

075463 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, May 19, 2014 at 9:00 a.m.** Chairman Arthur D Swannack, Dean Kinzer and Michael Largent, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

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

Present: Mark Storey, Kelli Campbell, Bill Spence, Bill McKee and Sally Ousley.

075464 1. Items discussed included RSN letter, tax sharing, 2015 budget calendar, strategic planning, ATV's on county roads, RTP0, Spokane Housing Authority and paving plant down. No action taken.

10:00 a.m. - Flag Salute.

Present: Sally Ousley, Bill Spence and Leah Blumenfeld.

D075464A 2. Pledge of Allegiance.

Consent Agenda:

D075464B 3. Motion by Commissioner Largent to accept the consent agenda. Motion **seconded** by Commissioner Kinzer and **carried**.

075465-075467 4. General Claims/Veterans' Relief/Payroll warrants numbered 310225-310246 for \$282,191.17 and 310367-310495 for \$568,785.74 approved.

075468 5. May 5, 2014 minutes approved.

075469-075470 6. Personnel change orders approved.

075471 7. Commissioner Largent stated in honor of Commissioner Kinzer's most recent birthday and with great pleasure he would **move** to declare the month of May as Older American Month and that we post this proclamation on the wall with Commissioner Kinzer's picture. Motion **seconded** by Commissioner Kinzer and **carried**.

Older Americans Month 2014 Proclamation



Whereas, approximately 5,661 senior citizens, ages 60 and older, reside in Whitman County; and,

Whereas, Whitman County is committed to helping all individuals live longer, healthier lives; and,

Whereas, the older adults in Whitman County have made countless contributions and sacrifices to ensure a better life for future generations; and,

Whereas, we recognize the value of injury prevention and safety awareness in helping older adults remain healthy and active; and,

Whereas, our community can provide opportunities to enrich the lives of individuals young and old by:

- Emphasizing the need to take action to safeguard themselves from unintentional injuries where they live, work and socialize*
- Providing information on avoiding leading causes of injury for older adults – falls, motor vehicle-related incidents, suffocation, medication overdose, and fire/burns*
- Helping older adults take control of their safety and wellbeing*

Now, therefore, we, the Board of Commissioners of Whitman County, Washington, do hereby proclaim May 2014 to be Older Americans Month. We urge every resident to take time this month to recognize older adults and the people who serve and support them as powerful and vital individuals who greatly contribute to the community.

Dated this 19th day of May, 2014 and effective as of May 1, 2014.

*Board of County Commissioners
of Whitman County, Washington*

Arthur D Swannack, Chairman

ATTEST:

Dean Kinzer, Commissioner

*Mariabeth Becker, CMC
Clerk of the Board*

Michael Largent, Commissioner

075472 **8.** Commissioner Kinzer **moved** Commissioner Largent **seconded** the motion and it **carried** to deny a claim against the county filed by Jay Abrams.

075473 **9.** Commissioner Kinzer **moved** Commissioner Largent **seconded** the motion and it carried to approve the Sheriff’s grant application data form for the Bulletproof Vest Partnership Program in the amount of \$1,673.

075474 **10.** Marijuana application #10 for Squire’s Forest, Rosalia filed by Nicole Morgan was received from the Washington State Liquor Control Board. In accordance with past practice the Board took no action.

BOCC MINUTES-05/19/14

075475 11. Marijuana application #11 for ULEAF, Oakesdale filed by Donna Istvan was received from the Washington State Liquor Control Board. In accordance with past practice the Board took no action.

Correspondence:

075476-075510 12. Letters (35) opposing a proposed marijuana establishment near Malden were received.

075512A 12A. Information was received from the Spokane Housing Authority and Communication Action Center regarding HOPWA funding. Commissioner Kinzer **moved** Commissioner Largent **seconded** the motion and it **carried** to approve Community Action Center as the local Continuum of Care Agency in Whitman County for HOPWA funding.

075512B 12B. A letter was received from the Washington State Parks and Recreation Commission concerning the proposed acquisition of property near Rock Lake on the Iron Horse State Park, Rock Lake Trail. On behalf of the Board, Commissioner Swannack returned a letter to Karl Jacobs, Project Manager at the Recreation and Conservation Office. He encouraged more research be done into this matter and the implications of a recent U.S. Supreme Court ruling for this and other rails to trails projects in Washington state.

075513 12C. Whitman County's 2013 Title VI annual report was reviewed and approved by the Washington State Department of Transportation.

075514 13. Commissioners' pending list reviewed.

10:30 a.m. - Kevin Riley, CGI Communications (Teleconference).

Present: Sally Ousley, Bill Spence and Leah Blumenfeld.

D075514A 14. Mr. Riley spoke with the commissioners about the process for updating the county's website video tour per the renewed CGI Communications agreement of 04/21/14.

10:50 a.m. - Recess.

11:00 a.m. - Board Business Continued/Mark Storey, Public Works Director.

Present: Phil Meyer, Alan Thomson, Jerry Basler, Cheryl Holcomb, Sally Ousley, Bill Spence and Leah Blumenfeld.

ACTION ITEMS

D075514A 14A. Commissioner Kinzer **moved** Commissioner Largent **seconded** the motion and it **carried** to amend the agenda adding item #22A, a resolution for sealcoating.

075515 15. Commissioner Kinzer **moved** Commissioner Largent **seconded** the motion and it **carried** to approve the resolution to correct the County Code for scribes' errors.

RESOLUTION NO. 075515

BOCC MINUTES-05/19/14

BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS of Whitman County, Washington, in the matter of reformatting portions of the Whitman County Codes Titles 9, 18, and 19 to coincide with all other county codes.

WHEREAS, it is proposed that reformatted Chapters be done through the scrivener's errors allowance as per Whitman County Code Chapter 19.04.100 and,

WHEREAS, the Board of County Commissioners feels that it is important to have a uniform format for County zoning codes,

NOW THEREFORE, IT IS HEREBY RESOLVED that portions of the Whitman County Code Titles 9, 18 and 19 is reformatted to coincide with the other zoning codes.

ADOPTED this 19th day of May, 2014.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Arthur D Swannack, Chairman

ATTEST:

Dean Kinzer, Commissioner

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

**Title 9
ENVIRONMENT***

**Chapter 9.04
STATE ENVIRONMENTAL POLICY ACT**

Sections:

- 9.04.010 State Act Adopted by Reference.
- 9.04.020 SEPA Guidelines Adopted by Reference.
- 9.04.030 Definitions.
- 9.04.040 Time Limits Applicable to the SEPA Process.
- 9.04.060 Use Of Exemptions.
- 9.04.070 Lead Agency Determination and Responsibilities.
- 9.04.080 Environmental Checklist.
- 9.04.085 Appeal
- 9.04.090 Preparation of EIS.
- 9.04.110 Designation of Official to Perform Consulted Agency Responsibilities for the County.
- 9.04.120 Designation and Duties of Responsible Official.
- 9.04.130 Public Access to Documents.
- 9.04.140 Fees.

9.04.010 - State Act Adopted By Reference.

The county adopts by reference the policies of the State Environmental Policy Act as expressed in RCW 43.21C.010 and 43.21C.020. (Ord. 31939 §1, 1978).

9.04.020 - SEPA Guidelines Adopted by Reference.

The county adopts by reference the following sections or subsections of Chapter 197-11 of the Washington Administrative Code, the "SEPA Guidelines" adopted by the state of Washington, council on Environmental Policy, and amended by the Department of Ecology: WAC197-11-010 Through WAC 197-11-955, and as hereafter amended. (Ord. 31939 §2, 1978)

9.04.030 - Definitions:

In addition to those definitions contained within WAC 197-11-040, the following terms shall have the following meanings, unless the context indicates otherwise:

- A. "CEP" or "the Council on Environmental Policy", when used regarding action to be taken subsequent to midnight, June 30, 1976, means the Washington State Department of Ecology. This meaning also applies to all such references in the Washington Administrative Code (WAC) sections or subsections incorporated into this chapter by reference.
- B. "County" means Whitman County, Washington.
- C. "Department" means any division, subdivision or organizational unit of the county established by ordinance, rule, or order.
- D. "SEPA Guidelines" means WAC Chapter 197-11 adopted by the Council on Environmental Policy and amended by the Department of Ecology. (Ord. 31939, §3, 1978.)

9.04.040 - Time Limits Applicable to the SEPA Process.

The following time limits, expressed in calendar days, shall apply to the processing of all private projects and to those governmental proposals submitted to the county by other agencies:

- A. Categorical exemptions. Identification of categorically exempt actions shall occur within seven days of submission of an adequate application.
- B. Threshold determinations.
 - 1. Threshold determinations which can be made based upon review of the environmental checklist submitted by applicant should be completed within fifteen days of submission of an adequate application and the completed checklist.
 - 2. Threshold determinations requiring further information from the applicant or consultations with other agencies with jurisdiction should be completed within fifteen days of receiving the requested information from the applicant or the consulted agency. Requests by the county for such further information should be made within fifteen days of the submission of an adequate application and completed checklist. When a request for further information is submitted to a consulted agency, the county shall wait a maximum of thirty days for the consulted agency to respond.
 - 3. Threshold determinations which require that further studies, including field investigations, be initiated by the county, should be completed within thirty days of the submission of an adequate application and the completed checklist.
 - 4. Threshold determinations on actions where the applicant recommends in writing that an EIS be prepared because of the significant impact asserted and described in the application shall be completed within fifteen days of submission of an adequate application and the completed checklist.
 - 5. The time limits set forth in this subsection shall not apply to withdrawals of affirmative and negative threshold determinations.

6. When a threshold determination is expected to require more than fifteen days to complete and a private applicant requests notification of the date when a threshold determination will be made, the lead agency shall transmit to the private applicant a written statement as to the expected date of decision. (Ord. 31939 §4, 1978)

9.04.060 - Use of Exemptions.

- A. The applicability of the exemptions shall be determined by each department within the county which received an application for a license, or in the case of governmental proposals, by that department initiating the proposal. A determination by any such department that a proposal is exempt shall be final and not subject to administrative review.
- B. If a proposal includes a series of exempt actions which are physically or functionally related to each other, some of which are exempt and some which are not, the proposal is not exempt.
- C. If the proposal includes a series of exempt actions which are physically or functionally related to each other, but which together may have significant environmental impact, the proposal is not exempt.
- D. If it is determined that a proposal is exempt, none of the procedural requirements of these guidelines apply to the proposal. No environmental checklist shall be required for an exempt proposal.
- E. A department which is determining whether or not a proposal is exempt shall ascertain the total scope of the proposal and the governmental licenses required. If a proposal includes a series of actions physically or functionally related to each other, some of which are exempt and some of which are not, the proposal is not exempt. For any such proposal, the lead agency shall be determined, even if the license application which triggers the department's consideration is otherwise exempt. If the lead agency is the county, then the responsible official shall be designated.
- F. If a proposal includes both exempt and nonexempt actions, exempt actions may be authorized with respect to the proposal prior to compliance with the procedural requirements of these guidelines subject to the following limitations:
 1. No major action (nonexempt action) shall be authorized.
 2. No action shall be authorized which will irrevocably commit the county to approve or authorize a major action.
 3. A department may withhold approval of an exempt action which would lead to modification of the physical environment when such modifications would serve no purpose of later approval of a major action is not secured.
 4. A department may withhold approval of exempt actions which would lead to substantial financial expenditures by a private applicant which would serve no purpose if later approval of a major action is not secured. (Ord. 31939, §6, 1978)
- G. The exempt level for landfills or excavation is raised from 100 cubic yards to 1,000 cubic yards. Revised 3/31/14 Ordinance #075323.

9.04.070 - Lead Agency Determination and Responsibilities.

- A. Any department within the county receiving or initiating a proposal, any portion which involves a major action, shall determine the lead agency for that proposal pursuant to WAC 197-11-050. This determination shall be made for each proposal involving a major action unless the lead agency has been

previously determined, or the department is aware that another department or agency is in the process of determining the lead agency.

- B. In those instances in which the county is the lead agency, the responsible official of the county shall supervise compliance with the threshold determination, and if an EIS is necessary shall supervise the preparation of the draft and final EIS.
- C. In those instances in which the county is not the lead agency, all departments of the county, subject to the limitations of the WAC, shall utilize and consider as appropriate either the declaration of nonsignificance or the final EIS of the lead agency in conjunction with the decisions of the county on the proposal. In such instances, no county department shall prepare or require preparation of a declaration of nonsignificance or EIS in addition to that prepared by the lead agency.
- D. In the event that the county or any department thereof receives a lead agency determination made by another agency which does not appear to be in accord with WAC 197-11-050, it may object thereto. Any such objection must be made and resolved within fifteen days of receipt of the determination, or the county must petition the Washington State Department of Ecology for a lead agency determination within the fifteen day time period. Any such petition on behalf of the county shall be initiated by the department of public works.
- E. Departments of the county are authorized to make agreements as to lead agency status; provided, that any such agreement involving assumption of lead agency status by the county will first be approved by the responsible official for the county and that any department which will incur responsibilities as a result of any such agreement will approve the agreement.
- F. Any department making a lead agency determination for a private project shall require sufficient information from the applicant to ascertain which other agencies have jurisdiction over the proposal. (Ord. 31939 §7, 1978)

9.04.080 - Environmental Checklist.

- A. Except as provided in 197-11-305, a completed environmental checklist, or a copy thereof, substantially in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other entitlement for use not specifically exempted herein. This checklist shall be the basis for a determination by the county as to lead agency status and, if the county is determined to be the lead agency, then for the threshold determination.
- B. For all proposals for which the county is the lead agency, the responsible official of the county shall make the threshold determination pursuant to the criteria and procedures of WAC 197-11-300 through 197- 11-390.

9.04.085 - Appeal.

- A. Appeal of the intermediate steps under SEPA (e.g., lead agency determination, scoping, draft EIS adequacy) shall be allowed.
- B. Appeals of SEPA procedures shall be limited to review of a final threshold determination (DS, DNS or mitigated DNS) or final EIS.
- C. Only one administrative appeal of a threshold determination or of the adequacy of an EIS is allowed; successive administrative appeals are not allowed.
- D. An open record appeal shall be allowed to the Board of County Commissioners of any decision by the responsible official or county agency or board

conditioning or denying a proposal under authority of SEPA, only if the responsible official's or county agency or board's decision on the underlying governmental action is a ministerial permit decision that does not require a public hearing, and only if that permit decision is appealable to the Board of County Commissioners and the SEPA appeal is consolidated with an appeal of the permit decision, and only if the SEPA determination has not already gone through one administrative appeal.

