

Minutes for April 19, 2010

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070577 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, April 19, 2010 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/BOCC Workshop.

Present: Mark Storey, Alan Thomson, Iris Mayes and Joe Smillie (9:00 a.m.).

070578 1. Items discussed included Planning Commission membership, Port's financial request, Local Emergency Planning Committee and contract. No action taken.

9:35 a.m. - Recess.

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

Present: Chris Nelson, Bob Reynolds and Joe Smillie.

D070578A 2. Motion by Commissioner Largent to accept the consent agenda. Motion **seconded** by Commissioner O'Neill and **carried**.

070579 3. Claims/Payroll warrants numbered **238458-238476, 238502-238526, 238544-238580, 238626-238641, 238746-238755** and **238756-238941** for **\$903,565.47** approved.

| FUND | FUND NAME | AMOUNT | AMOUNT | AMOUNT | AMOUNT | AMOUNT | AMOUNT |
|------|---------------------------------|-----------|-----------|----------|--------|----------|------------|
| 001 | Current Expense | 51,098.04 | 54,250.63 | 3,991.46 | 767.83 | 2,850.00 | 106,402.69 |
| 101 | Self Insurance | | | | | | 290.15 |
| 102 | Building & Development | 1,659.60 | 1,659.60 | | | | 22.99 |
| 103 | Countywide Planning | 1,838.60 | 1,838.60 | 45.00 | | | 370.00 |
| 104 | Developmental Services | | | | | | 313.23 |
| 108 | Veterans Relief | | | | | | 50.00 |
| 110 | County Roads | 15,413.00 | 17,102.80 | 191.71 | 189.00 | 1,689.80 | 2,273.54 |
| 111 | CETC Building | | | | | | 460.73 |
| 115 | Hotel/Motel Tax | | | | | | 12,817.02 |
| 118 | Inmate Welfare | | | | | | 978.07 |
| 121 | County Bulk Purchasing | | | | | | 1,549.30 |
| 123 | Paths/Trails-BCPT 123.310.001 | | | | | | 3,599.19 |
| 127 | Drug Enforcement-Quad City | 400.00 | 400.00 | | | | 17,469.46 |
| 128 | Crime Victims/Witness-Pros. 000 | 350.00 | 350.00 | | | | |
| 135 | Prosecutor's Stop Grant | 150.00 | 150.00 | | | | |
| 136 | Electronic Monitoring | | | | | | 575.25 |

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|-----|---------------------------------|------------|-----------|-----------|----------|--------|------------|
| 137 | Web Site Development | | | | 57.96 | | |
| 138 | Federal Equitable Sharing | | | | | | 33,537.23 |
| 143 | Trial Court Improve 143.030.000 | | | | | | 538.00 |
| 144 | Emerg. Commun. 144.260.001 | 250.00 | 250.00 | | | | 55,911.82 |
| 300 | CIP Asset Acquisit. 300.010.001 | | | | | | 174.64 |
| 400 | Solid Waste | 800.00 | 800.00 | 3,715.39 | 64.48 | | 9,671.35 |
| 501 | Equipment Rental & Revolving | 4,697.40 | 5,047.40 | 34,452.84 | 266.24 | 350.00 | 114,141.08 |
| 510 | Photocopier Revolving | | | | 26.08 | | 1,057.77 |
| 513 | Communications Revolving | | | 1,163.59 | 1,968.37 | | 1,211.67 |
| 660 | Whitcom-General 660.911.000 | | | | 33.40 | | 62,809.90 |
| 660 | Whitcom-Grant 660.911.001 | | | 183.92 | | | 22,673.74 |
| 690 | Clearing Fund 690.002.000 | 237,338.88 | 81,849.03 | 1,356.12 | | | |
| 690 | CAC Agency Svc. 690.026.001 | | | | | | 5,458.91 |

070580 4. April 5, 2010 minutes approved.

070581-070588A 5. Personnel board orders approved.

10:05 a.m. - Kelli Campbell and Sarah Mason.

070589 6. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to approve the Domestic Violence Policy and Procedures.

**RESOLUTION NO. 070589
BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

IN THE MATTER OF the action of the adoption for the Whitman County Policy **Addressing Domestic Violence in the Workplace** and Procedure **Reporting Domestic Violence;**

WHEREAS, this policy is necessary to be compliant with legal regulations,

WHEREAS, this action is necessary and in the best interest of Whitman County, its employees, and citizens,

NOW, THEREFORE, IT IS HEREBY RESOLVED by this Board that the above is approved as the attached

POL-0417-HR Addressing Domestic Violence in the Workplace PRO-0417-1-HR Reporting Domestic Violence;

Dated this 19th day of April 2010 and effective as of May 1, 2010.

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

Effective Date: 05/01/2010

POLICY

Cancels:

Approved by: BOCC

See Also: POL-100-10-HR

Res. #070589

POL-0417-HR ADDRESSING DOMESTIC VIOLENCE IN THE WORKPLACE

Unless otherwise stated in a union contract, this policy applies to all Whitman County employees.

Definitions:

Domestic Violence - Abusive behavior that is either physical, sexual and/or psychological, intended to establish and maintain control over a person. This behavior may mean: (a) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault; (b) sexual assault; or (c) stalking as defined in RCW 9A46.110.

Family Member - The employee's: spouse; biological, legal, and step children; parents and step-parents; parents-in-law; grandchildren; grandparents; a person with whom the employee has a dating relationship; and someone residing in the employee's home.

Workplace - County facilities, county vehicles, county premise, employer-sponsored events, or while conducting county business.

1. Whitman County Recognizes Domestic Violence's Impact on the Workplace

The purpose of this policy is to set forth procedures and guidelines for County employees to address the occurrence of domestic violence and its impact in the workplace.

