

BOCC MINUTES-05/01/17

078901A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, May 1, 2017, 2017** at **9:00 a.m.** Chairman Arthur D Swannack, Dean Kinzer and Michael Largent, Commissioners and Elinor Huber attended.

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

Present: Gary Petrovich, Bob Reynolds, Bill Tensfeld.

078902 1. The following items were discussed but no action was taken.

- EM Communications lease
- Capital Improvement Project survey
- Fair Foundation
- CIP
- BOE notice
- Martin Hall
- EM stand-by generator
- HAZMAT

9:45 a.m. - Recess.

10:00 a.m. - Flag Salute.

Present: Paul Spencer and Kara McMurray.

D078902A 2. Pledge of Allegiance.

Consent Agenda:

D078902B 2A. Motion by Commissioner Kinzer **seconded** by Commissioner Largent and **carried** to accept the consent agenda.

078903 3. Treasurer's Wire Transfers and Check Report in the amount of **\$1,970,972.44**, Payroll warrants numbered **329159-329169** for **\$384,463.14** and General Claims/Veterans' Relief numbered **329176-329248** for **\$277,693.36** approved.

078904 4. April 17, 2017 minutes approved.

078905-078912 5. Personnel change orders approved.

078913 6. The notice of publishing a joint meeting with Latah was rescheduled until May 30, 2017.

078914 7. Commissioner Kinzer **moved** Commissioner Largent **seconded** the motion and it **carried** to authorize publishing a notice of the 2017 Board of Equalization.

078915 8. Commissioner Kinzer **moved** Commissioner Largent **seconded** the motion and it **carried** to award \$100,000 in .09 Public Facilities funds to the Whitman County Library for restrooms, a technology lab and back entrance at "The Center".

D078915A 9. No action was taken on the Emergency Communication Malden Radio Site lease agreement.

078916 10. Motion by Commissioner Kinzer **seconded** by Commissioner Largent and **carried** to authorize the Chairman to sign the Colfax Chamber of Commerce special occasion liquor license request.

078917 11. Motion by Commissioner Kinzer **seconded** by Commissioner Largent and **carried** to sign a proclamation proclaiming May, 2017 as Older American month.



**OLDER AMERICANS MONTH 2017
PROCLAMATION**

Whereas, Whitman County includes older Americans who richly contribute to our community; and,

Whereas, we acknowledge what it means "to age" has changed—for the better; and,

Whereas, Whitman County is committed to supporting older adults as they take charge of their health, explore new opportunities and activities, and focus on independence; and,

Whereas, Whitman County can provide opportunities to enrich the lives of individuals of *all ages* by:

- Involving older adults in the redefinition of aging in our community;
- Promoting home- and community-based services that support independent living;
- Encouraging older adults to speak up for themselves and others; and,
- Providing opportunities for older adults to share their experiences.

Now therefore, we, the Board of Commissioners of Whitman County, Washington, do hereby proclaim May 2017 to be Older Americans Month. We urge every resident to take time during this month to acknowledge older adults and the people who serve them as influential and vital parts of our community.

Dated this 1st day of May, 2017.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Arthur D Swannack, Chairman

Dean Kinzer, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

078918 12. Motion by Commissioner Kinzer **seconded** by Commissioner Largent and **carried** to approve a credit card request for Jeff Kramer of Juvenile Services.

CORRESPONDENCE:

D078918A 13. The following correspondence was received:

078919 13A. Notice was received from the City of Pullman regarding the proposed Sundance South Subdivision preliminary plat.

078920 14. Commissioners' pending list reviewed.

10:30 a.m. - Recess.

11:00 a.m. - Public Works.

Present: Dean Cornelison, Phil Meyer, Alan Thomson, Katrin Kunz, Barbara O'Donnell and Garth Meyer.

078920A 14A. The following Public Works related issues approved/updated:

ACTION ITEMS:

078921 15. Commissioner Kinzer **moved** Commissioner Largent **seconded** the motion and it **carried** to award the bid for Contact Water Tank to M. A. DeAtley for \$574,574.00.

