Washington State Liquor Control Board notifying the commissioners of liquor licenses due to expire 05/31/12.

072875 12. Commissioners' pending list reviewed.

10:25 a.m. - Recess.

10:45 a.m. - Mark Storey, Public Works Director.

BOCC MINUTES-03/19/12

Present: Alan Thomson, Iris Mayes, Dave Patterson, Dennis McLaughlin, Karen Johnson, Joan Willson, Dean Kinzer, Joe Smillie and Kelli Hadley.

ACTION ITEMS

Planning Division:

072876 13. Chairman Partch convened the hearing for proposed revisions to the Flood Management Overlay District and requested a staff report.

Alan Thomson indicated these amendments are required in order to bring Chapter 19.50 into compliance with the National Flood Insurance Program administered by FEMA.

The Chairman opened the hearing to public comments.

Iris Mayes noted the Flood Management ordinance is one of the critical areas ordinances that must be updated within the next few years.

There being no further comments, the hearing was adjourned.

Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to approve the amended Flood Management ordinance as recommended by the Planning Commission. Mr. Thomson will notify all cities/towns in Whitman County as this amendment should reduce homeowners insurance for Whitman County residents.

ORDINANCE NO. 072876

AN ORDINANCE AMENDING CHAPTER 19.50 - FLOOD MANAGEMENT OVERLAY DISTRICT (FMO) AND CHAPTER 19.03 - DEFINITIONS OF THE WHITMAN COUNTY ZONING ORDINANCES. These amendments are required in order to bring Chapter 19.50 into compliance with the National Flood Insurance Program administered by FEMA. This change is consistent with the Whitman County Comprehensive Plan and Zoning Ordinance.

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 Planning Commission's Recommendations and Findings of Fact, after the Board's public hearing and adoption of Findings of Fact.

PASSED AND APPROVED by the Board of Whitman County Commissioners of Whitman County, Washington, on the 19th day of March, 2012.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Greg Partch, Chairman

ATTEST:

Patrick J. O'Neill, Commiss.

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

CHAPTER 19.03 - DEFINITIONS¹

Section 19.03.005 - Accessory Dwelling Unit

An additional, smaller, subordinate dwelling unit on a lot with, or located in, an existing or new Single-Family Dwelling.

Section 19.03.010 - Accessory Use or Structure

A building, part of a building or structure or use which is subordinate to, and the use of which is common or incidental to that of the main building, structure or use on the same lot of record.

Section 19.03.015 - Active Surface Mining and /or Rock Crushing Operations

Mineral resources activities, existing and ongoing, is defined as having an approved and valid surface mining permit issued by the DNR; Conditional Use Permit or Administrative Use Permit issued by Whitman County; or having a continuous cycle of mining, crushing, or removal of materials.

Section 19.03.020 - Administrative Official

The building official as designated by the Whitman County Director of Public Works.

Section 19.03.030 - Airport

Facilities providing for regularly scheduled commercial air transport available to the general public.

Section 19.03.040 - Airport Elevation

The highest point of an airport's usable landing area measured in feet from mean sea level.

Section 19.03.050 - Airport Hazard

Any structure, object of natural growth, or land use located in the vicinity of an airport, which obstructs the airspace required for the flight of aircraft, as established by this title.

Section 19.03.060 - Airstrip

Landing fields and accessory uses and structures providing facilities for small aircraft, but not including regularly scheduled commercial transportation available to the general public.

¹ Special Definitions exist for Communication and Utilities Facilities and can be found in Section 19.58 of the Whitman County Zoning Ordinance.

BOCC MINUTES-03/19/12

Section 19.03.070 - Apartment

A room or suite of two or more rooms in a multiple-family dwelling, occupied as a dwelling unit for one family.

Section 19.03.073 -Appeal

A request for a review of the interpretation of any provision of this ordinance, or a request for a variance. (*Adopted May, 2003; Resolution No. 061233.*)

Section 19.03.075 - Applicant

A person who files an application for permit under this chapter and who is either the owner of the land on which that proposed activity would be located, a lessee of the land, or the authorized agent of the owner.

Section 19.03.080 - Area of Special Flood Hazard

The land in a flood plain subjects to a one- percent (1%) or greater chance of flooding in any given year. Designation on maps always includes the letters A or V. (*Adopted March, 2012; Resolution No. 072876.*)

Section 19.03.090 - Base Flood

The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Section 19.03.093 - Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

(*Adopted May, 2003; Resolution No. 061233.*)

Section 19.03.100 - Board

The Whitman County Board of Commissioners.

Section 19.03.110 - Board of Adjustment

The Whitman County Board of Adjustment.

Section 19.03.120 - Boundary

The lot lines describing a lot of record.

Section 19.03.130 - Building

Any structure for the support, shelter or enclosure of persons, animals or property of any kind.

Section 19.03.135 - Building Envelope

That portion of proposed building location regardless of square footage size of the building outward to the limits of the allowable setbacks.

This definition includes projections such as porches, decks, or any appendage of a residential structure, including the garage. (*Adopted 2/7/11, Ordinance # 071612.*)

BOCC MINUTES-03/19/12

Section 19.03.140 - Building Height

The vertical distance from the average grade of a building site to the highest point of the structure or building thereon.

Section 19.03.150 - Building Site

That part of a lot of record covered by a principal use, building or structure.

Section 19.03.153 - Carrier

Communication company or provider with equipment located on a tower.
(Adopted 2/7/11, Ordinance # 071612.)

Section 19.03.155 - Certificate of Occupancy

A certificate which allows occupancy of a structure after determination by the Building Official that the requirements of the Uniform Building Code (UBC) have been met; (UBC Section 308 or as here-after amended.)

Section 19.03.157 - Commercial Wind Generating Facility

An electricity-generating facility consisting of one or more wind turbines of total capacity of more than 100 Kw and/or a tower height greater than 125 feet, under common ownership or operating control that includes substations, meteorological towers, cables/wires and other building accessories to such facility. (Adopted 11/16/09, Ordinance # 070081.)