Domestic violence is a serious problem that affects people from all walks of life. It can adversely affect the well-being and productivity of employees who are victims, as well as their co-workers. Other effects of domestic violence in the workplace include increased absenteeism, turnover, health care costs, and reduced productivity.

2. **Domestic Violence Harassment is Prohibited at Whitman County**

Whitman County shall not tolerate domestic violence including harassment of any employee or client while in county offices, facilities, work sites, vehicles or while conducting county business.

Perpetrators of domestic violence are encouraged to seek assistance. The Whitman County Human Resources Office can provide information on counseling and certified treatment resources. Departments may also strive to make work schedule arrangements to receive such assistance.

3. **Whitman County Provides Support/Assistance to Victims**

Whitman County will provide appropriate support and assistance to employees who are victims of domestic violence. This might include, but is not limited to: resource and referral information; work schedule adjustments; or leave as needed to obtain assistance. Other appropriate assistance may be provided based on individual employee and department needs.

Whitman County is committed to working with employees who are victims of domestic violence to prevent abuse and harassment from occurring in the workplace. No employee shall be penalized or disciplined solely for being a victim of harassment.

4. **Leave is Available to Victims and Family Members**

Per Washington State law, protected leave is available to employees who are victims of domestic violence, sexual assault or stalking. The same leave is also available to family members of the victim.

Leave is available from the first day of employment. Eligible employees may take "reasonable" leave, including leave on an intermittent or reduced schedule basis, to engage in specified remedial activities relating to the abuse, including: participating in legal proceedings; seeking medical treatment or mental health counseling; obtaining social services; or taking other actions to increase the safety of the employee and her/his family members.

The law does not define "reasonable" leave. This determination shall be the responsibility of each Department Head/Elected Official. The employee shall give advance notice of her/his intent to take leave in accordance with Whitman County leave policies. If advance notice cannot be given due to emergency or unforeseen circumstances, notice must be provided no later than the end of the first day leave is taken.

Employees may use sick, compensatory, or other paid time off, or may take unpaid leave. To the extent allowed by law, Whitman County shall maintain the employee's health care coverage as if the employee had not taken leave.

5. **Verification May Be Required**

The Department Head/Elected Official shall require verification the employee or her/his family member is a victim of abuse, and that the leave is of one of the covered remedial activities listed above. Verification is satisfied by one or more of the following: (1) a police report indicating the employee or family member was a victim of abuse; (2) a court order protecting the employee or family member; (3) documentation from an attorney, clergy member, medical provider, or other professional from whom assistance was sought; (4) the employee's own written statement that s/he or a family member is a victim and needs the leave to seek assistance.

Whitman County shall maintain the employee's circumstances and provided information as confidential and shall not require the employee to disclose information beyond the verification material listed above. Information regarding the situation may only be disclosed if (1) requested or consented to by the employee; (2) ordered by a court or administrative agency; or (3) otherwise required by applicable federal or state law.

Department Heads/Elected Officials may also require verification of the relationship between the employee and her/his family member. Verification may be in the form of a birth certificate, court document or other similar record, or a statement from the employee.

The employee shall be restored to the position s/he held before the leave commenced, or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. The right to restoration does not apply if: (1) the employee worked in a temporary position; (2) if the position was eliminated due to business reasons unrelated to the employee's leave; or (3) the employee was hired for a specific term and/or project and Whitman County would not have otherwise continued employment.

6. **Violations of This Policy Are Cause for Investigation and Discipline.**

Violations of this policy shall be cause for disciplinary action up to and including termination.

Any employee who threatens, harasses, or assaults someone at the workplace or from the workplace using any county resources such as work time, workplace phones, FAX machines, mail, e-mail, or other means may be subject to disciplinary action, up to and including termination. Corrective or disciplinary action may also be taken against employees who are arrested, convicted or issued a permanent injunction as a result of domestic violence when such action has a direct connection to the employee's duties as a county employee.

Any person who feels he or she has been a victim of domestic violence and/or whose rights have been violation based on this policy shall bring this concern to the department head/elected official or the Human Resources Office for appropriate action (See procedure PRO-0417-1-HR). An immediate investigation shall be conducted. While complete confidentiality cannot be guaranteed, it will be provided to the extent possible. When the investigation is complete the complainant will be informed of the outcome.

Harassment and discrimination against employees who exercise their rights provided by this policy is strictly prohibited. Retaliation for filing a grievance, or acting as a witness, is also strictly prohibited.

Nothing in this policy prohibits employees from filing complaints with the Washington State Department of Labor and Industries.

Guidelines for Supervisors, Victims, Perpetrators, and Witnesses

Managers/Supervisors:

- Participate in domestic violence training.
- Be aware of physical or behavioral changes in employees and consult with the Human Resources Department. Do not attempt to diagnose the employee.
- Be responsive when an employee who is either the victim or the perpetrator of domestic violence asks for help. Immediately contact the Human Resource Office.
- **Maintain confidentiality.** Information about the employee should only be given to others on a need-to-know basis.
- Work with the victim, Human Resources, law enforcement, and community domestic violence programs, if necessary, to assess the need for and develop a workplace safety plan for the victim. Victims of domestic violence know their abusers better than anyone else. When it comes to their own personal safety, offer to assist them in developing a workplace safety plan, but allow them to decide what goes in it. If it is determined that other employees or clients are at risk, it is essential to take measures to provide protection for them.
- Adjust the employee's work schedule and/or grant leave if the employee needs to take time off for medical assistance, legal assistance, court appearances, counseling, relocation, or to make other necessary arrangements to create a safe situation. Be sure to follow all applicable personnel rules and statutes.
- Maintain communication with the employee during the employee's absence. Remember to maintain confidentiality of the employee's whereabouts.