- E. Except as provided in subsections (F) of this section, any allowed appeals of procedural and substantive determinations under SEPA shall be consolidated with a hearing on, or appeal of, the underlying governmental action in a single open record hearing before the county official or body designated to hear and decide the underlying governmental action or appeal thereof. The hearing or appeal shall be one at which the county official or body will render a decision on the proposed action. For example, an appeal of the adequacy of an EIS must be consolidated with a hearing on a conditional use permit. If the County's procedures do not provide for a hearing on or appeal of the underlying governmental action, the County shall not hold a SEPA administrative appeal, except as allowed in subsection (F) of this section.
- F. The following appeals of SEPA procedural or substantive determinations shall not be consolidated with a hearing on or appeal of the underlying action.
 - 1. An appeal of determination of significance (DS).
 - 2. An appeal of a procedural determination made by the County when it is the project proponent or is funding a project and chooses to conduct its review under SEPA, including any appeals of its procedural determinations, prior to submitting an application for a project permit. Subsequent appeals of substantive determinations by an agency with jurisdiction over the proposed project shall be allowed under the SEPA appeal procedures of the agency with jurisdiction.
 - 3. An appeal of a procedural determination made by the County on a non-project action.
- G. In order to appeal a SEPA determination, an appellant must act promptly. Any administrative appeal of threshold determinations shall be filed with the responsible official who issued the EPA determination within fourteen days after the final determination has been made by the responsible official. At the time of filing an appeal, the appellant must pay any fees due for a SEPA appeal in accordance with County Code 9.04.140.
- H. Procedural determinations made by the responsible official shall be entitled to substantial weight in any appeal proceeding.
- I. For any appeal under this section, the County shall provide for the preparation of a record for use in any subsequent appeal proceedings, which record shall consist of, at a minimum, the following:
 - 1. Findings and conclusions.
 - 2. Testimony under oath, taped or electronically recorded or written transcript.
 - 3. Any additional written record.If an administrative appeal of determinations relating to SEPA is available under the procedures of this section, that procedure must be used before any person may seek judicial review of any SEPA issue that could have been reviewed under such procedures. (Ord. 31939 §8, 1978)

9.04.090 - Preparation of EIS.

- A. The draft and final EIS shall be prepared either by the responsible official or his designee or by a private applicant or consultant retained by the private applicant. In the event the responsible official determines that the applicant will be required to prepare an EIS, the applicant shall be so notified immediately after completion of the threshold determination.
- B. In the event that an EIS is to be prepared by a private applicant or a consultant retained by the private applicant, the responsible official assure that the EIS is prepared in a responsible manner and with appropriate methodology. The responsible official shall direct the areas of research and examination to be undertaken, as well as the organization of the resulting document.
- C. In the event that the responsible official or his designee is preparing an EIS, the responsible official may require a private applicant to provide data and information which is not in the possession of the county relevant to any or all areas to be covered by the EIS.
- D. No matter who participates in the preparation of an EIS, it must be approved by the responsible official prior to distribution.
- E. In all occasions of EIS preparation the applicant is encouraged to provide information to the responsible official (Ord. 31939 §9, 1978)

9.04.110 - Designation of Official to Perform Consulted Agency Responsibilities for the County.

- A. The department of public works shall be responsible for the preparation of the written comments for the county in response to a consultation request prior to a threshold determination, participation in pre-draft consultation, or reviewing of a draft EIS.
- B. The official designated in subsection A shall be responsible for compliance by the county with WAC 197-11-500 through 197-11- 570 wherever the county is a consulted agency, and is authorized to develop operating procedures which will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the county. (Ord. 31939 §11, 1978)

9.04.120 - Designation and Duties of Responsible Official.

- A. For those proposals for which the county is the lead agency, the responsible official shall be the director of the department of public works—or his designee.
- B. Duties of the responsible official are as follows:
 - 1. The responsible official shall make the threshold determination, supervise preparation of any required EIS, and perform any other functions assigned to the lead agency or responsible official by those sections of the SEPA guidelines which were adopted by reference in Section 9.04.020, for all proposals for which the county is the lead agency.
 - 2. The responsible official may select an environmental checklist review team of at least three members selected for expertise in the fields of environmental science, soils, land use planning, public health and sanitation, public administration or any other areas of expertise deemed appropriate by the responsible official.
 - 3. The review team shall study and report to the responsible official on those checklists referred for report to the review team by the responsible official. The review team may at the direction of the

responsible official consult experts and witnesses from outside the review team.

4. On the day following an environmental checklist review the team shall submit to the responsible official a single written report for each checklist submitted to the review team by the responsible official. A majority report shall be submitted by the review team and shall contain comments on the adverse or lack of adverse environmental impact of the proposed action. (Ord. 31939 §12, 1978)

9.04.130 - Public Access to Documents.

All documents required by the SEPA Guidelines shall be retained by the county and made available in accordance with RCW 42.17.

9.04.140 - Fees.

The following fees shall be required for actions by the county in accordance with the provisions of this chapter:

- A. All applicants and appellants shall be required to pay all fees in accordance with the fee schedule of the Public Works department in effect at the time of the filing of the application or appeal. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the applicant's fee.
- B. Environmental Impact Statement.
 1. For all proposals requiring an EIS for which the county is the lead agency and for which the responsible official determines that the EIS shall be prepared by employees of the county, the county may charge and collect a reasonable fee from any applicant to cover costs incurred by the county in the participation of an EIS. If it is determined that an EIS is required, applicants shall be advised of projected costs of the statement prior to actual preparation and shall post bond or otherwise insure payment of such costs.
 2. The responsible official may determine that the county will contract directly with a consultant for preparation of environmental documents for activities initiated by such costs and expenses directly to the applicant. Such consultants shall be selected by mutual agreement of the county and the applicant after a call for proposals. Applicants may be required to post bond or otherwise insure payment of such costs.
 3. In the event that a proposal is modified so that an EIS is no longer required, the responsible official shall refund any costs collected under subdivisions 1 and 2 of this subsection where the costs were not actually incurred or the money spent by the County.
- C. Copies of documents. The county may charge any person for copies of any document prepared pursuant to the requirements of this chapter, and for mailing thereof, in a manner provided by RCW Chapter 42.17 (Ord. 31939 §14, 1978). Revised 3/31/14 Ordinance #075323.

TITLE 18—SUBDIVISION ORDINANCE

(Repealing and replacing Sections 18.04.010 through 18.36.200; 12/22/2003; Ordinance #061970); Revised 4/30/07 Ordinance #066838, effective 5/15/07; Revised 3/31/14 Ordinance #075323)

Chapters:

- 18.05 - General Provisions
- 18.10 - Definitions
- 18.15 - Long Subdivisions - Preliminary Plat
- 18.20 - Long Subdivision - Final Plat
- 18.25 - Subdivision Improvements
- 18.30 - Short Subdivisions
- 18.35 - Boundary Line Adjustment
- 18.40 - Dedications and Reservations
- 18.45 - Dedication for Parks
- 18.50 - Enforcement
- 18.55 - Fees
- 18.60 - Planned Residential Development (PRD)

CHAPTER 18.05 - GENERAL PROVISIONS

Sections:

- 18.05.010 Title.
- 18.05.040 Purpose.
- 18.05.080 Administration.
- 18.05.120 Exemptions.

18.05.010 - Title.

This title shall be known as the "Whitman County Subdivision Ordinance."

18.05.040 - Purpose.

The purpose of this chapter is to regulate and provide for the various kinds of subdivision uses that may occur in unincorporated Whitman County.

Division of land may occur for various reasons. There may be division of land in order to sell agricultural land to an adjacent farmer or rancher, to separate out a farmstead from a larger agricultural parcel. There may be adjustment of boundary lines between adjacent parcels, or the consolidation of lots in order to meet setback requirements. Subdivisions may be sought to create more lots for community purposes with the county's designated unincorporated communities, or for industrial and heavy commercial lots, the Pullman-Moscow Corridor District, for the very low density Planned Residential Development, and to implement Cluster Residential Development.

The method by which subdivisions are created can affect the public health, safety, and general welfare of our residents. To assure positive impacts, this chapter establishes standards that will be appropriate for the kind of subdivision being created.

To the extent possible and for the specific kind of subdivision land use, this ordinance will prevent overcrowding, will lessen street and highway congestion, will promote safe and convenient travel by the public, and will provide for adequate light and air. Where appropriate to the specific zone, this chapter will facilitate adequate provision for water and sewer facilities, for park and recreation areas, for schools and school grounds and other essential public facilities. This chapter will provide for proper ingress and egress, for the expeditious review and approval of proposed land divisions that conform to the Comprehensive Plan, Zoning Ordinance, and other land use regulations, in order to properly provide for the commercial and housing needs of Whitman County.

This chapter will require uniform monumenting of land subdivisions and conveyancing by accurate legal description, and will implement the goals of the Whitman County Comprehensive Plan.

18.05.080 - Administration.

The Whitman County Department of Public Works Director or designee is vested with the duty of administering subdivision and platting regulations within the unincorporated areas of the county and may prepare and require the use of such forms as are essential to their administration.

18.05.120 - Exemptions.

The following kinds of land divisions are exempt from the long subdivision and short subdivision requirements, except as specified:

1. Cemeteries and other burial plots while used for that purpose.
2. Divisions made by testamentary provisions, or the laws of descent. It is recommended that the subdivider verify with Whitman County Planning prior to writing testamentary provision land divisions that the lot(s) to be created can in fact meet the requirements for zoning and building. A testamentary division of land that fails to meet land use regulations does not vest the lot(s) with the right to build or use the lot(s) when the lot(s) does not meet codes.
3. A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, nor create any lot, which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.
4. Any division of land made solely to create a lot for gift or sale to Whitman County, a city, town or other municipal corporation, state or federal government.
5. Any division of land that is greater than twenty acres and which does not contain a dedication, when each proposed lot is determined to have adequate access (frontage or easement and physical road approach capability) to a state highway or an improved county road. All divisions of land proposed under this exemption must first be reviewed by the County Engineer to assure that a physical access to the proposed lot is feasible. The County Auditor shall not accept any documents that subdivide land unless it is accompanied by a statement from the County Engineer that the proposed subdivision has been reviewed and found acceptable with regards to this access issue.

CHAPTER 18.10 - DEFINITIONS

Sections:

- 18.10.030 Alley.
- 18.10.060 Block.
- 18.10.090 Boundary Line Adjustment.
- 18.10.120 Closed Record Appeal.
- 18.10.150 Closed Record Meeting.
- 18.10.180 Cluster Development.
- 18.10.210 Comprehensive Plan.
- 18.10.240 Covenant.
- 18.10.270 Cul-de-Sac.
- 18.10.300 Dedication.
- 18.10.330 Easement.

BOCC MINUTES-05/19/14

18.10.360 Final Plat.
18.10.390 Long Subdivision.
18.10.420 Lot.
18.10.450 Monument.
18.10.480 Open Record Hearing.
18.10.510 Parcel.
18.10.540 Parent Parcel.
18.10.570 Plat.
18.10.600 Preliminary Plat.
18.10.630 Project Permit.
18.10.660 Public Meeting.
18.10.690 Right-of-Way.
18.10.720 Remainder Parcel.
18.10.750 Short Plat.
18.10.780 Short Subdivision.
18.10.810 Subdivider.

18.10.030 - Alley.

Alley means a dedicated narrow service way allowing a secondary access to abutting properties. No alley shall be less than 20 feet wide.

18.10.060 - Block.

Block is a group of lots within well-defined and fixed boundaries.

18.10.090 - Boundary Line Adjustment.

Boundary line adjustment means the relocation of the boundaries between two or more lots that does not result in the creation of any additional lot or lots.

18.10.120 - Closed Record Appeal.

Closed record appeal means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed (from RCW 36.70B.020[1]).

18.10.150 - Closed Record Meeting.

Closed record meeting means the regular or special meeting held by the body vested with making the final decision, following an open record hearing. No public testimony is allowed at this meeting, unless the decision-making body requests clarification.

18.10.180 - Cluster Development.

A cluster development is the grouping of residential structures on a portion of a land that allows for a significant amount of the land to be set aside as protected open area.

18.10.210 - Comprehensive Plan.

Comprehensive Plan means the current comprehensive plan for the county, adopted by the County Commissioners pursuant to state law.

18.10.240 - Covenant.

A covenant is a legally binding agreement between home owners to regulate certain conditions within a subdivision.

18.10.270 - Cul-de-Sac.

Cul-de-sac means a road closed at one end by a circular area of sufficient size for turning vehicles around, as defined by the Building Code.

18.10.300 - Dedication.

Dedication means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner through the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit. A dedication of an area of less than two acres for use as a public park may include a designation of a name for the park, in honor of a deceased individual of good character (from RCW 58.17.0202).

18.10.330 - Easement.

Easement means a grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for a specific purpose and on or over which the owner will not erect any permanent improvements that serve to interfere with the free exercise of that right.

18.10.360 - Final Plat.

Final plat means the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in state law and in local regulations adopted under state law authority (from RCW 58.17.0202). A Final Plat may not be recorded until it has received the approval of the Board of County Commissioners.

18.10.390 - Long Subdivision.

Long subdivision is the division or re-division of land into six or more lots for the purpose of sale, lease, or transfer of ownership.

18.10.420 - Lot.

Lot means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

18.10.450 - Monument.

Monument means a permanent type survey marker, which conforms to the Whitman County standard detail for monuments, or an approved substitute.

18.10.480 - Open Record Hearing.

Open record hearing means a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings that creates the local government's record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution. An open record hearing may be held prior to a local government's decision on a project permit to be known as an "open record pre-decision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record pre-decision hearing has been held on the project permit (from RCW 36.70B.020[3]).

18.10.510 - Parcel.

Parcel is another term for lot or tract.

18.10.540 - Parent Parcel.