Section 19.03.160 - Commission

The Whitman County Planning Commission

Section 19.03.170 - Comprehensive Plan

The officially-adopted document and any amendments or supplements thereto adopted pursuant to State Law 36.70, which sets forth policies and standards for determining the best use of land and other resources of the county.

Section 19.03.173 - County Planner

See Planning Director, the Director of the Whitman County Planning Office or his/her designee.

Section 19.03.175 - Critical Areas

Critical Areas include the following areas and ecosystems:

- A. Wetlands
- B. Areas with a critical recharging effect on aquifers used for potable water
- C. Fish and Wildlife habitat conservation areas
- D. Frequently flooded areas
- E. Geologically hazardous areas.

BOCC MINUTES-03/19/12

Section 19.03.178 - Critical Facility

A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste. (Adopted May, 2003; Resolution No. 061233.)

Section 19.03.180 - Dependent Mobile Home

A mobile home dependent upon all or part of the sanitary facilities provided in a service building.

Section 19.03.190 - Development

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard. (Adopted March, 2012; Resolution No. 072876.)

Section 19.03.197 - Development Regulation

Any controls placed on development or land use activities by Whitman County, including but not limited to, zoning ordinances, official controls, and subdivision ordinances.

Section 19.03.200 - Dwelling Unit

A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. (Taken from Section R202 of the 2003 International Residential Code®.)

Section 19.03.210 - Dwelling, Single-Family

A structure containing one dwelling unit.

Section 19.03.220 - Dwelling, Two-Family

A structure containing two dwelling units.

Section 19.03.230 - Dwelling, Multiple-Family

A structure containing three or more dwelling units.

Section 19.03.240 - Employee

A person whose major occupation is with the permitted use on the same site.

Section 19.03.250 - Existing Mobile Home Park or Mobile Home Subdivision

A parcel or contiguous parcels of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the

BOCC MINUTES-03/19/12

pouring of concrete pads, and the construction of streets) is completed before the effective date of this title.

Section 19.03.260 - Expansion to an Existing Mobile Home Park or Mobile Home Subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

Section 19.03.269 - Farm Operators

Persons responsible for the management of a farm.

Section 19.03.270 - Feedlot

A concentrated, confined animal or poultry growing operation for meat, milk or egg production or stabling in pens or houses wherein the animals or poultry are fed at the place of confinement and crop or forage growth or production is not sustained in the area of confinement.

Section 19.03.280 - Flood, Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.

Section 19.03.290 - Flood Insurance Rate Map (FIRM)

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Section 19.03.300 - Flood Insurance Study

The official report by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

Section 19.03.310 - Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface more than one foot.

Section 19.03.312 - Footprint (Building Footprint)

That portion of the parcel which is or will be covered by the structure, including roof, awning, porches, decks or any other element protruding from the structure, as viewed from directly overhead.

Section 19.03.318 - Grading

Excavation or fill or any combination thereof, including by not limited to the establishment of a grade following the demolition of a structure or preparation of a site for construction or development.

BOCC MINUTES-03/19/12

Section 19.03.315 - Hazardous Waste

"Hazardous Waste" means and includes all dangerous and extremely hazardous waste as set forth in RCW 70.105.010.

Section 19.03.320 - Health Department

The Whitman County Department of Environmental Health.

Section 19.03.330 - Home-Based Business

A lawful enterprise carried out as a clearly secondary use within a residential dwelling unit or accessory structure. *(Revised April 21, 2008; Resolution No. 068024.)*

Section 19.03.335 - Impacts

Effects of one thing upon another.

Section 19.03.340 - Independent Mobile Home

A mobile home independent of all those facilities provided in a service building.

Section 19.03.341 - Interest in Proposed Amendment

Persons with an interest in the amendment to the text of the zoning ordinance should be any person who can demonstrate a need for or benefit from such change and persons with an interest in amendment to the zoning map would be any property owner whose property is within or adjacent to the proposed area of change or who is seeking the change with express permission of a property owner within or adjacent to the proposed area of change.

Section 19.03.346 - Legal description

A description recognized by law which definitely locates property by reference to government surveys, coordinate systems or recorded maps and is sufficient to locate the property without oral testimony.

Section 19.03.347 - Living Space

Space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

Section 19.03.348 - LOS (Level of Service)

A qualitative measure describing operational conditions within a traffic stream, and their perceptions by motorists and/or passengers. These items are generally described as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.

Section 19.03.350 - Lot, Lot of Record

A parcel of land which is separately described by a deed instrument or sales contract, which deed or contract has been officially recorded with the Whitman County Auditor, considered as a unit of real property, and

BOCC MINUTES-03/19/12

legally described in metes and bounds; or a parcel of land shown by number of an officially recorded short plat or subdivision plat.

Section 19.03.352 - Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 19.50.070.

Section 19.03.355 - Micrositing

The process of final location of wind generators and all wind generating facility structures and internal roads within the approved project corridors/areas. *(Adopted 11/16/09, Ordinance # 070081.)*

Section 19.03.359 - Mineral Resource Area

Lands that are not already characterized by urban growth and are of long term commercial significance for the extraction of aggregate and mine resources, including: sand, gravel, and valuable metallic substances.

Section 19.03.360 - Mobile/Manufactured Home

A structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities; but not including recreational vehicles or travel trailers. For flood management purposes only, the term also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Section 19.03.370 - Mobile/Manufactured Home Park

Any lot on which three or more mobile/manufactured homes, occupied for dwelling or sleeping purposes, are located on leased mobile/manufactured home spaces.

Section 19.03.380 - Mobile/Manufactured Home Space

A plainly marked plot of ground for the placing of a mobile/manufactured home.