078922 16. The regular meeting was recessed and the hearing convened by the Chairman for the Thunder Eagle LLC Closed Record Appeal.

Staff report provided by Alan Thomson as follows: On March 15th we had a Planning Commission public hearing for this application for the Cluster Residential District. There were only five members present and one of them voted it down so it did not pass. The Planning Commission and county code allows for an appeal to the BOCC. The applicant appealed the next day and that is why we are here today to listen to their appeal and make a judgment on that appeal.

Commissioner Swannack stated that we are here to hear reasons why things were not conducted properly. We are not here to add new information to the record.

Alan Thomson stated the record is what the Planning Commission created that evening and you can make a decision to either agree or disagree and hold your own public hearing and make your own record or refer it back to the Planning Commission.

Presentation by applicant, Eric Bush. He stated that in his opinion the application met every goal within the code and with the no vote we received I didn't feel it was warranted. The only reason there was a no vote was because we did not get one waiver that was in the land area of 1,000 feet. We made several significant attempts to make contact and we got no response from that landowner. There is absolutely no impact to their land. In fact, the church is between where we are developing and their land. They are the furthest away of all of the landowners within that 1,000 feet. There would be zero impact to that field.

Commissioner Swannack asked if there is anyone from the public to testify for this application at this time. Seeing none, is there anyone from the public who would like testify in opposition to this application? Seeing none, he asked if there were further comments from staff on this matter.

Alan Thomson stated that he would like to clarify that the reason why a Planning Commission member voted against this was his own interpretation of the Code and the Comp Plan. There are two specific reasons that he voted this down. Referring to the Comp Plan and the three criteria that the Comp Plan states that an area might be eligible for a Cluster Residential District. This gentlemen continues to think that if one of those criteria is not met therefore it should be dismissed. I don't think that is a correct interpretation.

I will quote the language. It says, "An area may be considered eligible for approval as a Cluster Residential District if it meets any of the following." The word there is "any" of the following, and then it gives the three reasons. Keeping in mind that this is the Comprehensive Plan, which is the overall big picture. The Zoning Ordinance is where the detail is, as to how we go about making this happen. I think there has been a misunderstanding that in this case if one of those three questions is not met we can dismiss it. One of the three is that we didn't receive all the waivers. I think that is in error.

The second one in the minutes of the meeting, one of the other reasons was because this was directly in line with the landing area of the Airport, which has nothing to do with the Planning Commission; that is a separate issue all together. We do notify the Airport and get

an FAA approval so that stands alone. This is not a reason why a planning commission member could vote against an application of the Cluster Residential District. Those are the two complaints on record and I think both of those are mistaken. I just wanted to make sure you understood that.

Commissioner Swannack closed the public hearing this point. Is there any discussion from the members from the commission? Hearing none, he presented the Finding of Facts, and the members asked that the Findings be added into the record.

Whitman County Board of County Commissioners
Art Swannack, Chairman, Michael Largent, Dean Kinzer
BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING (ZC 16-02)
Monday, May 1, 2017, 11:30 AM
BOCC Chambers, County Courthouse, Colfax, Washington

Applicant: Thunder Eagle LLC

Requests: An appeal to the Whitman County Planning Commission's rejection of ZC 16-02 to change the zoning of a 22-acre parcel to a Cluster Residential District.