This is the lot (or parcel) of land that has been legally described and exists as a discrete lot (separate and distinct, as described in a deed) prior to any subdivision activity that would create additional lots and reduce its size.

18.10.570 - Plat.

Plat means a map or representation of a subdivision, showing thereon the division of land into lots, blocks, streets and alleys, or other divisions and dedications.

18.10.600 - Preliminary Plat.

Preliminary plat is a draft drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision (from RCW 58.17.0202).

18.10.630 - Project Permit.

Project permit or project permit application means any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or a subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations (from RCW 36.70B.020[4]).

18.10.660 - Public Meeting.

Public meeting means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file (from RCW 36.70B.020[5]).

18.10.690 - Right-of-Way.

Right-of-way means land owned by the State, County, Municipalities and railroads for the purpose of surface transportation needs such as roads for vehicles, paths for bicycles, and walkways for pedestrians.

18.10.720 - Remainder Parcel.

The remainder parcel is the acreage that remains in a parent parcel after a lot or lots have been created from it.

18.10.750 - Short Plat.

Short plat is the map or representation of a short subdivision (from RCW 58.17.0202).

18.10.780 - Short Subdivision.

Short subdivision means the division or re-division of land into four or fewer buildable lots, plus additional non-buildable lots to be held in common ownership, including the parent parcel, for the purpose of sale, lease, or transfer of ownership (from RCW 58.17.0202).

18.10.810 - Subdivider.

Subdivider means any person, firm or corporation undertaking the subdividing or re-subdividing land.

CHAPTER 18.15 - LONG SUBDIVISIONS - PRELIMINARY PLAT

Sections:

- 18.15.030 Purpose.
- 18.15.060 Pre-Application Process.
- 18.15.090 Preliminary Plat Application.
- 18.15.120 Preliminary Plat Preparation.
- 18.15.150 Public Hearing Required.
- 18.15.180 Planning Commission Recommendation.
- 18.15.210 Findings of Fact.
- 18.15.240 Board of County Commissioners Consideration.
- 18.15.270 Notice of Decision.
- 18.15.300 Adjustments of an Approved Preliminary Plat.
- 18.15.330 Phased Development.
- 18.15.360 Fees.

18.15.030 - Purpose.

The purpose of a preliminary plat is to provide the owner(s) of property wishing to divide their property into six or more lots and the County an opportunity to review the overall concept prior to initial development.

18.15.060 - Pre-Application Process.

Prior to the filing of an application for a preliminary plat, the subdivider or agent is encouraged to contact the County Planning Office in order to determine any county requirements that need to be incorporated into the preliminary and final plats.

18.15.090 - Preliminary Plat Application.

All applications for preliminary plat approval shall be accompanied by applicable fees and include the following:

1. A complete application form provided by the Planning Office.
2. A complete SEPA Checklist.
3. Two copies of the preliminary plat in accordance with this chapter.

18.15.120 - Preliminary Plat Preparation.

- A. A preliminary plat shall be prepared by a professional engineer or land surveyor licensed by the State of Washington.
- B. A preliminary plat shall contain and conform to the following:
 1. General Information.
 - a. Proposed name of the subdivision along with the words "Preliminary Plat." Names shall avoid resembling names of

- existing subdivisions. Proposed road or street names shall avoid duplication or resemblance to existing roads and streets, which shall be reviewed by the Department of Public Works and Whitcom.
- b. Name and address of the subdivider.
 - c. Name and address of the professional engineer or land surveyor who prepared the preliminary plat.
 - d. Bar scale, numeric scale, true north point, and date of preparation.
 - e. Location of boundary lines in relation to section, quarter section or quarter-quarter section lines, corners, and any adjacent municipal boundaries.
 - f. A vicinity map sufficient to define the location and boundaries of the proposed subdivision with respect to surrounding property, roads and major man-made and natural features shall appear on the preliminary plat.
2. Existing Conditions.
- a. Name of adjacent subdivisions and/or land owners.
 - b. Topography at intervals of five feet unless waived in writing by the County Engineer. The locations of geographic features shall be identified.
 - c. Location, width and name of each existing or platted road or other right-of-way, parks and other public open spaces, and buildings, within the proposed subdivision, and 20 feet beyond the exterior boundary of the proposed subdivision.
 - d. The location, widths and purposes of any existing easements lying within or adjacent to the proposed subdivision; in addition, any gas pipeline easement within 50 feet of the proposed subdivision.
 - e. The location of any well within the proposed subdivision or within one hundred feet of the boundaries of the proposed subdivision.
3. Proposed Development.
- a. Location and width of proposed roads, alleys, pedestrian ways and easements.
 - b. Indication of any portion or portions of the preliminary plat for which separate or successive final plats will be filed.
 - c. Layout, numbers and approximate dimensions of lots (net and gross) and numbers of blocks.
 - d. Location and size of all proposed parks, playgrounds, buffer zones, open areas, or other special uses of land considered for dedication, or reservation by deed of covenant for special use or for use of all property owners in the subdivision and any conditions of such dedication or reservation.
 - e. Indication of proposed land use.
 - f. Two copies of proposed road grades may be required by the County Engineer where conditions warrant their being furnished.
 - g. For proposed subdivisions involving residential land uses, a table shall be provided on the preliminary plat containing the following information:
 - i. Total acreage of proposed plat.
 - ii. Number of lots and square footage of each lot.
 - iii. Minimum lot size.
 - iv. Maximum lot size.
 - v. Number of lots per phase.

- vi. Total area of proposed right-of-ways per phase.
- vii. Preliminary layout of water, storm drainage and sanitary sewer systems.

18.15.150 - Public Hearing Required.

- A. Upon receipt of a complete application for preliminary plat approval, after staff review and report preparation, a date shall be set for an open record hearing before the Planning Commission.
- B. Notice of public hearing required by this section shall include the hour and location of the hearing and a description of the property to be subdivided. The description will include the legal description as well as an approximate narrative location, direction from a landmark.
- C. At a minimum, a notice of the open record hearing is to be given in the following manner:
 - 1. Notice shall be published not less than 10 calendar days prior to the hearing in a newspaper of general circulation within Whitman County.
 - 2. Notice shall be mailed to the owners of real property, as shown by the records of the County Assessor, located within 300 feet of any portion of the boundary of a proposed subdivision, except in the case of a Cluster Residential District which requires notice to adjacent land owners within 1,000 feet of the boundaries of the proposed subdivision.
 - 3. Where the proposed subdivision is located within two miles of a publicly owned airport, notice shall be mailed to the Washington State Department of Transportation Aviation Division, the Federal Aviation Administration, and the airport manager.

18.15.180 - Planning Commission Recommendation.

After the open record hearing on a proposed preliminary plat, the Planning Commission shall render a recommendation to the Board of County Commissioners as to whether the proposal based on the findings shall be denied, approved or approved with modifications or conditions.

18.15.210 - Findings of Fact.

- Upon conclusion of the public hearing, the Planning Commission shall make and enter into findings from the record and conclusions thereof as to whether or not:
- A. Adequate provisions are made for the public health, safety and general welfare and for open areas, storm water, roads, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds and other public needs.
 - B. The proposed subdivision contributes to the orderly development and land use patterns in the area.
 - C. The public use and interest will be served by permitting the proposed subdivision.
 - D. The proposed subdivision conforms to the general purposes of any applicable policies or plans which have been adopted by the Board of County Commissioners.
 - E. The proposed subdivision conforms to the Comprehensive Plan and zoning requirements.
 - F. The proposed subdivision conforms to the general purposes of this Ordinance.

18.15.240 - Board of County Commissioners Consideration.

- A. Upon receipt of the Planning Commission public hearing Minutes and recommendations, as transmitted by Planning staff, the Board shall review said

documents, and then set a date in their regular session to consider the proposed preliminary plat. During this regular closed record meeting, for which agenda notice has been published, the Board shall:

1. Approve the preliminary plat as recommended by the Planning Commission; or
2. Deny the preliminary plat.

18.15.270 - Notice of Decision.

Following action approving or denying a preliminary plat, the applicant shall be notified of the Board's decision. The notice shall be accompanied by a copy of the decision and shall also inform the applicant of applicable time limitations for final plat submittal if the preliminary plat was approved. The approved preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with preparation of the final plat.

18.15.300 - Adjustments of an Approved Preliminary Plat.

- A. Minor adjustments may be made and approved by the Director of Public Works or designee. Minor adjustments are those which may affect the precise dimensions of the plat but which do not affect the basic character or arrangement of the lots and roads. The adjustments cannot be inconsistent with the approved preliminary plat, and cannot be in violation of this ordinance, the County Zoning Ordinance, any other applicable County land use controls, RCW Chapter 58.17, or any other applicable state law or regulation.
- B. Major adjustments are those as determined by the Director of Public Works or designee that substantially change the basic design, layout, open area or other requirements of the plat. When a proposed change constitutes a major adjustment, a new application for a preliminary plat is required and shall be processed as a new and separate application.
- C. Time limitations: a preliminary plat shall be valid for a five year period following Board of County Commissioner approval of the preliminary plat.

18.15.330 - Phased Development.

In order to enable appropriate timing of subdivision improvements, such as roads, etc., the following procedure is available:

- A. A subdivider or group of subdividers who control a large area of land may prepare a preliminary plat for the entire area of development.
- B. On such preliminary plat, development phases may be designated.
- C. Upon approval of the preliminary plat, the developer may cause to be prepared a final plat for one or more phases, provided the order of development allows for logical provisions of utilities and streets.
- D. Each completed phase shall be considered a final plat and it shall comply with the provisions of these regulations.

18.15.360 - Fees.

At the time of filing an application for a preliminary plat, the subdivider shall pay a fee as established by the adopted County Planning fee schedule. In addition to the preliminary plat fee, the subdivider may be responsible for reimbursing the county for costs related to engineering services related to the approval of a final plat.

CHAPTER 18.20 - LONG SUBDIVISION - FINAL PLAT

Sections:

- 18.20.030 Application.
- 18.20.060 Final Plat Preparation.
- 18.20.090 Final Plat Contents.
- 18.20.120 Title Certificate Required.
- 18.20.150 Approval Requirements.
- 18.20.180 Board of County Commission Approval.
- 18.20.210 Terms of Approval.
- 18.20.240 Filing and Distribution.
- 18.20.270 Building Permits.

18.20.030 - Application.

- A. Within five years of the approval of a preliminary plat, the subdivider shall prepare and submit for approval to the Board of County Commissioners a final plat for recording purposes, together with such supplementary information, certificates and bonds as may be required. The final plat shall be submitted first to the Planning Office. If the final plat is not submitted to the Board within this five-year period, a new preliminary plat must be resubmitted. (See also RCW 58.17.140)
- B. A complete application shall consist of an application form provided by the Planning Department, the original signed, dated and stamped mylar drawing of the subdivision, a title certificate, and the applicable instrument identified in Section 18.04.040 to cover the cost of outstanding improvements.

18.20.060 - Final Plat Preparation.

- A. Preparation: The final plat shall be prepared by a professional land surveyor licensed by the State of Washington, who by placing his or her signature and stamp upon the face of the plat, certifies that the plat is a true and correct representation of the land actually surveyed, that the existing monuments shown thereon exist as located and that all dimensional and geometric details are correct.
- B. Scale and Format: The final plat shall be drawn in permanent black ink on mylar measuring 24 inches by 36 inches in size, allowing two inches for a margin. The final plat shall be accurate, legible and drawn to an engineering (decimal) scale of 100 feet or fewer to the inch. If more than one sheet is required, an index sheet showing the entire subdivision with road and highway names and block numbers (if any) shall be provided. Each sheet, including the index sheet, shall be of the above-specified size.

18.20.090 - Final Plat Contents.

The final plat shall show and contain the following information:

- A. Primary control points approved by the County Engineer, and descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- B. The final plat shall show original or reestablished corners, with descriptions and actual traverse data showing error of closure and method of balancing, with sketch showing all distances, angles, and calculations required to determine corners and distances of the plat. The allowable error of closure shall not exceed the amount specified by state law.
- C. Lot boundary lines, right-of-way lines of roads, easements and other right-of-ways, and property lines of residential lots and other sites, with accurate courses, distances, dimensions, or deflection angles, complete curve data for road centerlines and property lines, and other information

BOCC MINUTES-05/19/14

- necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.
- D. Name and right-of-way width of each road and other right-of-way, or easement.
 - E. Locations, dimensions and purpose of any easements.
 - F. Number, to identify each lot or site with accurate dimensions in feet and hundredths of feet.
 - G. A table showing the square-foot area of each lot.
 - H. Purpose for which sites, other than residential, commercial or industrial lots, are dedicated or reserved.
 - I. Identification of any non-buildable lots to be held in common ownership by a homeowners' association and not certified as eligible residential parcels. The plat shall also bear a note stating that no residences may be constructed on parcels so labeled.
 - J. Location and description of monuments.
 - K. Reference to recorded subdivision plats of adjoining platted land by recorded name, date and number.
 - L. Certification by surveyor or engineer certifying to the accuracy of the survey and plat.
 - M. Statement by the owner dedicating roads, rights-of way and any other sites for public use.
 - N. Name of the plat, scale, north point and date.
 - O. Spaces for certificates or approval by the following officials or agencies:
 - 1. Board of County Commissioners.
 - 2. Planning Commission Chairperson and Clerk.
 - 3. County Engineer.
 - 4. Environmental Health Officer.
 - 5. County Treasurer.
 - 6. County Assessor.
 - 7. County Auditor.
 - P. All signatures shall be in permanent black ink.

18.20.120 - Title Certificate Required.

All final plats submitted for approval shall be accompanied by a title company certification (current within 30 calendar days as provided by a licensed title company) confirming that title of the land as described and shown in the plat are in the name(s) of the owner(s) signing the plat. A document providing power of attorney for signatures is acceptable.

18.20.150 - Approval Requirements.

Prior to approval of a final plat, all required infrastructure improvements must be completed, or the developer may provide the County with a bond, cash, or irrevocable line of credit amount equal to 125% of the County Engineer's estimate of the cost to complete the required infrastructure. As-built drawings and data of all underground utilities necessary to serve said plat must be provided to the County Engineer. No approval shall be given until the County Engineer has reviewed and accepted the improvements. No certificate of occupancy will be issued for any structure in a subdivision or phase of a subdivision until all infrastructure improvements have been completed and accepted by the County Engineer.