Section 19.03.385 - Monopole

A freestanding or guyed single pole construction that supports such things as a wind generator, wind measuring devices, or telecommunication and radio devices. *(Adopted 11/16/09, Ordinance # 070081.)*

Section 19.03.390 - New Construction

Structures for which the start of construction commence on or after the effective date of this ordinance.

BOCC MINUTES-03/19/12

Section 19.03.400 - New Mobile Home Park, New Mobile Home Subdivision

A parcel, or contiguous parcels, of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this ordinance.

Section 19.03.410 - Nonconforming Lot

A lot of record which was lawfully established, existing and maintained at the effective date of the provisions of this title but which, because of the application of this title to it, no longer conforms to the regulations prescribed in this title for the use district in which it is located.

Section 19.03.420 - Nonconforming Use or Structure

A building, structure or land use which was lawfully established, existing and maintained at the effective date of the provisions of this title but which, because of the application of this title to it, no longer conforms to the regulations prescribed in this title for the use district in which it is located.

Section 19.03.421 - Non-Participating Landowner

Any landowner except those on whose property all or a portion of a Wind Generating Facility is located pursuant to an agreement with the Facility Owner or Operator. *(Adopted 11/16/09, Ordinance # 070081.)*

Section 19.03.422 - Occupied Building

A residence, school, hospital, church, public library, or other building used for public gathering that is occupied or in use when the permit application is submitted. *(Adopted 11/16/09, Ordinance # 070081.)*

Section 19.03.423 - Off-site

"Off-site" means hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located.

Section 19.03.425 - Open Area

The area of a parcel not covered with impervious surfaces, such as crop land, wetlands, buffers, grass swales, retention ponds, septic system drainfields and vegetated or landscaped areas. Not counted as open area are all roads, circulation areas, parking and loading areas, and the space occupied by structures and outdoor storage.

Section 19.03.428 - On-site

"On-site" means the same geographically contiguous or bordering property. On-site hazardous waste treatment and storage facilities treat and store wastes generated on the same property.

BOCC MINUTES-03/19/12

Section 19.03.430 - Overlay District

A set of regulations prescribed by this title for certain defined areas of land which shall apply to all uses, buildings and structures in said areas in addition to those regulations prescribed by this title for the use district in which such areas of land are located.

Section 19.03.434 - Parcel

See Lot, Lot of Record.

Section 19.03.435 - Operation Site (mining/quarry)

A site that includes the area for rock crusher(s), stockpiles, mining operations, and haul road(s). The inclusion of the haul road(s) in this definition is for adjacent landowner notification only. The haul road(s) is not included in determining if an administrative use permit or a conditional use permit is required. *(Revised 2/7/11, Ordinance #071612.)*

Section 19.03.436 - Operator

The entity responsible for the day-to-day operation and maintenance of the commercial wind energy facility.

Section 19.03.438 Permit

An approval for which there is a minimum standard, as stated in any of the relevant ordinances or state law, which must be met in order for the approval to be given.

Section 19.03.440 - Person

A person, firm, trust, partnership, association or corporation.

Section 19.03.450 - Planning Director

The Director of the Whitman County Planning Office or his/her designee.

Section 19.03.452 - Pullman-Moscow Corridor District North and South (N-PMC & S-PMC)

See Boundary, Section 19.15.020. *(Adopted May, 2003; Resolution No. 061233.) (Adopted 2/7/11, Ordinance # 071612.)*

Section 19.03.453 - Project Corridor/Area

The approved area within which all the components of a wind generating facility are located. This includes the turbines, all new access roads to the facility, above-and-below-ground electrical transmission lines, all buildings and uses associated with a wind energy facility including meteorological towers and temporary concrete and asphalt batch plants. *(Adopted 11/16/09, Ordinance # 070081.)*

Section 19.03.454 - Recreational Vehicle

A vehicle which is:

- A. built on a single chassis;

BOCC MINUTES-03/19/12

- B. 400 square feet or less when measured at the largest horizontal projection;
- C. designed to be self-propelled or permanently towable by a light duty truck; and
- D. designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use. (Adopted May, 2003; Resolution No. 061233.)

Section 19.03.455 - Recycling Facility

Any operation for material salvage, storage, transport or product manufacture or re-manufacture, which utilizes recyclable materials.

Section 19.03.456 - Resource Lands

1. Definitions. Resource lands include the following:

- 1. Agricultural land;
- 2. Forest lands;
- 3. Mineral lands;

2. These lands are further defined by the act as follows:

- 1. "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticulture, floriculture, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW Sections 84.33.100 through 84.33.140, or livestock, and that has long term commercial significance for agricultural production.
- 2. "Forest land" means land primarily useful for growing trees, including Christmas trees subject to the excise tax imposed under RCW Sections 84.33.100 through 84.33.140, for commercial purposes, and that has long-term commercial significance for growing trees commercially.
- 3. "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

4. "Minerals" include gravel, sand, and valuable metallic substances.

3. Agricultural lands, as defined herein, are conserved within the jurisdictional boundaries of Whitman County. The county has identified agriculture and the family farm as the primary economic and social resources of Whitman County in the land use element of the Whitman County Comprehensive Plan. The land use element of the Whitman County Comprehensive Plan prevents "...the indiscriminate or excessive changes in land use." Further restrictions or controls may apply by the measures,

BOCC MINUTES-03/19/12

procedures, and land use criteria found in the Whitman County Zoning Code implementing the goals and objectives of the comprehensive plan.

4. Mineral lands are preserved through the implementing strategies of the county wide zoning code. The zoning code has an established policy which, prevents, limits, or discourages land uses which are not resource based in nature; agriculture, agribusiness, mineral extraction, and/or storage of related materials.
5. Nonfarm residential development, businesses not related to agriculture and which are not in conflict with higher density or urbanized development, and other types of development reliant upon urban type services are discouraged outside of the incorporated, urbanized centers of the county, or those historically recognized and established rural communities.
6. The Whitman County Zoning Code implementing the goals of the comprehensive plan, does, in fact, restrict and control nonagricultural development outside of the incorporated cities and towns and the few historically established and designated (in the comprehensive plan) unincorporated communities. The zoning code establishes certain policies and procedures which are designed to ensure that resource lands are conserved. These measures do, in fact, promote the goals and objectives of the Growth Management Act by limiting or restricting urbanization of existing agricultural or mineral lands outside of the incorporated cities and towns.