FINDINGS OF FACT

1. An approximately 22-acre area is proposed to be taken out of the Agricultural District and rezoned to Cluster Residential District.
2. The property is located north east of Pullman, on the north side of Pullman Airport Road, in the SW 1/4 of Section 30, Township 15 N., Range 46 E.W.M., Whitman County, Washington. (See Exhibit 1, Vicinity map, Exhibit 2, Aerial photo).
3. The applicant has requested a zone change from the Agricultural District to Cluster Residential District as may be allowed by the Whitman County Zoning Ordinance, Chapter 19.04. (See Exhibit 3, Zone change application.)
4. The project site is approximately 22 acres and consists of the northern part of a larger approximately 86-acre parcel, owned by the Evangelical Church of Pullman, and is currently vacant land. (See Exhibit 4, Whitman County Assessor's parcel map). Applicant is Thunder Eagle, LLC who intends to buy and to develop the land.
5. The purpose of this request is to allow for future single family housing utilizing cluster residential zoning and permitted uses per Section 19.12.020. (See Exhibit 5, Site plan).
 - A. One single family dwelling per buildable lot;
 - B. Accessory structures to a permitted use;
 - C. Temporary stands for sale of agricultural non-livestock products produced on the premises;
 - D. 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.
 - E. Agricultural activities including but not limited to cropping and grazing of livestock.
 - F. Level 1 and level 2 Electric Vehicle Charging Stations.
6. The land to the north of Airport Road is mostly agricultural land except the Evangelical Church immediately to the east and a single family residence to the south of the proposed cluster. South of Airport Road are several single-family residences and a golf driving range.

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7. The 22-acre site is accessed by the Evangelical Church's private road off of Pullman Airport Road.
8. All landowners within 1,000 feet of the project were informed of this request and hearing by mailed affidavit. At the time of this hearing, no comments were received by Whitman County Planning concerning this notification.
9. All commercial agricultural operators and other commercial or industrial operations within 1,000 feet of the proposed cluster area were notified, and all waivers but one have been obtained and are on file with the Planning Department.
10. A SEPA checklist was submitted with this Zone Change application, and a Determination of Non-significance (DNS) was issued on February 8, 2017. The comment period ended February 23, 2017 (See Exhibit 6, Department of Ecology's letter).
11. A public hearing on this zone change application was held on March 15, 2017, by the Whitman County Planning Commission. The application failed to pass on a vote of four ayes and one nay.
12. All amendments to an official control of the County requires a minimum of five positive votes from the Planning Commission to pass.
13. The official zoning map of the County is considered an official control therefore an amendment to that map would be an amendment to an official control.
14. Chapter 19.04 of the Whitman County Code states that in the case of an application being denied by the Planning Commission the applicant may make a written request for appeal to the Board of County Commissioners.
15. The applicant filed a written appeal with the Board of County Commissioners on April 10, 2017.
16. The Board of County Commissioners addressed this appeal at a regular meeting on April 17, 2017, and set a date for a public hearing on May 1, 2017.
17. The reason stated by the Planning Commission member who voted no on this application for rejecting it was: the failure to obtain all of the waivers from adjacent commercial agricultural operators. This member also stated his unease of allowing a housing development directly beneath the airport approach zone.

CONCLUSIONS

1. The Planning Commission and the Board of County Commissioners are granted authority to make decisions on zone changes per Chapter 19.04.
2. The proposed re-zone is consistent with the Whitman County Comprehensive Plan because it meets criteria stated in the Comprehensive Plan under Suburban and Urban Residential Land Use Plan Element.

CONDITIONS

This request is consistent with both the County's Comprehensive Plan and the Zoning Ordinance.

At this time, unless there is substantial new evidence introduced which would change the findings of fact, it is recommended that this zoning code amendment be accepted with the following condition: that all outdoor lighting will be full cut-off.

/s/ Katrin Kunz
Assistant County Planner

Date: May 1, 2017

Commissioner Swannack adjourned the hearing and the regular meeting was reconvened.

078923 **17.** Commissioner Kinzer **moved** Commissioner Largent **seconded** the motion and it **carried** to approve the amendment of the Whitman County Zoning map changing 22 acres from the Agricultural District to a Cluster Residential District, located north of Pullman Airport Road, northeast of Pullman.