18.20.180 - Board of County Commission Approval.

The Board shall have sole authority to approve final plats. Such approval shall occur by affirmative vote of the Board during a regular closed record meeting. The Board shall approve the final plat only if the Board finds that the subdivision proposed for final plat approval conforms to all the terms of the approved preliminary plat, and that said subdivision meets the requirements of Chapter 58.17 RCW, other applicable state laws and this ordinance that were in effect on the date of preliminary plat approval.

18.20.210 - Terms of Approval.

A subdivision shall be governed by the terms of approval of the final plat, and the zoning ordinance or other land use control ordinances, in effect on the land at the time a fully completed application for preliminary plat approval of the subdivision has been submitted to the appropriate county official, unless the legislative body finds that a change in conditions creates a serious threat to the public health or safety in the subdivision. (Based on RCW 58.17.033) These terms of approval remain valid for a period of five years after the date the final plat was filed. (Based on RCW 58.17.1700)

18.20.240 - Filing and Distribution.

The original and copies of the approved final plat shall be distributed as follows:

- A. The original shall be returned to the subdivider once the Final Plat bears the certificate of approval of all appropriate officials and/or agencies. It is the subdivider's responsibility to record the final plat with the County Auditor.
- B. After recording, the Auditor shall transmit one paper copy to the County Assessor. The original mylar will be archived by Whitman County.
- C. At such time that Whitman County is able to accept electronic copies, when the final plat is created in a digital format, the applicant shall also provide the Planning Office with one copy of the final plat in a digital format as specified by the County Engineer and shall provide the County Assessor one copy of the final plat in a digital format as specified by the County Assessor.

18.20.270 - Building Permits.

- A. No building permit shall be issued for any lot until after the final plat has been approved, except one building permit may be allowed for one unoccupied model home for display only purposes.

CHAPTER 18.25 - SUBDIVISION IMPROVEMENTS

Sections:

- 18.25.030 Criteria: Interim County Engineering Standards for Land Development, Road, and Bridge Construction.

18.25.030 - Criteria: Interim County Engineering Standards for Land Development, Road, and Bridge Construction.

The County Engineer maintains a set of standards that govern subdivision improvements.

CHAPTER 18.30 - SHORT SUBDIVISIONS

Sections:

- 18.30.030 Purpose.
- 18.30.060 Application Submittal and Fee.

- 18.30.090 Application Preparation.
- 18.30.120 Application Content.
- 18.30.150 Administrator's Duties.
- 18.30.180 Short Plat Approval - Authorization for subdivider.
- 18.30.210 Final Mylar Review, Approvals and Filing.
- 18.30.240 Appeals.
- 18.30.270 Re-subdivision Procedure.

18.30.030 - Purpose.

The purpose of a short plat is to provide a method of land division allowing the creation of four or fewer buildable lots, plus additional non-buildable lots to be held in common ownership, that meet the land use requirements of Whitman County in creating lots suitable for building or farming or grazing or utility use or common area or for conservation easement purposes. The intent of the short plat process is to promote orderly and efficient community growth. The short plat shall indicate the purpose of the intended use. Any change in the proposed use will require the appropriate review, and if acceptable, an updated plat.

18.30.060 - Application Submittal and Fee.

Any person or party(ies) desiring to divide land via a short plat, for the purpose of sale, lease, or transfer of ownership shall submit an application for short plat approval to the County Planning Office. Two paper copies of a draft short plat survey may constitute an application. The Board establishes the fee for short plat review in the Planning fee schedule.

18.30.090 - Application Preparation.

The application for approval of a short plat shall be in the form of a draft paper short plat survey submitted to the County Planning Office.

18.30.120 - Application Content.

The draft short plat shall contain all the information that is required on the mylar short plat that is to be submitted for filing:

- A. All draft short plats submitted for review and all mylar short plats submitted for approval shall be accompanied by a title company certification (current within 30 calendar days as provided by a licensed title company) confirming that title of the land as described and shown in the plat are in the name(s) of the owner(s) signing the plat. A document providing power of attorney for signatures is acceptable.
- B. The draft short plat shall reference by Planning Office file number the zoning approval that establishes the right for a short plat subdivision, such as the Rural Housing Certificate (RHC YY-##), Conditional Use (CU YY-##), or Zone Change (ZC YY-##). When a short plat application (draft short plat and fee) is preceded by one of these zoning actions, the notice requirement for adjacent land owners will have been satisfied through the zoning action notice procedure.
- C. Two copies of the draft short plat 18" by 24" at a scale not smaller than 1" = 200'. The Planning Office shall send one to the County Assessor and Treasurer so they have advance time to calculate open space and back taxation amounts. Surveyors shall keep in mind that the draft short plat will be compared to the mylar plat, and that differences between them will lengthen review time and may result in a decision to require another mylar if the one submitted is not acceptable. The contents required for a draft short plat include:

BOCC MINUTES-05/19/14

1. Proposed name of the short subdivision along with the words "Short Plat." Names shall avoid resembling names of existing subdivisions. Proposed private road or street names shall avoid duplication or resemblance to existing roads and streets, which shall be reviewed by the Department of Public Works and Whitcom.
2. The legal description of the parent parcel and of all proposed lots.
3. Location of boundary lines in relation to section, quarter section or quarter-quarter section lines, corners, and any adjacent municipal boundaries.
4. Name and address of owner(s) of the land being subdivided.
5. Name and address of the professional engineer or land surveyor who prepared the draft short plat.
6. Land area equation (parent parcel acreage minus proposed short plat acreage equals remainder parcel acreage). The surveyor shall reference the original deed of the parent parcel.
7. All structures within the proposed new lot, including well(s), septic tank, drain field(s), power poles, etc.
8. Any structures on adjacent property if they lie within setbacks to the proposed property line. (This would generally cause a variance to be obtained.) County Environmental Health needs to know if there are any wells within 100' of the exterior boundaries of the proposed subdivision.
9. Distances from existing and proposed property lines to structures, if the structures encroach into the setbacks.
10. Name of the adjacent public road and road number (state or county). Culverts or bridges shall be shown.
11. Existing or proposed road approach location, width, culvert size (if any), and driveway.
12. Layout, numbers and approximate dimensions of lots. The draft short plat shall show the area for each lot and the area for any land to be held in common ownership, for example, by a home-owners association.
13. Preliminary layout of water, storm drainage, and septic system drain fields.
14. Indication of proposed land use.
15. If within a Cluster Residential District, the survey shall show buffer distance from the perimeter boundary, and shall show the area where residential development may occur.
16. The owners of any adjacent land and names of any adjacent subdivision.
17. A vicinity map sufficient to define the location and boundaries of the proposed subdivision with respect to surrounding property, roads and major man-made and natural features.
18. Bar scale, numeric scale, true north point, and date of preparation.
19. All easements for utility lines, road access, etc. and in addition, any gas pipeline easement within 50 feet of the proposed subdivision.
20. Resource land reference. (Agricultural/Mineral Resource lands)
21. Wetland reference, if any.
22. Flood hazard reference, if any.
23. Acknowledgement of existing agricultural practices, or reference to deed restriction stating such acknowledgement, signed by the owner of the property.
24. Identification of any non-buildable lots to be held in common ownership by a homeowners' association and not certified as eligible

residential parcels. The plat shall also bear a note stating that no residences may be constructed on parcels so labeled.

25. County department approval statements and county official signatures space.
26. Owner(s) statement and space for owner(s) signature.
27. Space for the Notary Public stamp or imprint located near the edge of the drawing.

18.30.150 - Administrator's Duties.

The Whitman County Department of Public Works Director or designee is vested with the duty of administering subdivision and platting regulations within the unincorporated areas of the county and may prepare and require the use of such forms as are essential to their administration.

- A. After the Planning Office has received a draft short plat and fee, Planning staff shall verify it for consistency with its related zoning action.
- B. The draft short plat shall be submitted to the County Engineer for review and comment.
- C. A copy of the draft short plat shall be sent to the County Assessor, to enable early computation of back tax and penalty obligations if the land in question would be removed from the Assessor's Open Space tax classification.
- D. Whitman County may seek review by Fire Districts, School Districts, utility providers, etc., as Whitman County deems appropriate. This information may affect short plat language.
- E. The Planning Office shall transmit changes, questions, or concerns to the subdivider's surveyor, or, to the subdivider, if so requested.

18.30.180 - Short Plat Approval, Authorization for Subdivider.

Once the draft short plat has been reviewed, Whitman County will relay any comments or corrections to the surveyor. In those cases where the short plat creates lots within industrial (Light Industrial or Heavy Industrial), commercial (Heavy Commercial, Airport Commercial, Highway/Waterway Commercial, or Pullman-Moscow Corridor), or residential subdivision (CRD) zones, certain improvements need to be completed prior to approval of the mylar short plat. For example, in all cases where potable water needs to be proven prior to short plat approval unless the site needs no water, (such as cell tower or mini-storage sites), proof of potable water must be demonstrated before the County Environmental Health Department will be able to approve the mylar short plat. Depending upon the zone and the approvals, other improvements may be required prior to mylar short plat approval.

18.30.210 - Final Mylar Review, Approvals and Filing.

When the mylar short plat has been produced, it shall be first presented to the County Planning Office. The procedural steps for approval are as follows:

- A. The Planning Office shall compare the mylar short plat with the previously submitted draft short plat for consistency and compliance. The Planning Office shall reject any mylar short plat that does not meet codes. A mylar short plat that meets code becomes ready for other county officials for their approvals and signatures.
- B. The mylar shall be forwarded to the County Engineer for review, approval and signature.
- C. The County Environmental Health officer shall be invited to review, approve and sign the mylar short plat, or the applicant may take the mylar from Public Works and take it to that office.

BOCC MINUTES-05/19/14

- D. The applicant shall take the mylar short plat to the County Assessor for approval and signature. Note that County procedure intends to have alerted the Assessor regarding the forthcoming changes to taxes, and so forth, but it is the applicant's obligation to comply with tax payments and so forth.
- E. The applicant shall then take the mylar short plat to the County Treasurer, who will review and approve it after tax payments have been made.
- F. Once all four of the above approvals and signatures have been obtained on the mylar short plat, the applicant shall take it to the County Auditor Legal Filings officer for recording.

18.30.240 - Appeals.

Any person may, upon payment of fee, appeal the administrative decision to grant or deny a proposed short plat to the Board of Adjustment. This appeal must be made in writing to the Board of Adjustment via the Planning Office within 15 calendar days of the date of the decision. The Board of Adjustment, following a public meeting, may affirm or reverse the administrative decision, and may approve it with additional conditions.

18.30.270 - Re-subdivision Procedure.

Land involved in an approved short plat, including the newly created lots and the parent parcel, may not be further subdivided through a short plat process within a five-year period unless further subdivided via the long subdivision procedure.

CHAPTER 18.35 - BOUNDARY LINE ADJUSTMENT

Sections:

- 18.35.030 Purpose.
- 18.35.060 Applicability.
- 18.35.090 Application.
- 18.35.120 Administrative Review.

18.35.030 - Purpose.

The purpose of a boundary line adjustment is to provide an administrative method of modifying the boundary lines between two or more lots of record. The intent of a boundary line adjustment is to address existing problems pertaining to building encroachment, irregular shaped lots, non-conforming lot sizes or to modify lot lines to promote orderly and efficient community growth.

18.35.060 - Applicability.

The boundary lines separating two or more lots of record may be adjusted under the provisions of this Chapter, provided that such adjustment:

- A. Will not result in the creation of any additional lot(s).
- B. Will not create any lot(s), which contains insufficient area and dimensions to meet all of their requirements of the Whitman County Zoning standards.
- C. Will not adversely affect access, easement or drain fields.
- D. Will be consistent with any applicable health, building or similar regulations.
- E. Will not increase the non-conforming aspects of an existing non-conforming lot or structure.

18.35.090 - Application.

Application for a boundary line adjustment shall be made on forms to be provided by the Planning Office, and shall be submitted to the Planning Office together with the applicable fee. The application shall include the following:

1. An information title report showing ownership and the legal descriptions of record for the affected parcels.
2. The signatures of all the owners of the properties affected, or their authorized representatives, on the boundary line application indicating consent to apply for the proposal.
3. An adjusted legal description of the lots affected by the boundary line adjustment prepared by a registered Washington State land surveyor or title company.
4. A property survey map of the proposed boundary line adjustment prepared by a Washington State licensed land surveyor, unless it is determined by the County Planner that a survey is not necessary because the proposed boundary line adjustment involves only the minor shifting of common property lines between parcels that are a part of a recorded survey or platted subdivision, in which case the proposed boundary line adjustment shall be shown on a copy of a recorded survey or recorded plat for the lots involved. The survey map or other accepted drawing of the proposed boundary line adjustment shall be drawn to scale with accurate dimensions and shall contain the following information:
 - a. Existing property lines that are to be changed or removed shall be shown as a dashed line, (- - - -, etc.).
 - b. Existing property lines that will not be changed shall be shown as a solid line.
 - c. Proposed property lines shall be shown as a bold double line, (====).
 - d. A north arrow and approximate scale shall be shown.
 - e. Adjacent property owners shall be identified and labeled.
 - f. The size, location, and configuration of all structures existing upon the affected lots showing the distance of structures to existing and proposed property lines and from each other;
 - g. Lot dimensions must be shown and labeled.
 - h. All site utilities - well and water lines, sewage lines, septic tank and drain field; gas, electrical, telephone, cable TV lines, driveways, road access, and easements must be located and described on the survey map.
 - i. Existing and proposed legal descriptions must be described.
 - j. A title of "Boundary Line Adjustment Survey" when a survey is required, or "Boundary Line Adjustment" when a survey is not required. A space shall be provided on the survey for the Planning Office filename for that specific boundary line adjustment.

18.35.120 - Administrative Review.

An application for a boundary line adjustment shall be approved, approved with conditions, returned to the applicant for modifications or denied within 15 calendar days of its receipt by the Planning Office. The Planning Office shall not be considered to be in receipt of a complete application unless and until such time as the application meets the requirements for a boundary line adjustment, as determined by the Planning Office.