Section 19.03.460 - Service Building

A building or buildings having toilet facilities for men and women, with laundry and bathing accommodations.

Section 19.03.464 - Screening

See 19.15.080 Landscaping.

Section 19.03.467 - SEPA

The State Environmental Policy Act, as adopted by Whitman County, Title 9, February 14, 1979 and as there-after amended.

Section 19.03.470 - Setback

The distance in feet as measured from a lot line to the sill line of a building, or the closest point of a structure to the lot line. In the case where there is a leased area within a parcel of land the setback shall be measured from the lease line to the sill of a building, or the closest point of a structure to the lease line. (Adopted 6/1/09, Ordinance # 069589.)

BOCC MINUTES-03/19/12

Section 19.03.475 - Shadow Flicker

Shadow flicker occurs when the blades of a turbine rotate in bright conditions, casting moving shadows resulting in alternating changes in light intensity. *(Adopted 11/16/09, Ordinance # 070081.)*

Section 19.03.480 - Sign

Any freestanding structure or portion thereof identifying the premises on which it is located, or the occupants thereof, or relating to the goods or services manufactured, produced or available on the premises. This definition shall not apply to temporary signs such as those for political campaigns or for the sale of the premises itself, nor shall it apply to mailboxes.

19.03.485 - Site

Any parcel of land or contiguous combination thereof, where activities are proposed, performed or permitted.

Section 19.03.491 - Small Wind Energy Generator.

A wind energy conversion system consisting of a wind turbine(s), a tower(s), and associated control or conversion electronics, which has a rated capacity of not more than 100kw and no greater than 125 feet in height which is intended to primarily reduce on-site consumption of utility power. *(Adopted 11/16/09, Ordinance # 070081.)*

Section 19.03.492 - SPRC (Site Plan Review Committee)

See Sections 19.15.025.

Section 19.03.495 - Start of Construction

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavations; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Section 19.03.500 - Structure.

Anything constructed or erected which requires location on the ground or attached something having a location on the ground, but not including fences less than six feet in height, excepting that "structure" for the

BOCC MINUTES-03/19/12

purposes of applying the regulations prescribed by the Flood Management Overlay District of this title shall mean any walled and roofed building or mobile home that is principally above ground.

Section 19.03.508 - Substantial Damage.

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. (Adopted May, 2003; Resolution No. 061233.)

Section 19.03.510 - Substantial Improvement

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, either:

1. Before the improvement or repair is started, or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

B. The term does not, however, include either:

1. Any project for the improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which have been identified by County Building Inspection, Environmental Health or Planning staff and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a structure listed in the National Register of Historic Places or a State Inventory of Historic Places. (Adopted May, 2003; Resolution No. 061233.)

Section 19.03.515 - Treatment and storage

"Treatment and storage" means hazardous waste management facilities requiring a state dangerous permit under the provisions of WAC Chapter 173-303.

Section 19.03.520 - Turbine Height

The distance measured from grade level of the tower foundation to the highest point of the turbine rotor plane. (Adopted 11/16/09, Ordinance # 070081.)

Section 19.03.910 - Urban Governmental Services

Those services typically delivered by cities, such as storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, and public transit services.

BOCC MINUTES-03/19/12

Section 19.03.930 - Variance

A variance is the means by which an adjustment may be made in the application of the specific regulations of this Code to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the vicinity and similar zone classification and which adjustment remedies the difference in privileges; provided, however, that a variance granted shall not authorize a use otherwise prohibited in the zone classification in which the property is located. For the purposes of applying the regulations prescribed by the Flood Management Overlay District of this title, variance shall mean a grant of relief from those requirements which permits construction in a manner that would otherwise be prohibited by that Overlay District. *(Adopted May, 2003; Resolution No. 061233.)*

Section 19.03.950 - Vicinity Map

A map which shows the location of the proposed site in relation to a recognized landmark, such as the nearest city, town, airport, identified road intersections, or physical feature such as a mountain, river/creek confluence, etc.

Section 19.03.960 - Wind Turbine

A wind energy conversion system that converts wind energy into electricity. *(Adopted 11/16/09, Ordinance # 070081; Revised 4/30/07 Ordinance #066838, effective 5/15/07.)*

CHAPTER 19.50 - FLOOD MANAGEMENT OVERLAY DISTRICT

Section 19.50.010 - Declaration of Intent

It is the purpose of this zoning district to minimize public and private losses due to flood conditions in specific areas designated by the County, and the Federal Insurance Administration and the accompanying Flood Insurance Study and Flood Insurance Rate Maps (FIRM) dated May 1, 1980, and as may be subsequently amended. This zoning district overlays present or future districts also associated with the property designated on the Flood Insurance Maps which are adopted as part of this Title by reference and does not add to the specified uses, but, may restrict certain specified uses. This district is intended to meet the requirements of the federal government to maintain the County's eligibility for participation in the National flood insurance program. The Flood Insurance Study and FIRM are on file at the Whitman County Planning Department. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of unincorporated Whitman County.

BOCC MINUTES-03/19/12

Section 19.50.020 - Compliance

No structure or land area shall hereafter be constructed, located, extended, converted or altered without full compliance with this district and the district it may overlay.

Section 19.50.030 - Abrogation and Greater Restrictions

The provisions of this district are not intended to repeal, abrogate or impair any existing easements, covenants, deed restrictions or zoning. However, where this district and another district, easement, covenant or deed restriction conflict, or overlap, whichever imposes the more stringent restrictions consistent with flood protection, shall prevail.