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- Work with the Human Resources to assist the employee in finding other state employment if the employee needs to relocate for safety reasons.
- After consultation Human Resources, take any appropriate corrective disciplinary action against employees who: misuse county resources to perpetrate domestic violence; harass, threaten, or commit an act of domestic violence in the workplace or while conducting county business; or are arrested, convicted or issued a permanent injunction as a result of domestic violence when such action has a direct connection to the employee's duties as a county employee.
- Post information about domestic violence in your work area. Also, have information available where employees can obtain it without having to request it or be seen removing it. Some suggestions are: restrooms, lunchrooms, or where other employee resource information is located.
- Honor all civil protection orders. As appropriate, participate in court proceedings in obtaining protection orders on behalf of the employer.

Human Resource Professionals:

- Participate in domestic violence training.
- Maintain a list of services available to victims and perpetrators of domestic violence. This list should include, but is not limited to: local shelters, certified domestic violence treatment programs available to perpetrators, information on how to obtain civil orders of protection, and any other available community resources.
- Be a resource to employees, managers, and supervisors in addressing domestic violence situations.
- Work with victims, law enforcement, and community domestic violence programs, if necessary, to develop a workplace safety plan to minimize the risk to the victim, other employees, and clients.
- Work with supervisors and managers to grant leave, adjust work schedules, or attempt to find continued employment for employees who are victims of domestic violence.
- **Maintain confidentiality.** Information about the employee should only be given to others on a need-to-know basis.
- Advise and assist supervisors and managers in taking corrective or disciplinary actions against perpetrators of domestic violence.

Options for Employees Who Are Victims of Domestic Violence:

- Tell a trusted co-worker, supervisor, or manager, and ask for help.
- Contact Human Resources for assistance.
- Contact the nearest Employee Advisory Service office: Washington State Domestic Violence Hotline at 1-800-562-6025 (V/TTY); or the Washington State Coalition Against Domestic Violence at (360) 407-0756 (V/TTY).
- Call the local police.

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- Notify your supervisor of the possible need to be absent and find out your leave options. Be clear about your plan to return to work and maintain communications with your supervisor during your absence. If necessary, make alternate arrangements for receiving your paycheck.
- If appropriate and safety is a concern, submit a recent photograph of the abuser and a copy of your protection order to your supervisor. This assists your employer in identifying the abuser should he/she appear in the workplace.

Options for Employees Who Are Perpetrators of Domestic Violence:

- Tell a trusted co-worker, supervisor, or manager, and ask for help.
- Contact Human Resources for assistance.
- Contact the nearest Employee Advisory Service office: Spokane: (509) 456-5000.
- Obtain a referral to a certified domestic violence perpetrators treatment program from the Employee Advisory Service.

Options for Other Employees Who Have Concerns About Domestic Violence:

- Tell a trusted co-worker, supervisor, or manager.
- Contact Human Resources.
- Contact the nearest Employee Advisory Service office: Spokane: (509) 456-5000.

Components of a Workplace Safety Plan:

- Consider obtaining civil orders for protection and make sure that they remain current and are in hand at all times. A copy should be provided to the employee's supervisor, reception area, and security areas if there is a concern about the abusive partner coming to the work site.
- The employee should consider providing a picture of the perpetrator to reception areas and/or security.
- An emergency contact person should be identified should the employer be unable to contact the employee.
- An agency contact person should be identified for the employee to reach when needed.
- Review the employee's parking arrangements for possible changes.
- Consider changing the employee's work schedule.
- Consider what steps need to be taken to provide for the safety of other employees and clients.
- Consider having the employee's telephone calls screened at work.

Resources:

- Emergency Law Enforcement: 911
- Employee Advisory Service: Spokane: (509) 456-5000.
- 24-hour Washington State Domestic Violence Hotline: 1-800-562-6025 (V/TTY).
- Washington State Coalition Against Domestic Violence: (360) 407-0756.

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- The National Domestic Violence Hotline: 1-800-799-SAFE, TTY 1-800-787-3224.
- Protection Order Advocacy Program: (206) 296-9547.
- Whitman County Workplace Violence Prevention Program: Policy 100-40-HR contains further emergency numbers and Incident Team contacts.
- Whitman County Employee Assistance Programs.
Solution Resources: 1-866-535-4074
Magellan Health Services: 1-800-523-5668

PRO-0417-1 -HR REPORTING DOMESTIC VIOLENCE

Action By

Action

Employee

1. If imminent danger exists, call 911.
2. Should ask for assistance from a supervisor, manager, or human resources professional.
3. Should notify the supervisor, manager, or human resources professional of any safety or security concerns related to your employment, including your work assignment or work location.
4. It is recommended the employee consider contacting the Employee Assistance Program and/or other resources for assistance.
5. If a court order has been issued that prohibits the perpetrator from contacting the employee as a result of domestic violence, the employee should provide a copy of the order to the supervisor, manager, or human resources professional. It is also recommended the employee submit a recent photograph or detailed description of the perpetrator to the supervisor, manager, or human resources professional.
6. Employees who believe they have witnessed domestic violence in the workplace should notify a manager, supervisor, or human resources

professional immediately.

Manager/Supervisor

7. If imminent danger exists, call 911.
8. Consult with Human Resources for advice and assistance in developing a strategy for addressing the issue.
9. Where appropriate, develop a workplace safety plan in consultation with the employee who is a victim of domestic violence, the Employee Assistance Program, Human Resources, and other appropriate resources.