ORDINANCE NO. 078923

AN ORDINANCE AMENDING THE WHITMAN COUNTY ZONING MAP TO CHANGE THE ZONING FROM AGRICULTURAL DISTRICT TO CLUSTER RESIDENTIAL DISTRICT BE IT ORDAINED and enacted by the Board of County Commissioners of Whitman County, State of Washington, it having been determined by the Board after hearing the Recommendations and Findings of Fact of the Whitman County Planning Commission that these should be accepted and this action is consistent with the Whitman County Comprehensive Plan.

Change the zoning for Thunder Eagle LLC, for 22 acres from Agricultural District to Cluster Residential District for property located north of Pullman Airport Road, north east of Pullman, in the SW 1/4 of Section 30, Township 15 N., Range 46 E., W. M., Whitman County, Washington.

PASSED AND APPROVED by the Board of Whitman County Commissioners of Whitman County, Washington, on the 1st day of May, 2017.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Arthur Swannack, Chairman

Dean Kinzer, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

DIVISION UPDATES:

D078923A **17A.** The following division updates provided by Public Works staff.

Engineering Division:

D078923B **18.** Dean Cornelison reported that we ran into some fiber conflicts on the St. John-Endicott Road. I met with St. John Telephone and they have a plan for guardrail to be installed in those locations. They don't have a time table of when that may happen.

Maintenance Division:

078924 **18A.** Phil Meyer stated they awarded the lumber and sign posts bid to Kennedy-Johnsen. Clear Creek is opened and when it warms up we will get out there and get a top on it. We are trying to keep the equipment running. We lost a motor in a grader last week. It had 8600 hours on it.

D078924A **19.** Approved documents signed.

11:45 p.m. - Recess.

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2:00 p.m. - Reconvene/Board Business Continued/BOCC Workshop (Park Board).

Present: Park Board members, Jack McBride, Dan Leonard, Steve Ulrich, Kathy Meyer, Sharon Tharp and Parks Director, Tim Meyers.

078925 20. The following item was discussed but no action was taken.

- Parks and Recreation Department Reorganization

3:15 p.m. - BOCC Workshop (Port of Whitman).

Present: John Love, Tom Kammerzell, Kristine Meyer, Gary Petrovich, Linda Olson, Jerry Jones.

078926 21. The following items were discussed but no action was taken.

- Introduction/New Port Commissioner
- Fiber optics bill in Olympia
- Wilma Potholes Fixed
- \$75,000/year taxes received
- Railroads Upgrades
- Dams
- Fiber and Prosperity of Rural WC
- SEWEDA

4:10 p.m. - Recess.

D079926A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, May 8, 2017** at **9:00 a.m.** Chairman Arthur D Swannack, Dean Kinzer and Michael Largent, Commissioners and Elinor Huber, Clerk, attended.

8:45 a.m. - Reconvene/Board Business Continued.

078927 22. The Lobbyist conference call was cancelled until further notice.

D078927A 23. Approved consent agenda items signed.

078928 24. Treasurers Wire Transfers and Check Report in the amount of **\$290,588.37** and General/Veterans' Relief/Payroll warrants numbered **329264-329345** for **\$270,108.81**.

078929-078932 25. Personnel change orders.

9:05 a.m. - BOCC Workshop.

Present: Gary Petrovich, Bill Tensfeld, Bob Reynolds, Troy Henderson.

078933 26. The following items were discussed but no action was taken.

- Fire Chief Meeting
- GS 36 Court Rules
- Parks & Recreation Reorganization
- PSB Roof Project
- Environmental Health Fees

10:15 a.m. - Adjournment.

D078933A Commissioner Kinzer **moved** to adjourn the **May 1 and 8, 2017** 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 15, 2017**. The foregoing action made this **8th** day of **May 2017**.

ss/ DEAN KINZER, COMMISSIONER
ss/ MICHAEL LARGENT, COMMISSIONER

MARIBETH BECKER, CMC
Clerk of the Board

ARTHUR D SWANNACK, CHAIRMAN
Board of County Commissioners