Section 19.50.040 - Warning and Disclaimer of Liability

Flooding may occur to such an unpredictable extent that lands or uses outside of the designated flood plain are affected. The creation of this district does not imply that all areas outside of the district will always be safe from flooding.

Therefore, the establishment of this district shall not create liability on the part of the county, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this district's provisions or any administrative decisions lawfully made thereunder.

Section 19.50.050 - Permitted Uses

Within the special flood hazard area, all uses permitted as specified in the zoning district overlaid by the Flood Plain Zoning District. However, those uses are subject to the development permit process described in

Section 19.50.060 and to special building code requirements.

Section 19.50 060 - Development Permit Required

A development permit shall be obtained before construction or development begins within any area of special flood hazard. The permit shall be for all "structures" including mobile homes, as defined in Section 19.03.420, and for all other "development" including fill and other activities, as defined in Section 19.03.190. Application for a development permit shall be made on forms furnished by the County Planning office and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

BOCC MINUTES-03/19/12

- B. Elevation in relation to mean sea level to which any structure has been floodproofed where available flood data relates to depth of flood waters rather than height above mean sea level (e.g. the A-0 Zone of the Flood Insurance Rate Map), then the depth of the 100-year flood should be substituted for elevation data;
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 19.50.070;
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (*Adopted May, 2003; Resolution No. 061233.*)

Section 19.50.065 - Permit Review.

- A. Review all development permits to determine that the requirements of this chapter have been satisfied.
- B. The Whitman County Planning Director is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.
- C. It is the applicant's responsibility to seek and obtain all of the other Federal, State, or local agency permits that must be obtained for the project. Although Whitman County may use the SEPA or other notification process to inform other jurisdictions and agencies, Whitman County is not liable for the applicant's failure to obtain these permits. The failure of the applicant to obtain these other permits, when brought to Whitman County's attention, is basis for rescinding the County permit. (*Adopted May, 2003; Resolution No. 061233.*)
- D. The Whitman County Planning Director shall review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, the Planning Director will assure that the encroachment provisions of Section 19.50.070(E) are met.
- E. When base flood elevation data has not been provided (in A or V Zones) in accordance with Section 19.50.010 - Declaration of Intent, the Planning Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 19.50.070(B) and (E) - Development Standards.
- F. The information to be obtained and maintained will be as follows:
 - 1. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 19.50.065(E), obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new

BOCC MINUTES-03/19/12

or substantially improved structures, and whether or not the structure contains a basement. (Recorded on a current elevation certificate [FF 81-31] with Section B completed by the local official).

2. For all new or substantially improved flood proofed non-residential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 19.50.065(E):
 - a. Obtain and record the elevation (in relation to mean sea level) to which the structure was flood proofed (44 CFR 60.3(b)(5)(ii)).
 - b. Maintain the flood proofing certifications required in Section 19.50.060(3) (44 CFR 60.3(b)(5)(iii)).
3. Maintain for public inspection all records pertaining to the provisions of this ordinance (44 CFR 60.3(b)(5)(iii)).

G. Alteration of watercourses (44 CFR 60.3(b)(6)).

- a. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

Section 19.50.070 - Development Standards

- A. Due to the inherent dangers of development with a special flood hazard area, special development, construction and installation standards are necessary. Compliance with these standards must be assured before a Development Permit will be issued.
- B. These special development requirements shall apply within flood plain areas subject to special flood hazards as shown on the Flood Insurance Rate Map prepared by or for the Federal Insurance Administration and which are discussed within the Flood Insurance Study prepared by or for the Federal Insurance Administration; or, have otherwise been delineated by the County. The map and study are available through the County Engineer's office.
- C. In all areas of special flood hazards, the following standards are required:
 1. Anchoring
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

- b. All mobile/manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques.)

2. Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Utilities

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- d. Water wells shall be located on high ground that is not in the floodway.

4. Subdivision Proposals

- a. All subdivision shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

c. All subdivision proposals shall have adequate drainage provided to reduced exposure to flood damage;

d. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres (whichever is less).

5. Review of Building Permits

Where elevation data is not available either through the Flood Insurance Study (FIRM) or from another authoritative source (Section 19.04.010), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

H. In addition to meeting the requirements of Sections A and B of this part of the Code, the following standards shall also apply where the anticipated elevation of a flood having a 100 year or more frequent expectation of occurrence, has been developed and shown on a map or in a report adopted by the County.

1. Residential Construction:

a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above base flood elevation. (*Adopted May, 2003; Resolution No. 061233.*)

b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria.

I. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

II. The bottom of all openings shall be no higher than one foot above grade.

- III. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2. Non-Residential Construction:

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the County Engineer.
- d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 19.50.070.
- e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level). (*Adopted May, 2003; Resolution No. 061233.*)

3. Mobile/Manufactured Homes:

All mobile/manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot or more above the base flood elevation and is securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 19.50.070. (*Adopted May, 2003; Resolution No. 061233.*)

4. Critical Facility:

Construction of new critical facilities shall be, to the extent possible, located outside of the limits of the Special Flood Hazard

BOCC MINUTES-03/19/12

Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet. Access to and from the critical facility should also be protected to that height. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of base flood elevation shall be provided to all critical facilities to the extent possible.

5. Recreational Vehicles:

Recreational vehicles by Whitman County code are allowed in locations where RV Parks, storage and campgrounds have been permitted. In general, these facilities are not and have not been allowed within flood hazard areas. If a permit is granted to allow RV sites within a floodplain, the following additional requirements apply:

- a. The RV can be on-site for fewer than 180 consecutive days;
- b. The RV must be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. (*Adopted May, 2003; Resolution No. 061233.*)

I. AE and A1-30 Zones with Base Flood Elevations but no Floodways.

In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

J. Floodways.

Located within areas of special flood hazard established in Section 19.050.010 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, and increase erosion potential, the following provisions apply:

Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer licensed in the State of Washington is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. In addition, the developer and the developer's professional engineer licensed in the State of

BOCC MINUTES-03/19/12

Washington shall be responsible for periodic inspections, routine channel clearing and other related functions of the altered floodway's maintenance. (Adopted May, 2003; Resolution No. 061233)

- a. Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

- b. If Section 19.50.070(E)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 19.50.070 - Development Standards.