Manger/Supervisor & Human Resources

10. Encourage the employee who is a victim of domestic violence to seek assistance from the Employee Assistance Program and/or other resources.
11. For safety or security reasons, consider the following assistance when requested by an employee who is a victim of domestic violence, if consistent with the practical realities of operating the business:
 - 11.1 Temporarily adjusting or changing the employee's work schedule;
 - 11.2 Temporarily changing the employee's work site;
 - 11.3 Grant accrued or unpaid leave within the provisions of county policy, and collective bargaining agreements, to allow employees who are victims of domestic violence to obtain medical treatment, counseling, legal assistance, temporarily to leave the area, or to make other interim arrangements to create a safer situation for themselves;
 - 11.4 Other assistance as may be deemed reasonable and appropriate by management.

12. If provided with a current court order prohibiting contact between the involved parties, take business-practical and reasonable measures to facilitate compliance with the order within the workplace.
 - 12.1 Cooperate with law enforcement and the Whitman County Incident Team throughout the course of the situation.
13. To the extent possible, treat information about an employee victim, including the victim's whereabouts, as confidential. Where necessary, apply restrictions to internal telephones, electronics, standard information dissemination protocols, departmental and county publications, to the extent allowed by law and consistent with business needs.
14. Take reasonable and practical steps to provide for the safety of other people present in the workplace.
15. If there is reason to believe a crime has been committed, call the police and cooperate with any police investigation.
16. Determine whether an employment investigation should be conducted.
(Note: To the extent possible the employment investigation should be conducted in a manner that will not interfere with any criminal investigation.)
17. Impose corrective action or discipline as appropriate.
18. Consult the Whitman County Workplace Violence Prevention Policy.

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070590 7. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to authorize the Chairman to sign a letter of appointment to the Civil Service Commission upon completion of applicant review. Steven R. Tomson was appointed. Mr. Tomson's term will expire 09/30/10.

070591 10. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to approve Washington State Military Department contract amendment #E09-171(A) (10/31/10).

11. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to sign the following Health Department grant application data forms:

070592 ARRA Reaching Children and Adults-\$2,083.00 (2010-11)

070593 USDA WIC Breastfeeding-\$1,779.00 (2008-09)

070594 USDA WIC Breastfeeding-\$1,721.00 (2009-10)

070595 USDA WIC NLS-\$97,374.00-(2008-09)

070596 USDA WIC NLS-\$106,741.00-(2009-10)

070597 PHEPR H1N1 Pan Flu Focus-\$54,311.00 (2009-10)

070598 PHEPR H1N1 Pan Flu Phase III Mass. Vac.-\$81,716.00 (2009-10)

070599 PHEPR HC Systems-Prep.-\$1,800.00 (2008-09)

070600 PHEPR HC Systems-Prep.-\$1,612.00 (2009-10)

070601 MCHBGMCH ConCon Federal-\$30,472.00 (2009-09)

070602 MCHBGMCH ConCon Federal-\$40,629.00 (2009-10)

070603 12. The Chairman sent an email to the County Treasurer regarding the 2007 State Auditor's management letter.

070604 13. Notice of liquor licenses due to expire 07/10 was received from the Washington State Liquor Control Board.

070605 14. A notice of a petition to annex land to Public Hospital District No. 1A was received from Kelly N. Brown, Attorney.

070606 15. A notice of a public hearing for a proposed rezone within the City of Pullman was received.

070607 16. A letter was sent to the Chairman by Beverly Divine regarding the proposal to transfer the New World project from the Finance Department to the Information Technology Department.

070608 17. The final recorded closing documents for purchase of the Pullman Health Office space were received from Pioneer Title Company.

070609 18. Commissioners' pending list reviewed.

10:25 a.m. - Recess.

10:45 a.m. - Rural Housing Certificate.

Present: Mark Storey, Alan Thomson, Iris Mayes, Dan Gladwill, Joe Smillie and Sarah Mason.

070610 Chairman Partch convened the hearing for a proposed amendment to the Zoning ordinance for streamlining the Rural Housing Certificate review and approval process.

Mr. Thomson explained the amendment would allow for two main existing houses on one parcel 500 feet apart to be short platted into one parcel.

The Chairman opened the hearing to public comments. There being no comments, the hearing was adjourned.

Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to accept the Planning Commission's findings of fact.

Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to accept the Planning Commission's recommendation to approve the amendment of the Whitman County Zoning Ordinance (Chapter 19.10) to allow two existing main residents within 500 feet of each other to be short platted into one parcel.

ORDINANCE NO. 070610

AN ORDINANCE AMENDING SECTION 19.10 (AGRICULTURAL DISTRICT) OF THE WHITMAN COUNTY ZONING ORDINANCE, to create a streamlining of the Rural Housing Certificate review and approval process. This change will allow two existing main residences within 500 feet of each other to be short platted into one parcel. Also, in the case of previously issued Certificates of Zoning Compliance (CZC's) that allowed two residences on one parcel, the two approved residences will be allowed to be contained in one short plat. 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 April, 2010.

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 19.10 - AGRICULTURAL DISTRICT

Section 19.10.010 - Declaration of Intent.

The Agricultural District provides minimum standards for areas of general agricultural land use including requirements for single-family dwellings and accessory dwelling units. It is intended that agriculture be the primary use in this district and that the goals of the County Comprehensive Plan be pursued where reasonably possible.

Section 19.10.020 - Permitted Uses.