- A. The Planning Office is authorized to review the proposed boundary line adjustments or lot consolidations. Approval will be given as long as no new or additional lot(s) is/are created, and provisions of the Zoning Ordinance

- are met. Those provisions include, but are not limited to, minimum lot dimensions, parcel size, setbacks, water and sewer requirements.
- B. The owner(s) must file a quitclaim deed with the Whitman County Auditor to complete the process of property transfer to the adjacent owner(s).
 - C. If the boundary line adjustment is denied, the Planning Director shall make appropriate findings of fact in writing. When approved, the boundary line adjustment shall be filed by the applicant with the Whitman County Auditor (Legal Filings Division), along with the sketch, drawing, or survey and related documents such as legal descriptions and quit claim deeds.
 - D. The Auditor shall furnish copies of the filed boundary line adjustment to the Planning Office and County Assessor for their files. The County Assessor will make the ownership change on their records for tax assessment purposes.
 - E. Appeals of an administrative decision relating to boundary line adjustments may be made to the Board of Adjustment. This appeal must be made in writing to the Board of Adjustment via the Planning Office within 15 calendar days of the date of the decision. The Board of Adjustment, following a public meeting, may affirm or reverse the administrative decision, and may approve it with additional conditions. If not, the decision of the Planning Office is final and no further appeal may be made.

CHAPTER 18.40 - DEDICATIONS AND RESERVATIONS

Sections:

- 18.40.030 Dedications Required.
- 18.40.060 Dedication Process.

18.40.030 - Dedications Required.

- A. No plat shall be approved unless adequate provision is made (if required and accepted by Whitman County) in the subdivision for such storm drainage, roads, alleys, easements, parks, playgrounds, sites for schools, school grounds, and other general purposes, as may be required to protect the public health, safety, welfare and open spaces. Dedication of the land to any public body may be required as a condition of a final plat or short subdivision approval.
- B. Every final plat of a subdivision filed for record must contain a certificate giving full and correct description of the lands divided as they appear on the plat, including a statement that the subdivision has been made with the free consent and in accordance with the desires of the owner or owners.
- C. If the plat is subject to a dedication, the certificate or a separate written instrument shall contain the dedication of all roads and other areas to the public, and individual or individuals, religious society or societies, or to any corporation, public or private as shown on the plat. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.
- D. Every plat containing a dedication filed for record must be accompanied by a title report (current within thirty calendar days) confirming the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.
- E. An offer of dedication may include a waiver of right of direct access to any road from any property, and if the dedication is accepted, any such waiver is effective. Local authorities may require such waiver as a condition of

approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation or grant as shown on the face of the plat shall be considered, to all intents and purposes, as a quit claim deed to the recipient, grantee or grantees for his, her, or their use for the purpose intended by the donors or grantors as aforesaid.

- F. Protective improvements and easements to maintain such improvements shall be dedicated.

18.40.060 - Dedication Process.

- A. All dedications of land shall be clearly and precisely indicated on the face of the plat.
- B. If the Board of County Commissioners concludes that the public interest will be served thereby, the Board may, in lieu of requiring dedication of land in a subdivision for protective improvements, storm drainage, roads, alleys, sidewalks, parks, playgrounds, recreational, community or other general purposes, allow the said land to be conveyed to a home owners association or similar nonprofit corporation.

CHAPTER 18.45 - DEDICATION FOR PARKS

Sections:

- 18.45.030 Provision for Park/Playground Required.
- 18.45.060 Determination of Value.
- 18.45.090 Cash Payment in Lieu of Dedication.
- 18.45.120 Disposition of Land and Cash Payments.
- 18.45.150 Applicability.

18.45.030 - Provision for Park/Playground Required.

To assure appropriate and adequate provision for parks and other recreation facilities is made at the time of short plat or long subdivision approval, the subdivider may be required to dedicate, by statutory warranty deed, a parcel or parcels of land as selected by the County in such amount to be at least equal in value to the total value of park and recreation demand generated by the short plat or subdivision as determined by this ordinance. The County decision to require park dedication shall be explored in the preliminary discussions with the subdivider, and the final decision regarding this dedication will be made no later than the preliminary plat hearing for long subdivisions or at the close of the draft short subdivision administrative review. Said land shall be exclusive of required subdivision improvements and free of any and all encumbrances, including all labor and material liens, or the subdivider shall provide a bond in lieu thereof.

18.45.060 - Determination of Value.

Based on the proposed short plat or subdivision and the zoning classification thereto, a total number of dwelling units expected to be contained by the short plat or subdivision shall be determined. Said total number of dwelling units shall then be multiplied by the base park fund fee as determined by resolution by the Board of County Commissioners, the product of which shall represent the total value of the park and recreation demand expected to be generated by the proposed subdivision.

18.45.090 - Cash Payment in Lieu of Dedication.

In lieu of dedication of land as required in Section 18.45.030, the Board of County Commissioners may, at its discretion, require a cash payment equal to the

total value of park and recreation demand expected to be generated by the proposed short plat or subdivision. The Board may, at its discretion, require a combination of land dedication and cash payment provided the total combined value is at least equal to the total value of park and recreation demand. The cash payment is required to be paid to the Whitman County Parks and Recreation Department prior to final short plat/subdivision approval.

18.45.120 - Disposition of Land and Cash Payments.

Any land deeded under the provisions of this chapter may be held for future sale or for park/recreation use improvements. Any dedicated park land to be sold prior to 100% development of the subdivision shall be first offered to the subdivider at its stated parkland value. The proceeds from the sale of any land dedicated under the requirements of this chapter and any cash payment in lieu of such dedication shall be deposited in the park acquisition and development fund as administered by the Whitman County Parks and Recreation Department.

18.45.150 - Applicability.

The provisions of this chapter shall apply to any short plat or subdivision or portion thereof receiving final approval subsequent to the effective date of the ordinance. However, a preliminary plat with a fully completed application properly filed for review or approved prior to the effective date of this ordinance need not comply with the provisions of this chapter at the time of final approval of the short plat/subdivision or portion thereof.

CHAPTER 18.50 - ENFORCEMENT

Sections:

- 18.50.030 Development of Illegally Divided Land.
- 18.50.060 Penalties.
- 18.50.090 Enforcement of Provisions of the Final Plat.
- 18.50.120 Offer to Sell Lots Following Preliminary Plat Approval.
- 18.50.150 Severability.

18.50.030 - Development of Illegally Divided Land.

- A. An application for a building permit for any lot of land divided in violation of state law or this ordinance shall not be granted.
- B. All purchasers or transferees of illegally divided property shall comply with provisions of this ordinance and each purchaser or transferee may recover his damages from any person, firm, corporation, or agent selling or transferring land in violation of this ordinance, including any amount reasonably spent as a result of inability to obtain any development permit and expenditures associated with conforming to the requirements of this ordinance including the cost of investigation, suit, and reasonable attorney's fees occasioned thereby. Such purchaser or transferee may as an alternative to conforming to these requirements, rescind the sale or transfer and recover costs of investigation, suit, and reasonable attorney's fees occasioned thereby.

18.50.060 - Penalties.

- A. Whenever any parcel of land is divided into two or more lots and any person, firm or corporation, or any agent of any of them sells or transfers, offers or advertises for sale or transfer any such lot without having a final plat of such long subdivision or mylar of such short subdivision recorded with the County Auditor's Office, the Prosecuting Attorney shall commence an

action to restrain and enjoin further subdivisions or sales, or transfers, or offers of sale or transfer and compel compliance with all provisions of this ordinance. The costs of such action shall be taxed against the person, firm, corporation or agent selling or transferring the property.

- B. Any person who violates any court order or injunction issued pursuant to this ordinance shall be subject to a fine of not more than five thousand dollars or imprisonment for not more than ninety days or both.
- C. In the enforcement of this ordinance, the Prosecuting Attorney may accept an assurance of discontinuance of any act or practices deemed in violation of this ordinance from any person engaging in, or who has engaged in such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the Superior Court of the County in which the alleged violation occurs. A violation of such assurance shall constitute prima facie proof of a violation of this ordinance.
- D. The Whitman County Prosecutor shall prosecute violators in accordance with RCW 58.17.300 for any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of this ordinance or any local regulations adopted pursuant thereto relating to the sale, offer for sale, lease, or transfer of any lot and each sale, offer for sale, lease or transfer of each separate lot in violation of any provisions of this ordinance or any local regulation adopted pursuant thereto, shall be deemed a separate and distinct offense.

18.50.090 - Enforcement of Provisions of the Final Plat. To further the mutual interest of the residents of a platted residential development and of the public in the preservation of the integrity of the plat as finally approved, and to insure that modifications, if any, in the plat shall not impair the reasonable reliance of the said residents upon the provisions of the final plat, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plat as finally approved shall be subject to the provisions of this section.

The provisions of the final plat relating to the following items shall run in favor of the County and shall be enforceable in law or in equity by the County without limitation on any powers of regulation otherwise granted to the County by law:

- A. Use, bulk and location of buildings and structures.
- B. Quantity and location of common open areas.
- C. Intensity of use or the density of residential units.
- D. Design.
- E. Development of improvements.
- F. Surveys.
- G. Dedications.
- H. Sewer and water.
- I. Fire protection.

18.50.120 - Offer to Sell Lots Following Preliminary Plat Approval. If performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract or parcel of land following preliminary plat or short plat approval is expressly conditioned on the recording of the final plat containing the lot(s) under this ordinance, the offer or agreement is not subject to RCW 58.17.200 or 58.17.300 or Sections 18.50.030 and 18.50.060 of this ordinance, and does not violate any provisions of this ordinance. All payments on account of an offer or

agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the final plat is recorded.

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

CHAPTER 18.55 - FEES

Sections:

18.55.030 Fees.

18.55.030 - Fees.

Whenever an application requiring a fee under this ordinance in addition to all other required data, the applicant shall pay a fee as established by the adopted County Planning fee schedule. No application shall be processed unless the respective application fee listed above has been paid in full, which shall be non-refundable.

Chapter 18.60 - PLANNED RESIDENTIAL DEVELOPMENT (PRD)

(Adopted 5/10/1999; Ordinance #054924)

Sections:

- 18.60.010 Purpose and Intent.
- 18.60.020 Definitions.
- 18.60.025 General Application Process Overview.
- 18.60.030 Application Requirements for Conceptual Review.
- 18.60.035 Modification of Application Requirements.
- 18.60.040 Criteria for Conceptual Review and Preliminary Approval.
- 18.60.045 Conceptual Review.
- 18.60.050 Application Requirements for Preliminary Approval.
- 18.60.060 Preliminary Approval.
- 18.60.070 Limitations and Conditions.
- 18.60.080 Application Requirements for Final Design Approval.
- 18.60.090 Community Area.
- 18.60.095 Forms of Public Dedication.
- 18.60.100 Final Project Approval.
- 18.60.110 Development in Conformity with Planned Residential Development (PRD).
- 18.60.120 Amendments and Modifications to Development Plan.
- 18.60.130 Expiration of Preliminary Approval.
- 18.60.135 Final Project Approval -- Action or Non-development.
- 18.60.140 Fees.
- 18.60.150 Enforcement.
- 18.60.160 Penalties.
- 18.60.170 Severability.
- 18.60.180 Effective Date.

18.60.010 - Purpose and Intent.

This document outlines a design, review and approval process for a specialized form of Planned Residential Development (PRD) which will foster creative, efficient, and comprehensive site development, intended for special site

locations, conditions and circumstances. These regulations provide guidance and flexibility in site design and development in order to:

- A. Create a development form which allows for preservation of critical areas, resource lands, significant shorelines and ecosystems, priority habitat areas and species of local importance within the County; and the goals of which are compatible with Whitman County's Comprehensive Plan.
- B. Create alternative forms of residential development that also offer economic benefits to the County with minimum impacts to the County.
- C. Produce a development which would be better than traditional lot-by-lot development, on either consolidated lots or unsubdivided property, through variety in design, placement of buildings, and use of natural, undeveloped areas, in order to capitalize on the special features of the individual site.
- D. Permit flexibility that will encourage a more creative approach in the development of land and will result in a more efficient, aesthetic, and desirable use of natural, undeveloped areas, while at the same time harmonizing with adjoining development and land uses.
- E. Ensure preservation of undeveloped areas, natural habitat, and important ecosystems.
- F. Preserve and enhance special site features, including priority habitat, wetlands and areas of cultural significance.
- G. Preserve and enhance natural recreational opportunities of the site and adjacent areas.
- H. Maximize use of alternative energy sources and energy-efficient structures, while employing strategies for conservation of water and other resources.

18.60.020 - Definitions.

- A. Definitions:
 - 1. The term "Planned Residential Development" or "PRD" is defined as an area of land developed as a single entity, or in approved stages in conformity with a site development plan by a single owner, developer, or group of developers acting jointly, which is planned to provide for a variety of residential and compatible uses and common natural and recreational areas.
 - 2. The "low-density" Planned Residential Development is a special form of PRD appropriate for certain areas comprised of significant environmental attributes and features which can be maintained through a careful planning process which emphasizes protection of valuable ecosystems, undeveloped areas, and priority habitat areas. The term "low density" in this case can be translated to average overall densities of equal to or less than one unit per twenty acres.
 - 3. Community Areas: For a Planned Residential Development, Community Areas refer to those areas of the site set aside for use by all residents of a Planned Residential Development (PRD) which encompass natural and undeveloped areas and may include recreation uses. (See Section 18.60.090) Community Areas include those areas for active recreation uses such as tennis courts, swimming pools, as well as landscaped areas of the site.
 - 4. Common Land: For a Planned Residential Development, Common Land refers to the land set aside as undeveloped area and includes areas designated as priority habitat, wetlands, buffer areas not intended for active recreational uses. Common Land may include passive

recreation uses where appropriate such as hiking and horseback riding trails.

A Planned Residential Development has a requirement to set aside a minimum of 50% of the gross acreage as common land, not to be developed. A project owner may wish to clarify the various land uses through use of more specific terms, such as "protected habitat" or community recreational areas (including hiking, biking, horseback riding, etc.)