Section 19.50.080 - Variance Standards

Refer to Section 19.06.030. (Adopted March, 2012; Resolution No. 072876.)

072877 **14.** The official transmittal for the proposed Shawnee Rock rezone of 40 acres from Agricultural District to a heavy commercial district was received from Mr. Thomson. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to set the decision on amending the Whitman County Zoning Map for the proposed Shawnee Rock zone change, changing 40 acres from the Agricultural District to a Heavy Industrial District, to be heard in this room at 10:30 a.m. on April 9, 2012.

11:00 a.m. - Phil Meyer, David Nails, David Patterson and Dennis McLaughlin.

072878 **15.** Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to publish the notice of hearing for the proposed Shawnee Rock rezone.

Maintenance Division:

072879 **16.** Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to award the bid for one (1) new 2012 six-wheel drive articulated motor grader with trade-in to Western States Equipment

BOCC MINUTES-03/19/12

Company for a total bid amount of \$219,000. The bid contract was executed.

D072879A 17. Mr. Meyer reported general maintenance work is taking place throughout the county; grading, rock hauling and residual weed spraying in the west portion of the county.

Solid Waste Division:

072880 18. In December Mark said the county sought RFP's for solid waste haul rates. He now has a contract ready to sign that has been fully vetted. The staff recommendation is to accept public comment and execute the contract.

Dave Patterson, former hauler, Waste Connections District Manager and current Chair of the Solid Waste Advisory Committee said as a sub for Waste Management, they have been doing this haul for 19 years and requested a delay in signing the contract. The goal is to do what is best for Whitman County. The RFP process allowed for much flexibility. It talked about staff being allowed to obtain more information from the proposer. His concern is that that was not done. The county received 3 responses to the RFP; 2 were close and Waste Management was way of out the ballpark. He wanted to make sure all cost factors were the same since Regional (Allied) has a sliding scale for hauling. Mr. Patterson didn't believe all the information was available for the commissioners to make an informed decision.

The impacts of Waste Management losing this contract will mean they will have to let 7 people go that reside in Whitman County and many vendors will be affected. He wondered if staff could talk to them to make sure everyone is on the same page.

Mark Storey said the county has spent much time evaluating all proposals with intent to select the best package of parameters and after comparing Waste Management and Regional's proposals, Regional was the winner in several areas. Job loss is not a criterion the county is allowed to consider. Through the process, the County Prosecutor also spent much time on the project. Therefore, the director didn't think there was any unfair treatment. To say staff didn't engage in a question/answer period is not appropriate. It was not appropriate to negotiate with two organizations at the same time unless they were very close in price. Had they done that, they would not have been negotiating in good faith. Nor is it appropriate to begin negotiations with another organization at this time. Mr. Storey felt staff negotiated the best deal for the county. He offered the board the option of reviewing the quality assurance. If a proposer feels some information is not sufficient, that is the fault of the proposer and not the county.

BOCC MINUTES-03/19/12

Dennis McLaughlin of Regional indicated his organization understood the parameters outlined.

Commissioner Largent asked if Mr. Storey felt the process was fair and equitable and he replied, yes. David Nails wrote the RFP. He suggested if the Board was not in a position to sign the contract today they could review the process.

There being no further comments, Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to sign the contract between Whitman County and Regional Disposal Company for the transport and disposal of solid waste be signed as presented.

Mr. Storey thanked Dave Patterson for his service to the county.

D072880A 20. Staff is fine-tuning the paperwork for changes at the Transfer Station and hope to contract out this work in the next 1-2 weeks.

Engineering Division:

072881 21. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** that the 2011 County Road Administration Board certification be signed as presented.

072882 22. The Director explained a lawsuit in Stevens County is pending that involves primitive roads. Mr. Storey was interested in filing an amicus brief (friend of the court brief) through Denis Tracy's office. He has spoken to Denis and the filing deadline is this week. The more counties that join in the better. If this is allowed to move forward, it will have huge implications in the future. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** that we allow Public Works to work with the Whitman County Prosecuting Attorney to file an Amicus Brief with the Washington State Court of Appeals, Division II, concerning Case #306844, Raymond Cook, et ux v Tarbert Logging, Inc. et al, Spokane Superior Court No. 102053535.

072883 23. Follow-up documents to the Weber Quarry project were received from Public Works.

11:25 a.m. - Recess.

11:30 a.m. - Monthly Financial Review.

Present: Bob Lothspeich, Bob Reynolds, Byron Bedirian, David Ledbetter, Fran Martin, Gary Petrovich, Kelli Campbell, Mark Storey, Robin Cocking, Joan Willson, Karen Johnson, Dean Kinzer, Joe Smillie and Kelli Hadley.

Excused: Janet Schmidt and Eunice Coker.

BOCC MINUTES-03/19/12

072884 24. The monthly financial reports reviewed by Mr. Petrovich and Mr. Ledbetter.

2012 Current Expense Revenue thru 02/29/12 - \$2,314,391 - 17.95%
2011 Current Expense Revenue thru 02/28/11 - \$1,237,951 - 10.62%
2012 Current Expense Expenditures thru 03/16/12 - \$1,887,628.74

Mr. Petrovich noted the county received a large amount of sales tax distribution from the First Wind project. They have to send in all the proper sales tax receipts to the state and then the state reviews the information, determines the exemption and returns a rebate to First Wind. Bob Lothspeich is not aware of exactly what the final amount the county would be receiving.

Mr. Ledbetter discussed the upcoming budget amendment #1 Part A - expenses paid in 2012 for 2011. The net budget impact is \$317,625.