1. Agriculture, including cropping, grazing of livestock, dairying, horticulture and floriculture, but not commercial horse-boarding which shall be instead considered to be a home-based business and allowed and governed, or regulated by the provisions related to home-based businesses. (Revised April 21, 2008; Resolution No. 068024)

2. One (1) single-family dwelling per parcel conforming to provisions of Section 19.10.060 and not located within the CRD Opportunity Area. In the case of there being two existing residences within 500 feet of each other, nearest corner to nearest corner, where no previous zoning has been done, a short plat can be created containing both houses. Neither of the residences would be considered an accessory dwelling unit. If a zoning permit has been previously issued for two main residences that are located more than 500 feet apart, nearest corner to nearest corner, a short plat is allowable. Under both of the above scenarios no other residential unit would be allowed on the short plat. For the protection of resource lands, new residence(s) shall be located more than 1,000 feet from any permitted or grandfathered quarry, mine and/or other similar natural resource operations; or if it will be located within 1,000 feet of a **any** permitted or grandfathered quarry, mine and/or other similar natural resource operations, an affidavit acknowledging adjacent mining activities, signed by the landowner, notarized and filed with the Whitman County Auditor, is required. This information will be attached to the **S**short **P**plat. The 1,000-foot distance is measured from the applicant's residential footprint to the designated mineral resource area, as described and/or defined in the **A**administrative **U**use **P**permit or **C**conditional **U**use **P**permit.

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3. Temporary stands for the sale of agricultural non-livestock products produced on the premises.

4. Accessory uses and structures common or incidental to agricultural and residential use, including but not limited to garages, barns, tack rooms, equipment sheds, home storage elevators, fences and corrals, provided that such accessory uses and structures conform to the yard requirements of this chapter.

An accessory use or structure may be constructed prior to the construction of the principal use on a site that has been reviewed for compliance and has been approved as a rural residential site, pursuant to Section 19.10.060.

5. Home-based businesses utilizing only those accessory buildings and structures permitted under this chapter and which from the premises' property line cannot be seen or heard or felt or smelled and will not have customer visits. (For more information on home-based businesses permitting, see Chapter 19.56.) (Revised April 21, 2008; Resolution No. 068024)

6. Small antenna facilities, antenna support structures, temporary wind energy research structures such as meteorological towers and small wind energy generators up to 125 feet height in conformance with the requirements of Chapter 19.62 - Small Wind Energy Generators. (Revised 12/10/01, Ordinance #058999.) (Revised 10/20/08, Ordinance #068810) (Revised 11/16/09, Ordinance #070081)

7. Inert fill (earth only) of under 2,000 cubic yards of material removed from ditch cleaning may be placed in active quarries and/or mines in compliance with approved reclamation or placed on adjacent land. Under 2,000 cubic yards of aggregate stockpile materials may be placed on a separate parcel from the mining operation. Agencies must provide a courtesy notice to landowners within 300 feet of the fill site.

8. Private quarries under three (3) acres for uses related to agricultural activities by the land owner, for example farm access construction and maintenance.

9. Accessory Dwelling Units conforming to provisions of Section 19.10.065.

Section 19.10.030 - Lot Size Requirements.

1. There shall be no minimum lot size for non-residential permitted uses in this district.

2. The minimum lot size for residential uses permitted in this district shall be as determined per Section 19.10.060(2)(b)(ii).

Section 19.10.040 - Setback Requirements.

1. The minimum setback for all non-residential structures shall be twenty (20) feet on all sides, provided that a minimum setback of thirty-five (35) feet shall be required adjacent to the right-of-way of any state or county roadway designated as a primary or secondary arterial in the Comprehensive Plan.
2. In the case of antenna support structures or meteorological towers, the front setback shall be thirty-five (35) feet from the right-of-way of any State or County road; side and rear setbacks shall be twenty (20) feet. Small wind energy generators are subject to the setback requirements in Chapter 19.62 - Small Wind Energy Generators. (Revised 10/20/08, Ordinance #068810) (Revised 11/16/09, Ordinance #070081)
3. Accessories to the antenna support structures shall have a minimum setback of five (5) feet. (Revised 5/14/01, Ordinance # 058050, Revised 12/10/01, Ordinance # 058999)
4. To facilitate road setback location, measurement may be made from the centerline of the adjacent road. The front setback shall be half the distance of that specific right-of-way width, plus the required setback, as measured from the road centerline.

Section 19.10.050 - Height of Buildings.

1. The maximum height of non-residential buildings and related accessory structures in this district shall be fifty (50) feet.
2. The maximum height of rural residences and related accessory structures in this district shall be thirty-five (35) feet.
3. Antenna support structures shall not exceed 350 feet in height.

Section 19.10.060 - Rural Residential Use.

One single-family dwelling per parcel shall be a permitted use whenever the requirements of this Title are fulfilled except when there are two existing houses within 500 feet of each other, and there is an existing zoning permit allowing for two residences, then a short plat containing the two houses is allowed. The Planning Director shall certify through the Rural Housing Certificate (RHC) process that all requirements of this Title have been met.

1. Development requiring Certification
 - a. Issuance of a Rural Housing Certificate shall be required for:
 - i) Creation of a new residential parcel
 - (1) On which will be located ~~an~~ existing residence(s), except that such new parcel with ~~an~~ existing residence(s), need not comply with the provisions of 19.10.060 (2)(a)(ii) viewshed, (2)(b)(vi) development buffer where the available land to be

used as a buffer is not owned by the applicant, (2)(b)(vii) setbacks where the available land to be used as a buffer is not owner by the applicant, and (2)(b)(ix) highly visible locations; or

- ii) Alteration of an existing residential parcel via a boundary line adjustment except when additional land is added to a parcel for which a CZC, RRSR or RHC has been filed; or
- iii) Construction of a residence on an existing parcel which has not been certified. In this circumstance, if the size and shape of the existing parcel, and wetlands or flood hazard areas limit the location of a new residence so that it is not possible to meet the agricultural buffer or 100-foot house setback distance from the road, these specific regulations shall not apply except that the greatest adherence to these distances possible is encouraged. (Revised 10/27/08, Ordinance #068837).