5. Priority Habitats and Species: Species and habitats identified by the Washington Department of Fish and Wildlife as priorities for management and preservation.
6. Priority Habitat: A habitat type with unique or significant value to many species. An area classified and mapped as priority habitat must have one or more of the following attributes: comparatively high fish and wildlife density, comparatively high fish and wildlife species diversity, important fish and wildlife breeding habitat, important fish and wildlife seasonal ranges, important fish and wildlife movement corridors, limited availability, high vulnerability to habitat alteration, unique or dependent species.
7. Priority Species: Fish and wildlife species requiring protective measures and/or management guidelines to ensure their perpetuation as provided by Federal or State law.

B. Components of a PRD.

1. Common Land. PRDs shall contain a minimum of 50% of gross acreage as natural undeveloped areas for the common use of residents in the development. This acreage shall be located within natural areas of the project landscape in such a way to ensure the maximum opportunity for the preservation and enhancement of priority habitat and special features of the site as per 18.60.010 (F) Areas set aside as common land may be used for passive recreation uses such as hiking or horseback riding if deemed appropriate. This open land shall be shown on the plat of the development and permanently dedicated to common usage. No private or individual use or right shall be assigned or permitted on common land. Common Lands may also be referred to as Community Areas, providing that they meet the requirements as listed in Section 18.60.090 of this document.
2. Homeowner's Association. PRDs shall include a "Homeowners Association" which is an incorporated, non-profit corporation to operate under recorded land agreements through which (a) each lot owner in the PRD is a member, and (b) each lot is subject to a charge for a proportionate share of the expenses for the organization's activities and maintenance of common property.
3. Common Area Improvements. Common area improvements which may be required to accomplish the PRD concept may include such facilities as walkways, trails, bicycle paths, tennis courts, parks and landscaped areas for the benefit of all residents within the PRD.

18.60.025 - General Application Process Overview.

Applications for planned residential developments shall be processed pursuant to this Ordinance. The PRD shall be initiated by the owner of all property involved, if under one ownership, or by joint application of all owners having title to the area proposed for the PRD. The PRD approval process entails three

phases, 1) a Conceptual Plan Review, 2) a Preliminary Approval phase, and 3) a two-part Final Approval phase.

Conceptual Plan Review.

The initial Conceptual Review phase involves submission of applicable materials including a site development plan, topographic map, required supporting materials. At this stage, review is provided by the Planning Director and related County and State Agencies. At the applicant's discretion, he/she may make a presentation to the Planning Commission for its non-binding overview of the Conceptual Plan.

Preliminary Approval Phase.

For the Preliminary Approval phase, additional materials, including further development of the Master Plan, and summaries of environmental impact and site studies are submitted for administrative and Planning Commission review, and are made available for public review.

A public hearing will be held before the Planning Commission within the Preliminary Approval phase. The Planning Commission shall either recommend approval of the PRD to the Board of County Commissioners, or deny the PRD. The Board shall hold a public hearing prior to their decision to accept or reject the Commission's approval recommendation of the PRD during this phrase. A denial by the Commission may be appealed to the Board of County Commissioners within 30 days of the denial.

Approvals at the Preliminary Approval phases shall not be construed as to render the final PRD plan inflexible. Approval at this stage is valid for a five (5) year period, which may be extended by determination of the Planning Commission. Prior to expiration of the Preliminary Approval, approval of a Final Master Plan is required. Once all of the improvements and conditions of the Preliminary PRD have been met, approval of the final PRD shall occur after a public meeting by the Board of County Commissioners.

The purpose of the two-step preliminary review and approval process is to allow for detailed review and feedback by the Planning Commission at an earlier stage in the project. If the owner so chooses, these two phases may be combined into one submission phase. In this scenario, the project owner would be required to submit all materials listed in both the Conceptual and Preliminary Approval phases as well as conform to requirements for public review of the project.

Project Information requirements for Preliminary Approval represent development of the project to a conceptual stage, along with completion of necessary environmental and related site studies and reports needed for the site analysis, planning and design phases of project development. This allows for review of the project at an earlier stage in the design and planning process, before the owners proceed to full site planning and engineering work. It also allows for changes or refinements to the project concept at an earlier stage that will lead to resolution of project issues and later approval of the project at the final stage. It must be noted that the Preliminary Approval stage represents a lesser stage of development and information requirements as compared to a typical Preliminary Approval for a subdivision.

Final Approval Phase.

The Final PRD Approval phase is comprised of two related sub-phases, the Final Design Approval phase and the Final Project Approval phase. The Final Design Approval section outlines additional site and project information requirements that must be completed, and submitted to the County before review and approval by the Planning Commission. The Final Design Approval phase represents more complete development of project information including necessary site design and civil engineering work. All necessary County and State project permits would be obtained within this phase as a prerequisite to obtaining Final PRD project approval.

More detailed site design and engineering work and associated drawings are not undertaken until after preliminary approval is received. Actual project related site work including site grading must not begin on the site until after the Final (Project) Design Approval is received.

The Final PRD project approval represents the phase of completing legal requirements for sale of property including filing of plats, legal descriptions of lots and other requirements, before obtaining the final legal project approval from the County.

Phased Planned Residential Development.

A PRD may be developed in phases, subject to an approved phasing schedule. All construction and improvements not completed within ten (10) years of approval of the phased final PRD are subject to compliance with the updated County standards through a time extension action. See information on expiration of Final Project Approval, Section 18.60.135.

18.60.030 - Application Requirements for Conceptual Review.

Each application for Conceptual Review of a PRD shall include as a minimum, but need not be limited to, the following information:

- A. The name, location, street address, and legal description of the affected parcel or property, together with the names, addresses, and telephone numbers of the applicant or applicants, the owners of record of the land, and any associated professional consultants, including architects, engineers, planners and other consultants.
- B. An accurate site map or maps drawn to a scale of not less than one (1) inch to twenty (20) feet nor greater than one (1) inch to two-hundred (200) feet, depending on the size and complexity of the site as determined by the planning director. (Additional copies may be shown at a reduced size, for example, 1" = 400'. Blowups of special sections of the project where more detail is required should be shown at a scale large enough to illustrate an adequate level of detail.

The Site Map shall include or show:

1. The boundaries of the property proposed to be developed or divided; Names and addresses of all property owners who, as obtained from the County Assessors' Office, are within one (1) mile of the exterior boundaries of the proposed PRD, shall be presented along with a map or aerial photograph copy showing said ownership.
2. A topographic relief of the entire site at five-foot (5') contour intervals unless otherwise specified by the planning director, illustrating natural features including wetlands, slopes, priority

habitat areas, hazardous areas, floodplains, other significant natural features of the site.

3. All proposed structures and improvements to be constructed on the land and their precise locations including (but not limited to) all residential and nonresidential structures, recreational facilities to be constructed in the first phase of construction.
 4. All common areas, natural areas and undeveloped areas, showing area, grades and proposed function upon completion along with required easements and property setbacks.
 5. All areas set aside for protection of wetlands and wetlands buffer areas, priority habitat and buffer areas, and shorelines setbacks and buffer areas.
 6. The layout of all existing and proposed driveways, roadways, trails, pedestrian walks, and proposed landscaped areas.
 7. If known, include the general location of existing water sources for fire control, on-site water sources, and sewage disposal systems.
- C. A written description of the project including general purpose, overall concept, and explanation of all features pertaining to use and other pertinent matters not readily identifiable in map form. Such explanatory text may specify uses permitted on the site, if any, or other necessary restrictions.
- D. Summary of project program for all community buildings and infrastructure including, location, height, number of stories, and gross floor area for all structures or other improvements existing and proposed.
- E. A report and/or plan describing alternatives for onsite disposal of waste along with description of the source and method of distribution of potable water, in total conformity with applicable federal, state, and county laws.
- F. Summary of significant site and environmental studies, including summary of recommendations.
- G. Description of design standards for all project buildings, including residential buildings.
Descriptive information will include typical elevations for various types of buildings including common buildings, and amenities.
Note: For Final Application, a separate document describing architectural and development guidelines for project describing common design standards for all building and site development, related review process, and maintenance standards for the project will be required.
- H. A description of and schedule for phases of the project or for future phases of development, should all proposed lots not be developed at the same time.
- I. Such other information as may be determined by the Planning Commission to be necessary to carry out the policy and intent of this chapter.

18.60.035 - Modification of Application Requirements.

The Planning Commission may waive or modify any required portion of Section 18.60.030 deemed unnecessary or redundant to the purposes of this chapter, or may establish any subset of Section 18.60.030 as application requirements to adapt to specific and unique site conditions or to allow adjustment for projects of limited scale and impact; provided that any action taken by the planning director pursuant to this Section shall be considered an appealable administrative decision provided further that any interested party, at the public hearing on the proposal, may question whether sufficient information has been provided to address the review criteria of Section 18.60.030.

18.60.040 - Criteria for Conceptual Review and Preliminary Approval.

No application for Preliminary Approval shall be approved unless it meets the requirements of this section. No development pursuant to an approved PRD shall be undertaken unless it meets the requirements of county and state laws and ordinances pertaining to such development.

A. General Criteria.

The proposed development should advance the following general objectives:

1. Preservation of important prime agricultural areas, priority habitat and important natural ecosystems, historical resource, and other significant areas.
2. Preservation of natural areas, undeveloped areas, and related natural recreational opportunities.
3. Minimizing of impacts to the existing County infrastructure. Arrangements between the project owner and applicable service providing districts and Whitman County will be defined in advance of granting of the Final Design Approval defining the coverage of additional services and costs generated by the Development. Such services would include but are not limited to: Fire Protection and Management, Emergency Medical Services, Security Systems, and schools.
4. Minimizing of impacts to surrounding and adjacent properties, land areas, and water bodies.
5. Utilization of design methods which help to preserve important environmental aspects of the site and minimize impacts to the site and surrounding areas.
6. Development and utilization of appropriate architectural design standards which provide guidelines to ensure a design aesthetic that is harmonious to the landscape and surrounding areas.
7. Development shall demonstrate adequate access for emergency services without increasing the cost or liability to the county for road maintenance costs.

B. Specific Evaluation Criteria.

1. Preservation of underlying ecosystem.
To the greatest extent possible, design in such a manner to preserve the functional capacity of important ecosystems. In environmentally significant areas, this involves preserving important wetlands, priority habitat areas, and undeveloped areas, in areas large enough to provide for the life cycle needs of priority species.
Design in such a manner to cause no negative environmental impacts to surrounding areas including water bodies. Note: A management plan developed by a qualified biologist may be necessary to develop reasonable goals and standards.
2. Preservation of natural features and landscape.
Natural features and landscape shall be preserved in their natural state, insofar as practical, by minimizing tree and soil removal. Removal of any vegetation shall be in keeping with the character of the surrounding land, to protect natural features and views.
3. Preservation of natural recreational opportunities.
The development shall endeavor to preserve or create recreational opportunities in natural areas where appropriate as determined by a qualified biologist.
4. Relationship of proposed buildings to site.
Proposed lots and/or structures shall be placed to relate harmoniously to site terrain and natural features. Placement shall consider

- spacing, protection of privacy, siting for noise reduction, and orientation to views and vistas, sunlight, and prevailing winds.
5. Relationship of proposed lots and buildings to surrounding area. Proposed structures shall be placed to provide a harmonious and compatible transition with the surrounding community, existing and proposed land uses, and general development pattern. The transition to adjoining uses and streets shall be provided by native vegetation, undisturbed natural areas, landscape screening, fencing, or other buffering techniques. The compatibility of proposed structures and/or lots shall be achieved by taking into account bulk, scale, orientation, placement, style, design, buffering, and view obstruction.
 6. Strategies for Resource Efficient Design. Architectural and development guidelines should incorporate strategies for resource efficient design including methods for conserving on-site water use, energy efficiency and resource efficiency in building design and construction methods.
 7. Driveways, parking, and circulation. Relationship to traffic circulation of the surrounding area, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient shall be considered. Insofar as practicable, such activities should not detract from the design of proposed or existing buildings or structures or surrounding properties, and access points to the surface street system shall be minimized.
 8. Roadway Design Flexibility. Roadway Widths and Services. Within PRDs, private roadways not intended for dedication may be reduced to twenty (20) feet for one-way traffic or twenty-two (22) feet for two-way traffic providing that the following conditions are fulfilled. Internal roads must be maintained in such a manner as to allow proper access by emergency vehicles.
 - a. There shall be provided, through covenants or other legal means, assurance of permanent maintenance of private streets and parking areas.
 - b. On-site parking shall be provided which is functionally convenient to planned dwelling units/residences.
 - c. Emergency access standards are described in the Uniform Fire Code.

Roads will be constructed to Whitman County minimum requirements as per the County Engineer, as per the Interim or Draft Standards, or as per adopted standards, whichever is applicable at the time of submittal.
 9. Surface and groundwater. Special attention shall be given to proper site surface drainage so that site drainage will enhance groundwater recharge and not adversely affect downstream properties and the site.
 10. Utility service. Wherever possible, electric, telephone, and other utility lines shall be installed underground. Any other utility installations remaining above ground shall be located and screened so as to have a harmonious relation to surrounding properties and the site.
 11. Recreational facilities.

Community facilities, clubhouses, beaches, swimming pools, exercise pathways, tennis courts, walking and horseback riding trails, and other such special recreation features are acceptable uses within the PRD. Any structures or facilities shall be discouraged from being placed along or facing street frontages and shall be subject to such setbacks, landscaping, screen plantings or other screening methods as shall reasonably be required to ensure a harmonious transition with the existing or planned land uses and surrounding properties.

12. Fire-Resistive Design.

Site design and architectural codes for site buildings shall incorporate design measures to aid in fire resistive design. For example, methods should include site design measures such as planting of low-growing, native species that are less flammable; providing good access for emergency vehicles; providing on-site fire management system; use of non-combustible roofing materials, and interior methods such as utilization of sprinklers for fire control.

C. Specific Design Criteria.

1. Permitted Uses:

- a. Single family residential dwellings.
- b. Single-family recreational or part-time dwellings.
- c. Buildings that are accessory to the above uses.
- d. Community oriented buildings including community centers, cultural centers, retreat centers or facilities.
- e. Service oriented facilities including utilities structures, storage buildings, garages for emergency equipment and related maintenance buildings.
- f. Certain home based businesses that allow residents to work out of the home. Businesses that require a violation of other permitted uses are considered as a conditional use. Homeowner's covenants are required to define parameters of home-based businesses.
- g. Small recreational buildings including facilities for tennis courts, swimming pools and pool houses, boat houses, park shelters and small boat storage structures, and animal barns.
- h. Uses associated with natural and undeveloped areas including parks and protected habitat areas, such as walking and horseback riding trails.