Mr. Ledbetter is also in the process of preparing the 2011 financial report due May 31st.

11:50 a.m. - Recess.

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

Present Gary Petrovich, David Ledbetter, Bob Reynolds, Esther Wilson, and Kelli Hadley (1:00 p.m.) and Tim Myers (1:30 p.m.).

072885 25. Items discussed included budget amendment #1, Scenic Byways, Developmental Services Quality Assurance/legislation, Bill Chipman Palouse Trail weed sterilant and benches, and Kamiak Butte Park/WSU students/volunteer park raking, Klemgard Park/WSU students, Wawawai canoe launch, Palouse-Clearwater Environmental Institute stream clean-up, down trees on trails/parks and Whitman County Parks and Recreation Facebook page. No action taken.

2:00 p.m. - 2012 Liquid Asphalt Bids.

Present: Mark Storey, Phil Meyer, Karen Johnson and 2 bidders.

072885A 26. The following bids were received for liquid asphalt.

BIDDER	AMOUNT
Western States Asphalt, Spokane, WA	\$673,000.00
Idaho Asphalt Supply, Hauser, ID	\$674,891.40

The commissioners will make an award today at 3:00 p.m.

2:10 p.m. - Recess.

BOCC MINUTES-03/19/12

3:00 p.m. - Reconvene/Board Business Continued/Bid Award.

Present: Mark Storey and Phil Meyer.

072886 27. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to award the bid for 2012 liquid asphalt to Western States Asphalt, Inc. for a total bid amount of \$673,000. The bid contract was signed by the Board.

3:05 p.m. - Recess.

D072886A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Tuesday, March 20, 2012** at **1:00 p.m.** Chairman Greg Partch, Patrick J. O'Neill Commissioners and Maribeth Becker, CMC, Clerk of the Board attended. Commissioner Largent was unavailable.

1:00 p.m. - Meeting Reconvened/Board of Health.

Present: Fran Martin, Dr. Brad Bowman, MD, Michael Baker, Phil Hagihara and Melissa Elkins.

D072886A 1. The Director introduced Dr. Brad Bowman who provided a brief medical background. Ms. Martin informed the Board Dr. Bowman will receive a 6-month provisional Health Officer appointment by the State Department of Health. Upon completion of training, the State will issue a formal certificate to Dr. Bowman.

D072886B 2. Michael Baker said he has been busy due to the vacancy in his department involving on-site sewage, Rural Housing Certifications, Public Health 5-year Emergency Preparedness Plan. The new Environmental Health Technician will begin April 2nd and one of his duties will be food establishment inspections.

D072886C 3. Phil Hagihara is completing the Greek housing inspections, billings for different programs and preparing to send out non-payment of inspection letters.

D072886D 4. Fran Martin announced Melissa Elkins will be leaving the county's employ April 6th. Public Health will enter into a professional services agreement with Ms. Elkins for a smooth transition with the new nurse, Jackie Tetrick. The commissioners expressed their appreciation to Ms. Elkins for her years of dedicated service to Whitman County.

D072886E 5. Due to the extended legislative session, Public Health funding is still unknown.

BOCC MINUTES-03/19/12

072887 6. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to accept the contract between Whitman County and Dr. Brad Bowman as presented.

072888 7. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to sign the Food Advisory Committee certificates of appreciation as presented.

D072888A 8. The next Board of Health meeting is April 17th.

D072888B 28. Ms. Martin will be speaking at Whitcom tomorrow morning and Pullman Rotary tomorrow afternoon regarding emergency management issues. Commissioner Partch noted Whitcom revised its bylaws allowing for 2 additional non-voting positions. Fran is now sitting on the Whitcom Board with another individual from Pullman. Both are serving as an ex-officio member.

D072888C 29. The Director said staff is very close to completing the Storm Weather program; radios have been purchased for the schools that school staff will be trained on. Residents may then be eligible for insurance discounts.

D072888D 30. Mr. Martin said there has been discussion about installing a weather monitor on a tower at Kamiak Butte Park. Commissioner Partch said another option may be Naff Ridge near the wind towers.

1:45 p.m. - Recess.

D072888E **THE BOARD OF WHITMAN COUNTY COMMISSIONERS** met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, March 26, 2012** at **9:00 a.m.** Chairman Greg Partch, Patrick J. O'Neill and Michael Largent Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

9:00 a.m. - Meeting Reconvened/Board Business Continued/Workshop.

Present: Gary Petrovich, David Ledbetter, Kelli Hadley (9:00 a.m.), Mark Storey (9:05 a.m.) and Joe Smillie (9:10 a.m.).

072889 31. Items discussed included dates for 2013 budget process and Current Expense categorized expenditures. No action taken.

9:15 a.m. - Board Business Continued/Executive Session.

Present: Milton Rowland of Foster Pepper (phone), Gary Petrovich, Mark Storey and Maribeth Becker.

072890 32. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to go into executive session with the above individuals until 10:00 a.m. in accordance with RCW 42.30.110(1)(i) for matters related to litigation.

10:05 a.m. - Return to Open Session/Board Business Continued.

Present: Mark Storey, David Ledbetter, Joan Willson, Karen Johnson, Don and Sherry Cox, Joe Smillie and Kelli Hadley.

072891 33. Claims/Payroll warrants numbered **262131-262235** for \$502,100.46 approved.

072892-072893 34. Personnel change orders approved.

072894 35. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to authorize the publishing of the 2012 Martin Hall meeting dates.

072895 36. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to sign a proclamation proclaiming April 2012 as National County Government Month.