b. Issuance of a Rural Housing Certificate shall not be required on an existing rural residential parcel for which no parcel enlargement, reduction or division is requested when an existing residence and/or an existing accessory structure is altered, expanded or replaced. For replacement purposes, the new residence may be sited up to 50 feet from the original residential footprint. Because of limitations due to the size, shape, or existing vegetation of/on the parcel it may be necessary to replace the residence further than 50 feet from the original footprint. In this circumstance, if it is possible to meet the siting requirements for a rural housing certificate such as buffers, setbacks, viewshed, and no structures on hilltops or ridges, then they must be met. If meeting these siting requirements is not possible then those regulations shall not apply except that the greatest adherence possible to these regulations is encouraged. The parcel shall be reviewed for compliance with all applicable ordinances, including those which regulate setbacks, road access, preservation or expansion of the septic system, drainfield and replacement drainfield area, flood hazard, wetlands, aquifer recharge, and habitat conservation areas. However, no notice to adjacent landowners is required, and the size and other constraints of the parcel may prevent full compliance with hilltop prohibitions, the house 100-foot road setback distances, and buffer or setback distances required from other property; in which case these requirements do not apply. This review shall be termed Rural Residential Site Review (RRSR) and files shall be kept as proof of review and for future reference. (Revised 10/27/08, Ordinance #068837).

- 2. Certification Approval - Issuance of a Rural Housing Certificate shall be granted when a proposal meets all of the following conditions:
 - a. Approval of Residence Location

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i) New rural residences may be sited in locations which meet requirements for a viewshed site or meet requirements for a residential group.

ii) Viewshed Site

Definition: A proposed residential building footprint which is located at least 1,500 feet horizontally from the nearest residence or certified residential site; or is located within 1,500 feet of one or more existing

3. Vesting

a. Upon receipt of fees and a complete application, the Planning Director shall grant to the applicant a temporary development right. The Planning Office shall not accept any additional Rural Housing Certificate applications for residences within the viewshed of the proposed residence until the Planning Director has either granted or denied a Rural Housing Certificate for the proposed residence.

b. If granted a Rural Housing Certificate, the applicant shall have 270 days during which to complete construction of an approved well and to file a short plat. Failure to complete these steps within this time period shall result in voiding of the Rural Housing Certificate except when an approved water supply has been established and a building permit for a residence has been issued, a short plat is not required.

Section 19.10.065 - Accessory Dwelling Units.

1. Purpose.

a. An Accessory Dwelling Unit (ADU) is an additional smaller, subordinate dwelling unit on a lot with, or in, an existing or new house. These units are intended to provide for a greater range of choices of housing types in the Agricultural District. Accessory Dwelling Units are intended to enhance options for families by providing opportunities for older or younger relatives to live in proximity while maintaining a degree of privacy.

2. Applicability.

a. A property with a primary residence and an Accessory Dwelling Unit is different from a property with two residences because the intensity of use is less due to the limitations of size and number of bedrooms. An Accessory Dwelling Unit that meets the requirements of this subsection may be allowed on any lot developed with an existing single-family dwelling, except as noted herein.

3. Development Standards.

a. No more than one Accessory Dwelling Unit per legal lot is permitted and it must be accessory to a single-family residence. If a short plat is approved, an Accessory Dwelling Unit for each lot is permitted only if all other provisions of this Chapter are met.

b. No Accessory Dwelling Unit is allowed if there are two primary residences on one parcel of land.

- b. Whenever the requirements of this Section are at variance with the requirements of any of the lawfully-adopted ordinances, the most restrictive, or that imposing the higher standards to be met prior to a land use being permitted, shall govern.
- c. The applicant must apply for a building permit for an Accessory Dwelling Unit. An Accessory Dwelling Unit shall comply with applicable building, fire, and health and safety codes. An Accessory Dwelling Unit cannot be occupied until a certificate of occupancy is issued by the building department.
- d. An Accessory Dwelling Unit may be created through:
- i) Internal conversion within an existing dwelling;
 - ii) The addition of new square footage to the existing house or to a garage and any addition thereto;
 - iii) Conversion of an existing structure;
 - iv) Inclusion in the development plans for, or as part of, the construction of a new single-family detached dwelling unit; or
 - v) A separate detached dwelling unit on the same lot as the primary dwelling unit.
- e. An Accessory Dwelling Unit shall conform to existing zoning requirements, including, but not limited to setbacks. The addition of an Accessory Dwelling Unit shall not make any lot, structure or use nonconforming within the development site.
- f. Building height is limited to twenty-five (25) feet for a detached Accessory Dwelling Unit. Building height requirements of the underlying zone do apply to the Accessory Dwelling Unit for internal conversion or structural addition to the existing primary dwelling.
- g. The total gross floor area of an Accessory Dwelling Unit shall not exceed either 1,100 square feet or 50% of the total gross floor area of the primary residence, whichever is less.
- h. An Accessory Dwelling Unit shall not contain more than two (2) bedrooms.
- i. For an Accessory Dwelling Unit created by internal conversion or by an addition to an existing primary dwelling, only one (1) entrance may be located on the front of the house, unless the house contained additional front doors before the conversion. Secondary entrances should be located on the side or rear of the primary residence to the extent possible.

4. Historic Structures.

- a. If an Accessory Dwelling Unit is on the same lot as or within a historic structure which has been designated on the national, state or local historic register, the following design guidelines are applicable:
- b. Exterior materials should be of the same type, size and placement as those of the primary dwelling structure.
- c. Trim on edges of elements of accessory structures and additions should be the same as those of the primary structure in type, size and placement.
- d. Windows in any elevation which faces a street should match those in the primary structure in proportion, i.e., same height, width and orientation (horizontal or vertical).
- e. Pediments and Dormers. Each Accessory Dwelling Unit over twenty (20) feet in height should have either a roof pediment or dormer if one or the other of these architectural features are present on the primary dwelling.

Section 19.10.080 - Short Plat and Subdivision.