2. Allowable Uses:

- a. Limited commercial uses including small convenience stores.
- b. Service oriented uses including schools, churches, etc.
- c. Temporary structures such as mobile homes for construction crews.
- d. Overnight accommodation facilities for rental purposes including small townhouses, bed and breakfast facilities, or small hotels.

3. Excluded Uses:

- a. Mobile homes except as allowed in (C)(2)(c) above.
- b. Trailer Parks and Recreational Vehicle Parks.
- c. Industrial Uses.
- d. Golf Courses.

4. Density.

The average density shall not be more than one (1) unit per twenty (20) acres. Overall average density is determined by dividing the number of units by the entire area.

5. Minimum Project Size.

Minimum site area for a PRD project shall not be less than two hundred (200) acres.

6. Lot Size.
Lot size will vary depending on the individual site characteristics and overall project concept.
7. Setbacks.
Residential structures and primary community and support buildings shall be setback a minimum of 200 feet from site property lines on those sides adjacent to agricultural uses. Additional buffer areas on property boundaries adjacent to agricultural uses are encouraged.
8. Project Covenants, Conditions and Restrictions.
At the Preliminary Approval phase, the owner/development team is required to submit as part of the Project Information package, a document summarizing priority covenants, conditions, and restrictions. At the Final Design Approval Stage, the owner shall submit as part of the package, the completed set of documents defining Covenants, Conditions and Restrictions, along with description of the rules and operations of the Homeowner's Association. In addition, a Site Management Plan describing maintenance of the natural areas of the site shall be provided.
The Owner/developer shall demonstrate to the satisfaction of the Planning Commission, the ability to carry out the management of the project as described within the various project guidelines and Covenants, Conditions and Restrictions for the project.

D. Planned Residential Development Standards.

The following minimum requirements apply to PRDs. Applicant may be required to provide analysis, by professionals with documented expertise, of the following items:

1. Soils and Geology.
The PRD application shall show that the development has been planned so that the improvements will not be subject to geologic hazards or soil conditions that would damage such improvements or cause environmental degradation.
2. Drainage. The PRD Master Plan shall show that the development has been planned so historical surface flow patterns (100 year floodplain if known) and runoff amounts will be maintained in a manner that will preserve the natural character of the area and prevent property damage of a type generally attributed to increased runoff rate, velocity increases, unplanned ponding, or storm runoff.
3. Erosion.
The PRD Master Plan shall indicate areas of the site where slopes are greater than 30% and/or are highly erodible as determined by Soil Conservation Service Soils Capability Rating. The erosion plan shall include road systems and shall show that the development has been planned so that a minimum amount of natural vegetation and soil cover is disturbed, that adequate provision is made for recontouring and soil stabilization and that cuts and fills are designed to minimize erosion. See related requirements for an Erosion and Sediment Control Plan for Final Design Approval in Section 18.60.080(C)(11).
4. Waste Treatment.
PRD applications shall show that on-site sewage treatment systems are adequate to accommodate the volume and composition of sewage expected to be generated by the proposed use, that the on-site sewage disposal

system will be properly maintained and designed to prevent overloading or any other failure which could cause the discharge of inadequately processed effluent into the environment. On-site sewage disposal shall meet the Whitman County regulations and standards for waste treatment, the Washington State Department of Health and the Washington State Department of Ecology standards.

5. Wildlife.
PRD applications shall show that the development has been planned, in conjunction with the Washington State Department of Wildlife, to mitigate significant adverse impact on wildlife habitat including but not limited to deer wintering areas, migration corridors, fawning sites, nesting grounds, breeding areas, and other significant wildlife habitat areas.
6. Archaeological and Historical Features.
PRD applications shall show that any development located on or near a historical or archaeological site is consistent with and would not destroy or have an adverse effect on the historical or archaeological site.
7. Critical Areas.
The PRD application shall show that Critical Area Ordinance requirements have been addressed and that areas designated as Critical Areas are protected within the development.
8. Aquifer Recharge.
The application shall provide evidence to demonstrate that the proposed development does not interfere with aquifer recharge on the site and complies with requirements of the Aquifer Recharge Ordinance of Whitman County. Note: See additional Standards in Application for Final Design Approval, Section 18.60.080.
9. Services.
An arrangement between the project owner service providing districts and Whitman County will be worked out in advance of granting of the Final Design Approval defining the coverage of additional services and costs generated by the Development. Such services would include but are not limited to: Fire Protection and Management, Emergency Medical Services, Security Systems, and schools. See Final Design Approval, Section 18.60.080 C.16 for more information.

The above review criteria shall be in addition to any standards or requirements established by applicable state and county laws or ordinances. They are not intended to be absolute in nature or to discourage creativity and innovation. The Planning Commission shall have the authority to modify standards contained within criteria as may be found necessary. However, said modifications shall be made only to ensure that the proposal is adapted to any unique or special site feature and is compatible with surrounding land uses.

18.60.045 - Conceptual Review.

The Conceptual Plan Review Phase entails an administrative review by the Planning Director, (County Planner) and the Planning Commission (at the discretion of the applicant). The Review phase provides an opportunity for feedback and recommendations by the Planning Director, the Planning Commission (at the applicant's option) and reviewing agencies including the County Department of Health and State Department of Ecology at an early state of the project

development. It is understood that additional information is required for evaluation to meet the criteria for the subsequent Preliminary and Final Approvals.

18.60.050 - Application for Preliminary Approval.

The Application for Preliminary Approval requires further development of the Master Plan in more detail, additional site and environmental information, summary of expected project impacts. In addition to those elements outlined in Requirements for Conceptual Approval (18.60.030), the following items will be required:

- A. Location of any major physiographic or other natural features, such as drainage ways, wetlands, steep slopes, shorelines, and/or other development-limiting overlay zones. To more clearly show environmental attributes of the site, an overlay or overlays of the topographic site map shall illustrate environmentally significant features of the site including priority habitat areas, wetlands, streams, shorelines, recommended buffer areas, nesting sites, recommended wildlife corridors and other important features. Note: An overlay illustrating important native plant associations is recommended at this stage and will be a requirement for Final Design Approval. See 18.60.080(C)(10).
- B. Any existing drainage patterns and systems and the nature and location of proposed temporary and permanent storm water and drainage systems or description of storm water systems to be employed. (Final Design Approval Application will contain detailed description and location information).
- C. An approximation of the percentage of proposed paved or other impervious surfaces, natural areas, wetlands, steep slopes, or other development-limiting overlay zones, recreation areas, and total area of the site.
- D. A map showing location of all anticipated uses and zones of the site including natural areas, recreational areas, trails, community buildings and uses, amenities along with location of natural site features including wetlands, habitat and buffer areas.
- E. Summary of additional Site Studies and Project Reports. In addition, a report summarizing anticipated environmental impacts as outlined in the Environmental Checklist.
- F. Visual studies or sketches illustrating architectural standards along with conceptual renderings of proposed primary project buildings or typical buildings. Further development of Architectural and Development Guidelines.
- G. Any information previously submitted during a Conceptual review, such as the list and map of land owners within one (1) mile of the exterior boundary of the proposed PRD, needs to be updated by the applicant if there have been changes.
- H. The applicant shall agree to provide public access or to acquire and provide public access on-or-off-site to the public water body associated with the proposed PRD. This public access land is to be offered to a State Agency or Whitman County. If the dedication of this public access is accepted, the appropriate ownership conveyance documents shall be filed along with the filing of the Final Plat.
- I. If required, compliance with WCO 19.10.110.

18.60.060 - Preliminary Approval.

- A. Prior to the Preliminary Approval public hearing, legal notice as prescribed in the Whitman County Zoning Ordinance, Section 19.04.040 (2) [published

legal notice requirement] and Section 19.06.040 [written notice via USPS mail] shall apply, except that written notice shall be sent to all land owners within one (1) mile of the exterior boundary of the proposed PRD parcel.

- B. At the public hearing, the Planning Commission shall consider all relevant evidence to determine the adequacy of the preliminary plan, compliance with WCO 19.10.110, together with any information developed as part of the SEPA review of the proposal, and any input received from reviewing agencies. When in the opinion of the Planning Commission, the review of the preliminary application indicates the presence of significant adverse impacts, the Planning Commission shall recommend the imposition of conditions, or performance standards designed to mitigate the adverse impacts. If in the opinion of the Planning Commission, impacts cannot be mitigated sufficiently to assure maintenance of the public health, safety and welfare, and/or the applicable comprehensive planning goals are not met, they may recommend disapproval of the application. The Planning Commission recommendation to the Board of County Commissioners for their Preliminary Approval must include Findings and Minutes. The Board of County Commissioners shall also hold an open record public hearing on this legislative decision. The Board shall then or subsequently decide to approve or deny the PRD.
- C. Upon Preliminary Approval of a PRD and Special Conditional Use pursuant to WCO 19.10.110, the approving authority, the Board of County Commissioners, shall affix their signature(s) in an appropriate place on the plan, along with a brief statement that the authority has granted Preliminary Approval of the PRD, referencing any conditions of Final (Design and Project) Approval, if any, and the date of the approval.

18.60.070 - Limitations and Conditions.

The approving authority shall have the authority to place on any PRD granted preliminary approval, appropriate limitations and conditions to insure that the development is consistent with applicable ordinances, plans, and policies of Whitman County and to carry out the recommendations of the Planning Commission or reviewing departments as applicable.

18.60.080 - Application for Final Design Approval.

- A. Two (2) copies of the Final Planned Residential Development Design Application package shall be submitted to the Planning Department for approval.
- B. The PRD plan shall be plotted in permanent black ink on one (1) or more sheets of mylar capable of reproduction, 24" by 36" in size, and bearing the information listed below unless specifically waived by the approving authority at the time of preliminary approval. (NOTE: Site plan may be of a larger size to accommodate a readable scale).
- C. The PRD plan shall contain updated versions of all information contained in the Preliminary Application with additional information provided as follows:
 - 1. The legal description of the land contained in the Planned Residential Development.
 - 2. The boundary lines of the PRD and any lots within it showing the full extent of the parcel from which the PRD is to be segregated.
 - 3. The length and bearing of PRD boundary lines and lots, if applicable.
 - 4. The location of monuments or evidence used as ties to establish the PRD boundaries.

5. The location, dimensions, and auditor's file number of all easements and/or private rights-of-way within or adjoining the planned residential development and the purpose thereof, together with the names of all public rights-of-way within or adjoining the PRD.
 6. The location of all approved improvements, wetlands, priority habitat, natural areas, steep-unstable slopes, and other development-limiting overlay zones within the PRD.
 7. Tabulation of the area (in acres) of various uses contained within the PRD, including common areas and community buildings and services, roadways, individual home sites, natural areas, dedicated habitat or park areas, community trail system, and recreational areas.
 8. Typical building elevations of common buildings, along with program description including building areas and uses.
 9. In separate document, summary version of architectural and development guidelines for project describing common design standards for all building and site development, and maintenance standards for the project. Architectural guidelines will include acceptable design methods and materials, construction standards and methods, and design review process.
 10. A landscape plan, drawn to scale, showing community area, pathways, or other recreation area, significant landscape features and vegetation on the site, and the location and design of landscaped area, the types, and other pertinent landscape features and irrigation systems required to maintain trees and plant materials. As a prerequisite to detailed site planning and engineering, an overlay locating significant native plant associations is required for Final Design Approval. The plan(s) for Final Design Approval shall be in a scale appropriate to the area shown. For example, areas to be developed more intensely should be shown at a larger scale than a general site plan illustrating natural areas of the site.
 11. General grading and drainage plans for the PRD along with plans for the storm sewer system. In addition, an Erosion and Sediment Control Plan will be required. The intent of this plan is to prevent runoff from the site draining directly into adjacent water bodies and to minimize erosion and sedimentation from the site.
 12. Plans illustrating location of utilities for the site, including placement of water, and waste treatment systems.
 13. Restrictive covenants that are to be recorded with respect to property included in the proposed PRD. In addition, description of Homeowners' Association and rules for enforcement of restrictive covenants.
 14. A Habitat Management Plan for the site describing measures to ensure protection of sensitive areas of the site. Plan should also describe goals for coexistence with wildlife on the site, and measures to monitor and achieve stated goals. The Plan shall be developed with the input of a qualified biologist.
 15. Owner's consent and acknowledgment of the Planned Residential Development, signed by the owners of the property.
 16. A Fire Management Plan shall be included which describes the fire prevention and control measures designed into the project, and the methods for covering costs and logistics.
 17. A Plan describing Security systems and measures for the project.
- D. Such documents or other information as may be required to demonstrate compliance with and/or satisfaction of all terms and conditions of

preliminary approval. These documents shall be recorded along with the PRD when appropriate.

- E. A current plat certificate showing all ownership interests in the subject property.
- F. Final approval of the County Engineer, Building Official, Fire District Chief, Health Officer and Planning Director.
- G. Planned Residential Development Standards: For Final Approval, the applicant shall be required to show compliance with the following items, and may be required to provide analysis by professionals with documented expertise, of the following items:
 - 1. Water Availability.
For Final Approval, PRD applications shall submit a report to show that adequate water exists to support the proposed development. The applicant shall comply with requirements of Whitman County Department of Health on water availability and water quality issues. If required, an approved Water Right Permit must be obtained for applicable withdrawals as defined by the State Department of Ecology. The applicant shall comply with the requirements of Whitman County Building and Fire Codes.
 - 2. Agricultural Compatibility.
The Planned Residential Application shall address issues of compatibility with surrounding area uses as well as potential conflicts that may arise as a result of the development. PRD Applications shall show that the development has been planned to minimize the loss of the lands within the proposed PRD that are designated agricultural land of long term commercial significance. To ensure proper management of marginal agricultural lands dedicated as common and a management plan shall be incorporated into the homeowner's covenants. The Plan shall also address proper maintenance of buffer areas bordering agricultural uses.
 - 3. Visual Impacts.
PRD applications shall show that design and construction standards will minimize the aesthetic impact of the proposal on the site. The application shall also describe what steps are being taken to maintain integrity of the terrain (native vegetation, planting, streams) and to maintain architectural and building clusters compatible with the surrounding area.
 - 4. Reduction of Non-Conforming Uses.
The PRD Master Plan shall show that the development will result in the upgrading or elimination of existing non-conforming uses and structures which occur on the subject property. (Structures or building designated as historical by State of Washington may be granted a waiver of this provision by the Planning Commission).