**PROCLAMATION
NATIONAL COUNTY GOVERNMENT MONTH - APRIL 2012
"HEALTHY COUNTIES, HEALTHY FAMILIES"**

WHEREAS, the nation's 3,068 counties provide a variety of essential public services to communities serving more than 300 million Americans; and,

WHEREAS, Whitman County and all counties take seriously their responsibility to protect and enhance the health, welfare and safety of its residents in sensible and cost-effective ways; and,

WHEREAS, county governments are essential to America's healthcare system and are unique in their responsibility to both finance and deliver health services through public hospitals and clinics, local health departments, long-term care facilities, mental health services and substance abuse treatment, and coverage programs for the uninsured; and,

WHEREAS, National Association of Counties President Lenny Eliason is encouraging counties to promote healthy living and lifestyle choices in communities across the country through his 2011-12 "Healthy Counties" presidential initiative; and,

BOCC MINUTES-03/19/12

WHEREAS, each year since 1991 the National Association of Counties has encouraged counties across the country to actively promote their own programs and services to the public they serve.

NOW, THEREFORE, BE IT RESOLVED that the Whitman County Commissioners do hereby proclaim April 2012 as:

"NATIONAL COUNTY GOVERNMENT MONTH"

and encourage all County officials, employees, schools and residents to participate in county government celebration activities.

Dated this 26th day of March 2012.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Greg Partch, Chairman

ATTEST:

Patrick J. O'Neill, Commiss.

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

072896 **37.** Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to sign a proclamation proclaiming April 22-28, 2012 as National Week of the Young Child.

PROCLAMATION
"EARLY YEARS ARE LEARNING YEARS"
CELEBRATE APRIL 22-28, 2012
"WEEK OF THE YOUNG CHILD"

WHEREAS, Whitman County and other local organizations, in conjunction with the National Association for the Education of Young Children,] are celebrating the Week of the Young Child, April 22-28, 2012; and,

WHEREAS, these organizations are working to improve early learning opportunities, including early literacy programs, that can provide a foundation of learning for children in Whitman County; and,

WHEREAS, teachers and others who make a difference in the lives of young children in Whitman County deserve thanks and recognition; and

BOCC MINUTES-03/19/12

WHEREAS, public policies that support early learning for all young children are crucial to young children's futures.

NOW, THEREFORE, we the commissioners of Whitman County, Washington, do hereby proclaim April 22-28, 2012 as:

"WEEK OF THE YOUNG CHILD"

in Whitman County and encourage all citizens to work to make a good investment in early childhood in Whitman County.

Dated this 26th day of March 2012.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Greg Partch, Chairman

Patrick J. O'Neill, Commiss.

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

072897 38. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to sign a proclamation proclaiming May as Older Americans Month 2012.

**PROCLAMATION
OLDER AMERICANS MONTH 2012**

WHEREAS, Whitman County is committed to helping all individuals maintain their health and independence in later life; and

WHEREAS, the older adults in Whitman County have an important role in sharing knowledge, wisdom, and understanding of the history of our community through interactions with children, youth, and adults from other generations; and

WHEREAS, the fruits of knowledge and experience can be effectively transferred from generation to generation through meaningful social interactions; and

WHEREAS, their interactions with family, friends, and neighbors across generations enrich the lives of everyone involved; and

BOCC MINUTES-03/19/12

WHEREAS, our community can provide opportunities to enrich citizens young and old by:

- Emphasizing the value of including elders in public and family life
- Creating opportunities for older Americans to interact with people of different generations
- Providing services, technologies, and support systems that allow older adults to participate in social activities in the community

NOW THEREFORE, we, the commissioners of Whitman County do hereby proclaim:

"MAY 2012 AS OLDER AMERICANS MONTH"

and we urge every citizen to take time this month to engage with our older citizens through enjoyable social interactions such as sports, games, contests, and other forms of play.

Dated this 26th day of March, 2012.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Greg Partch, Chairman

ATTEST:

Patrick J. O'Neill, Commiss.

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

072898 **39.** Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** that the haul route agreement between Whitman County and Palouse Wind LLC be signed as presented.

072899 **40.** Department of Ecology notified the commissioners that John Pearson has completed his Water Conservancy Board training.

072900 **41.** No action will be taken by the Board on the Eastern WA Regional Health Alliance (EWRHA) request for a resolution.

10:25 a.m. - Recess.

11:00 a.m. - Board Business Continued/BOCC Workshop.

Present: Chris Nelson, Gary Petrovich, Joe Smillie and Kelli Hadley.

072901 **42.** Items discussed included retention of digital images and destruction of documents after scanned, WCRP meeting, EWRHA request, Martin Hall meeting, Pullman 2020 visioning meeting and Pullman Chamber meeting. No action taken.

12:00 p.m. - Adjournment.

D072901A Commissioner O'Neill **moved** to adjourn the **March 19** and **26, 2012** meeting. Motion **seconded** by Commissioner Largent and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **April 2, 2012**. The foregoing action made this **26th** day of **March 2012**.

BOCC MINUTES-03/19/12

ss/ PATRICK J. O'NEILL, COMMISSIONER
ss/ MICHAEL LARGENT, COMMISSIONER

MARIBETH BECKER, CMC
Clerk of the Board

GREG PARTCH, CHAIRMAN
Board of County Commissioners

072902 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Tuesday, March 27, 2012 at 1:15 p.m.** Chairman Greg Partch, Patrick J. O'Neill and Michael Largent, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

1:15 p.m. - Call to Order/Board Business/Emergency Executive Session.

Present: Denis Tracy, Milton Rowland (phone) and Gary Petrovich.

072903 Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to go into executive session with the above individuals until 1:50 p.m. in accordance with RCW 42.30.110(1)(i) for matters related to litigation.

1:50 p.m. - Return to Open Session/Adjourn.

D072903A Commissioner O'Neill **moved** to adjourn the **March 27, 2012** meeting. Motion **seconded** by Commissioner Largent and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **April 2, 2012**. The foregoing action made this **27th** day of **March 2012**.

ss/ PATRICK J. O'NEILL, COMMISSIONER
ss/ MICHAEL LARGENT, COMMISSIONER

MARIBETH BECKER, CMC
Clerk of the Board

GREG PARTCH, CHAIRMAN
Board of County Commissioners