No short plat or subdivision for residential use shall be accepted by the Planning Office unless such plat complies with this chapter:

1. No short plat creating more than three (3) lots, including the remainder of the original parcel of land, shall be approved within the Agricultural District.
2. No long subdivision plat shall be approved within the Agricultural District.

10:55 a.m. - Mark Storey, Public Works Director.

Present: Alan Thomson, Iris Mayes, Dan Gladwill, Joe Smillie and Sarah Mason.

ACTION ITEMS

070611 1. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** that the resolution to initiate county road project designated as HMA overlay for Wawawai-Pullman Robe be signed as presented.

**RESOLUTION NO. 070611
BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

In the matter of initiating a county road project designated as C.R.P. No. 9010-7, Project No. XFR1000.

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IT IS HEREBY RESOLVED that the Wawawai-Pullman Road, County Road No. 9010 from milepost 2.40 to milepost 7.34 be improved as follows:

HMA Overlay

This project is hereby declared to be a public necessity and the County Engineer is hereby ordered and authorized to report and proceed thereon as by law provided (RCW 36.75.050, 36.80.030, 36.80.070)

IT IS FURTHER RESOLVED that an appropriation from the official adopted county road fund budget and based on the County Engineer's estimate is hereby made in the amounts and for the purposes shown:

| PURPOSE | AMOUNT OF APPROPRIATION |
|---------------------|--------------------------------|
| Engineering (PE&CE) | \$ 35,000.00 |
| Contract | <u>940,000.00</u> |
| TOTAL | \$975,000.00 |

This project was included in the official adopted annual road program as Item No. 24.

IT IS FURTHER RESOLVED that the construction is to be accomplished by contract in accordance with RCW 36.77.020 et. seq.

ESTIMATED date of commencing work: June 1, 2010
ESTIMATED date of completing work: July 31, 2010

ADOPTED this 19th day of April, 2010.

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

070612 2. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to authorize publishing of the notice of call for bids for crushing at Gordon Quarry.

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070613 3. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to authorize publishing of the notice of call for bids for crushing at Thera Quarry.

070614 4. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to authorize the publishing of a notice of a call for bids for crushing at Pullman-South stockpile site.

Solid Waste Division:

D070614A 5. Tire Amnesty Day has been scheduled for July 10th.

Building Division:

070615 6. Dan Gladwill presented the 2010 first quarter Building Division report.

D070615A 7. Mr. Gladwill will be attending a meeting in Dallas to vote on the 2012 International Building Code. All travel expenses are being paid by the Washington Association of Building Officials.

Maintenance Division:

D070615B 8. The Director advised the Board the Aune Bridge on Big Alkali Road was accidentally burned by a farmer burning weeds. One of the two bridge spans was charred significantly causing load restrictions to be reduced from 40 to 6 tons and the 2-lane bridge reduced to one lane. This bridge was already selected for replacement in the next few years but due to the fire replacement has been advanced. Any expenses incurred as a result of advancing the project may be passed on to the farmer.

11:20 a.m. - Recess.

11:30 a.m. - Sharron Cunningham, Finance Department.

Present: Bev Divine, Bob Lothspeich, Brian Beason, Chris Nelson, Denis Tracy, Doug Robinson, Eunice Coker, Fran Martin, Greg Partch, Janet Schmidt, Kelli Campbell, Maria Thomas, Mark Storey, Marlynn Markley, Michael Largent, Pat O'Neill, Peggy Wright, Sonya Miller, Tim Myers, Shannon Hatley, Michael Baker Alan Thomson, Joe Smillie, and Sarah Mason.

070616 The March 2010 month ending financial report provided by Ms. Cunningham.

March 2010 Cash Balance - \$1,824,160

March 2009 Cash Balance - \$1,983,295

March 2010 Revenue - \$1,502,463 - 13.03% of budget.

March 2009 Revenue - \$1,490,816 - 13.00% of budget.

March 2010 Expenditures \$2,758,733 - 23.25% of budget.

March 2009 Expenditures \$2,904,383 - 24.97% of budget.

12:00 p.m. - Recess.

1:00 p.m. - Joe Poire', Port of Whitman.

Present: Joe Smillie.

D070616A Mr. Poire' asked the county commissioners to partner with the port commissioners to help fund the Innovative Partnership Zone (IPZ) contractual activities with the state to pay Dr. Tilton to stay with the program. Because the Port does not have a long-term focus on this project he was requesting assistance for one year, June 2010-June 2011 in the amount of a \$10,000 contribution from Whitman County Public Facility funds (.09) to facilitate the IPZ project staffing and scope of work.

Chairman Partch thought it would be a good continuation of the \$400,000 initial partnership and Commissioner Largent also mentioned the \$12,500 for the green grid project. Mr. Poire' noted every activity the non-profit applicant said they were going to do is continuing. Commissioner Largent asked if the other partners have been approached about the staffing component and Mr. Poire' responded numerous times. In response to another inquiry by Commissioner Largent, the Port Manger indicated the county's contribution would serve to meet the staffing gap and the project would not continue to require additional funding. Commissioner O'Neill wondered if the City of Pullman had been approached for funding assistance since IPZ is located within the city limits. Mr. Poire' said no, Pullman is not one of the partners nor have the educational programs included Pullman.

The commissioners will render their decision May 3rd.

1:30 p.m. - Board Business Continued/BOCC Workshop.

Present: Tim Myers and Joe Smillie.

070617 19. Items discussed included Parks and Developmental Services related issues. No action taken.

2:00 p.m. - Recess.

D070617A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Tuesday, April 20, 2010 at 2:00 p.m.** Chairman Greg Partch, Patrick J. O'Neill and Michael Largent, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

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

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Present: Dr. Moody, Fran Martin and Michael Baker.

D070617B 1. Dr. Moody pointed out with regards to communicable diseases, it was thought the Olympics would cause influenza resurgence but rather the Olympics brought measles. Vancouver, British Columbia is experiencing a measles outbreak. An alert has gone out to physicians in statewide. Whitman County is ramping up its general procedures with schools, health care facility and daycare center staff.

070618 2. Dr. Moody mentioned at the meeting last week with WSU President Elson Floyd that it was National Public Health Week and the County Health Rankings developed by the Robert Wood Johnson Foundation and University of Wisconsin Population Health Institute. Rankings were assigned to each county within their respective state based on Health Factors. Whitman County ranked:

3 Health Outcomes Overall
1 Mortality
11 Morbidity

10 Health Factors Overall
7 Health Behaviors
39 Clinical Care
1 Social and Economic
37 Physical Environment

How many health care providers there are for an individual in Whitman County has very little to do with the health of an individual. What does have more of a correlation is Health Behaviors that ranks #7. In other words, where an individual lives has more to do with an individual's longevity and health than the numbers of providers available. Whitman County also has a strong emphasis on education. The more you know the more likely you will institute more healthy lifestyles and behaviors.

D070618A 3. As previously mentioned to the Board of Health, the Washington State Universal Child Vaccine Purchase Program was going away due to state budget cuts. House Bill 2551 established the Washington Vaccine Association. This is a group of private health insurers, State Department of Health and others that have pooled their money to purchase vaccines out of the pool and apportion the costs to the private insurers accordingly. Providers will have to change the way they bill for vaccines and it will be a headache for awhile. Public Health will not be immune to some of the problems that could arise. However, this program will eliminate the need for providers to keep on hand different types of vaccines for different children. This program will help apportion the cost for the vaccine to the state and private providers appropriately.

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The program is scheduled to go on line May 1st. It is a win-win situation for children and private providers.

D070618B 4. Michael Baker stated the FDA has been evaluating Whitman County's food program. They have completed now Phase I. Whitman County applied and has been accepted to continue on with Phase II. This phase requires the establishment of a committee to involve the public in the policy and procedure process. This phase also comes with the potential of \$2,500 for costs.

D070618C 5. Mr. Baker met with a Department of Health representative was on-site last week regarding some of the sanitary surveys of water systems in the area. In doing so, the county was able to secure additional funding for some of the small water systems.

D070618D 6. He will be meeting with other Department of Health personnel to review Whitman County's contract for the sanitary survey. The state raised their costs per inspection and will be determining how much they will be compensating Whitman County for those inspections as well.

D070618E 7. The on-site sewage inspection program has recently decreased. The total permits for 2009 were 15% less than what was anticipated in for 2008. Combined 2008 and 2009 permits totaled only 64% of the permits in 2006 and 2007. There is an increase in the Rural Housing Certificates (RHC) received from the Planning Department.

D070618F 8. The Department decided not to issue food permits in 2010 for the mobile taco trucks in Colfax and Pullman until they have compliant vehicles and meet other requirements.

D070618G 9. Chairman Partch shared information on the efforts by Whitman County in assisting a small food establishment in Rosalia with food permit fees. He said this is one example of how Whitman County is trying to do everything it can to keep regulations and fees to a minimum.

D070618H 10. Fran Martin provided a Public Health staffing update.

D070618I 11. The 2010-2011 school nurse contracts are being prepared. It is hoped that the hours and fees remain the same as the 2009-2010 school year making up any financial difference with capacity dollars.

D070618J 12. The Farmers Market in Pullman will resume in May and Public Health will again be participating.

D070618K 13. The Department is considering using ARRA funds to support physicians administering vaccines; i.e. vaccine refrigerators, upgrades to their computers for the Child Profile program for tracking child immunization information.

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D070618L 14. The next Board of Health meeting is May 18th.

D070618M 15. The Emergency Management Hazard Mitigation application has been forwarded to the FEMA and if funded for \$135,000 will allow continuation of the work that began five years ago on Hazard Mitigation.

D070618N 16. A Local Emergency Planning Committee (LEPC) is being formed with elected officials, law enforcement, EMS, hospitals, schools to determine what the committee should be doing and more importantly, reviewing all hazardous chemical incident reports.

D070618O 17. Partnering with Latah County for Emergency Management.

D070618P 18. Currently working on Emergency Communications equipment to achieve a "no point of failure" condition.

3:00 p.m. - Recess.

D070618Q THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, April 26, 2010 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/BOCC Workshop.

Present: Joe Smillie.

070619 20. Items discussed included Board of Health conference call, CGI information, non-represented medical contribution, Port of Whitman IPZ request and reserve policy. No action taken.

070620 21. Chairman Partch signed the interlocal agreement between Whitman County and the City of Palouse (as previously authorized) for use of the chipper/shredder equipment.

9:30 a.m. - Recess.

10:15 a.m. - BOCC Executive Session.

070621 22. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to go into executive session with the above individuals until 11:45 a.m. in accordance with RCW 42.30.110(1)(g) for matters related to employee performance.

11:45 a.m. - Return to Open Session/Recess.

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

Present: Gary and Valerie Hunt and Kelli Campbell.

070622 23. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to go into executive session with the above individuals until 3:00 p.m. in accordance with RCW 42.30.140(4)(a) for matters related to negotiations.

3:00 p.m. - Return to Open Session/Recess.

3:05 p.m. - Board Business Continued/BOCC Workshop.

Present: Fran Martin.

070623 24. An Emergency Management financial issue discussed. No action taken.

3:10 p.m. - Adjournment.

D070623A Commissioner O'Neill **moved** to adjourn the **April 19, 20, and 26, 2010** 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 **May 3, 2010**. The foregoing action made this **26th** day of **April 2010**.

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

MARIBETH BECKER, CMC
Clerk of the Board

GREG PARTCH, CHAIRMAN
Board of County Commissioners