18.60.090 - Community Area.

- A. Any natural or developed areas and/or recreation areas may be designated as community area on the Planned Residential Development Master Plan.
- B. No areas may be accepted as community area under the provisions of this chapter unless it meets the following standards:
 - 1. The location, shape, size, and character of the community area must be suitable for the PRD.
 - 2. Community area must be used for amenity or recreational purposes. The uses authorized for the community area must be appropriate to the

- scale and character of the PRD considering its size, density, expected population, topography, and the number and type of dwellings to be provided.
3. Community area must either be suitably improved for its intended use or suitably reserved and protected from development. The buildings, structures and improvements which are permitted in the community area must be appropriate to the uses which are authorized for the community area and must conserve and enhance the amenities of the community area having regard to its topography and unimproved condition.
- C. All land proposed as community area must be established and conveyed under one (1) of the following options:
1. It may be conveyed to a public agency that will agree to maintain the community area and any buildings, structures, or improvements which have been placed on it; or
 2. When no maintenance of the community area is required, it may be conveyed to all new owners in undivided joint ownership; or
 3. When maintenance of the community area is required and the applicant does not propose to remain responsible for maintenance, then a homeowners' association or similar organization shall be established by covenant for the maintenance of the community area. Membership in the association or organization and dues or other assessment for maintenance purposes shall be mandatory. Noxious weed control is the responsibility of the applicant until a homeowner's Association is formed.
- D. The community area must be subject to covenants approved by the county which restrict the community area to the uses specified in the PRD application and which provide for the maintenance of the community area in a manner which assures its continuing use for the intended purpose.
- E. Community area may not be put to any use not specified in the application unless the PRD has been amended by Whitman County to permit said use. However, no change of use so authorized may be considered as a waiver of any of the covenants limiting the use of community areas.

18.60.100 - Final Project Approval.

- A PRD shall not be deemed finally approved until:
- A. A copy of the application with the signature and statement of the approving authority is filed by the applicant with the planning department, building department, engineering department, and health department.
 - B. Any land restricted as community area is recorded with covenants through easement or other conveyance by the applicant with the county auditor, together with an adequate legal description of the community area.
 - C. All site and off-site improvements required as a condition of preliminary PRD approval are completed or, at the discretion of the Board of County Commissioners by recommendation of the planning director and county engineer, are bonded for.
 - D. The boundaries of the property and lots created therein, if any, proposed as shown on the PRD shall be shown on a survey made by a registered land surveyor or under his direction, in conformance with legal requirements pertaining to surveying.
 - E. The boundaries and locations of all parcels dedicated to the public or reserved for community use, and all conservation easements.
 - F. A certificate of title showing the ownership and title of all interested parties in the Planned Residential Development shall be submitted to the

- Chair, Whitman County Planning Commission
- h) Board of County Commissioners' approval.
This Planned Residential Development conforms to the requirements of the Planned Residential Development as established by chapter 18.60 and 19.10.110, Whitman County Code, and is hereby approved this _____ day of _____, 20_____.

Chair, Board of County Commissioners

Member, Board of County Commissioners

Member, Board of County Commissioners

- G. The Final PRD, incorporating any conditions of Preliminary Approval, is filed for record with the county auditor. The procedure for recording is as follows:
 1. Upon approval of a Final PRD, the Planning Director shall forward the original and one (1) paper copy of the plan and associated documents to the auditor for recording.
 2. Upon receipt of an approved final PRD, the auditor shall record the plan and associated documents and place the original in the appropriate volume of plats. Following recording, the legal description of each lot or reference for each building, in a PRD shall be known as:
The Legal Filing has an Auditor's certificate, and the reference is to plat book or computer.

18.60.110 - Development in Conformity with Planned Residential Development.

Where the approving authority approves a PRD, any and all development and use of the land to which the PRD pertains shall be in conformity with the PRD as finally approved. Further, no development pursuant to an approved PRD shall be undertaken without meeting the requirements of Whitman County pertaining to on-site waste disposal, land development, and water standards.

18.60.120 - Amendments and Modifications to Development Plan.

- A. An approved PRD may be amended by the same procedures provided under this chapter for the original PRD approval. For purposes of this chapter, amendment shall include changes in building layout, type or size, changes to community area, or improvements thereto, modifications of conditions of approval and changes in approved uses; provided that changes that comply with all previously imposed conditions of approval shall not require a PRD amendment unless (a) major alterations in building layout, circulation, project phasing, building type or size are proposed, or (b) the changes may generate environmental impacts not considered in the previous PRD approval.
- B. Major Modifications.
Application for major modifications of the final design approval package plan must be submitted to the Planning Commission, hearings held, and recommendations made and referred to the Board of County Commissioners for approval.
- C. Minor Modifications.
Minor Modifications in the final design approval package plan may be approved by the Administrator (County Planner). Such changes may including minor shifting of the location of buildings, proposed streets, public or

private ways between the easements, parks or other features of the plan, but shall not include those changes in exterior boundaries, changes in land use or other changes of location of specific land uses or changes that impact previously identified buffers to priority habitat or species. Minor Modifications to the language or content of this document may be approved by the County Planner (Administrator).

18.60.130 - Expiration of Preliminary Approval.

- A. Preliminary Planned Residential Development Approval shall expire if a complete application for Final Design Approval is not submitted and accepted for approval within five (5) years of the date of the Preliminary Approval of the proposed project, or first phase of such project if a project phasing schedule has been approved for a PRD, or within one (1) year if processed administratively.
- B. An applicant who files a written request with the approving authority at least thirty (30) days before the expiration of the Final Design Approval period shall be granted a single one-year extension. However, said extension may be granted by the approving authority only upon a finding that the applicant has attempted in good faith to complete the final PRD within the designated period.
- C. In the event that judicial review or quasi-judicial review of preliminary approval or amendments to Preliminary Approval is sought, the applicant may file a written request with the approving authority to extend the herein above stated final PRD approval deadline. The request must be filed at least thirty (30) days prior to the expiration of the original deadline. For the extension to be granted the applicant must demonstrate that judicial review or quasi-judicial review prevents the timely completion of the project and fulfillment of conditions required by the approving authority.

18.60.135 - Final Project Approval-Action or Non-Development.

If, within ten (10) years after the granting of Final Project Approval of a PRD building permits have not been issued for the first phase of the approved project, the Planning Commission shall review on its own motion the grant of such planned residential development at a public hearing after giving appropriate written notice of such hearing to all persons claiming any right, title or interest of record in and to the affected property and adjacent property owners.

The Planning Commission shall determine whether the continued existence of the planned residential development is in the public interest, and such determination shall be based on the criteria specified within this document. The Planning Commission shall adopt a motion by a majority of its voting members which shall recommend to the Board of County Commissioners that the final planned residential development be continued or extinguished.

18.60.140 - Fees.

The required fees shall be paid to each department in accordance with their adopted fee schedules.

18.60.150 - Enforcement.

Any PRD approved under this chapter and its requirements shall be legally enforceable on any subsequent purchaser or other person acquiring ownership of the land subject to the PRD or any lot, tract, or parcel of such land, as well as on the applicant(s) and owner(s) of the land who obtained PRD approval.

18.60.160 - Penalties.

Any violation of a PRD approved by Whitman County, or any sale, lease, transfer, gift, or other conveyance of a lot, tract, or parcel in violation of a PRD approval, or any other violation of the provisions of this chapter shall be considered a violation of the County Subdivision Ordinance Sections 18.32.010 and 18.32.020.

18.60.170 - Severability.

- A. If any provision or provisions of this chapter or its/their application to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision or provisions to other persons or circumstances shall not be affected. (Revised 05/03/04, Ordinance #062507)
- B. Scrivener's errors, typographical errors that do not affect the intent or substance of the code provisions or that cause them to be illogical obviously or apparently due to the error, may be corrected by the Planning Director without need for a public hearing by filing the corrections with the clerk of the Board of County Commissioners and filing for enactment on the consent agenda of the elected board. Scrivener's errors are errors of drafting the text of the code that include inadvertent errors of codification, cross-reference, citation to other sections, the index, table of contents, ordinances, laws and office administrative manuals, manuals of practice cited by reference in the code, misspellings, incorrect grammar, punctuation, syntax or ambiguous grammatical structure. Typographical errors are errors of preparation of the text for printing that is typed or set in type that include: inversions of numbers and words, order of words, mispaginated pages, incorrect fonts or styles, inverted, broken or indistinct type characters and upside down typed materials or pages. (Revised 05/03/04, Ordinance #062507) (Revised 4/30/07 Ordinance #066838, effective 5/15/07) (Revised 3/31/14 Ordinance #075323).

Chapter 19.10 - AGRICULTURAL DISTRICT

Revised 3/31/14 Ordinance #075323.

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.

19.10.020 - Permitted Uses.

- A. 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)
- B. 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 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 short 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 administrative use permit or conditional use permit. (Revised April 19, 2010, Ordinance # 070610)

- C. Temporary stands for the sale of agricultural non-livestock products produced on the premises.
- D. 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.
- E. 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)
- F. 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)
- G. Inert fill (earth only) of under 2,000 cubic yards of material removed from roadside ditch cleaning may be placed on any farmland with the landowner's permission.
Or, inert fill (earth only) of under 2,000 cubic yards of material removed from roadside ditch cleaning may be placed in active quarries and/or mines in compliance with approved reclamation. An additional under 2,000 cubic yards of roadside ditch cleaning materials may be placed on a separate parcel adjacent to the mining/quarry operation for future reclamation. (Adopted 7/1/13, Ordinance #074394)
- H. Private quarries under three (3) acres for uses related to agricultural activities by the land owner, for example farm access construction and maintenance.
- I. Accessory Dwelling Units conforming to provisions of Section 19.10.065.
- J. Level 1 and level 2 Electric Vehicle Charging Stations. (Revised 10/17/11, Ordinance #072330)

19.10.030 - Lot Size Requirements.

BOCC MINUTES-05/19/14

- A. There shall be no minimum lot size for non-residential permitted uses in this district.
- B. The minimum lot size for residential uses permitted in this district shall be as determined per Section 19.10.060 (B)(2)(b).

19.10.040 - Setback Requirements.

- A. 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.
- B. 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)
- C. 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)
- D. 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.

19.10.050 - Height of Buildings.

- A. The maximum height of non-residential buildings and related accessory structures in this district shall be fifty (50) feet with the exception of agricultural grain bins or elevators. (Revised 8/1/11, Ordinance #072095)
- B. The maximum height of rural residences and related accessory structures in this district shall be thirty-five (35) feet.
- C. Antenna support structures shall not exceed 350 feet in height.

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, or the two residences are non-conforming grandfathered uses, 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. (Revised April 19, 2010, Ordinance #070610) (Revised 3/31/14 Ordinance #075323) (Revised 3/31/14 Ordinance #075323)

- A. Development requiring Certification
 - 1. Issuance of a Rural Housing Certificate shall be required for:
 - a. Creation of a new residential parcel on which will be located existing residence(s), except that such new parcel with existing residence(s), need not comply with the provisions of 19.10.060 (B)(1)(b) viewshed, (B)(2)(f) development buffer where the available land to be used as a buffer is not owned by the applicant, (B)(2)(g) setbacks where the available land to be used as a buffer is not owned by the applicant, and (B)(2)(i) highly visible locations; or

- b. 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. Also excepted are boundary line adjustments on agricultural parcels greater than 20 acres containing a residence, which either increases or decreases the parcel size. This boundary line adjustment example will still need to meet zoning code setback requirements and the Whitman County Environmental Health Department's requirements regarding drainfield and well placement; (Revised 3/31/14 Ordinance #075323) (Revised 3/31/14 Ordinance #075323)or
 - c. 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)
2. 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 a new accessory structure is built and an existing residence 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. (Revised 2/7/11, Ordinance #071612).
- 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)
- An RRSR will be required for boundary line adjustments that increase the size of a residential parcel containing less than 20 acres if no previous CZC, RHC or RRSR has been done.
- No RRSR will be required for boundary line adjustments that increase or decrease the size of a parcel greater than 20 acres, which contains a residence. (Revised 3/31/14 Ordinance #075323)

- B. Certification Approval - Issuance of a Rural Housing Certificate shall be granted when a proposal meets all of the following conditions:
1. Approval of Residence Location.
 - a. New rural residences may be sited in locations which meet requirements for a viewshed site or meet requirements for a residential group.
 - b. 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 residences or certified residential sites but not visible from any of said residences or certified residential sites.
 - i. Definition of Not Visible: a proposed residential site is considered to be not visible if an observer standing at the corners of the footprint of the proposed residence and with their eye level at five (5) feet above existing grade cannot see any part of an existing residence or the footprint of another proposed residence due to the interposition of natural landforms.
 - ii. Exception for Highly Visible Residences: an existing residence within a viewshed under consideration and located on a hilltop or ridge, or whose highest point is higher than the slope on which it is located, shall be ignored due to its highly visible location.
 - c. Residential Group.
 - i. Definition: A residential group is defined as a collection of two to nine certified, residential parcels which are located such that at least some portion of each of the included residences is within 300 feet of some portion of another included residence. (Limited to nine or less residences to avoid the potential consequences of WAC 16-231-510.)
 - ii. Creation of a residential group. The owner of any residence constructed prior to January 1, 2007 may apply for review to create a residential group by submitting an application for a Rural Housing Certificate to obtain permission to construct a new residence which must be located within 300 feet of the existing residence.
 - iii. An existing residential group may be expanded to a maximum of nine houses.
 - d. Agricultural Notification. In the case of any application for a Rural Housing Certificate, all owners of property within 1,500 feet of the proposed residential building footprint shall be notified by mail. Any owner of a commercial agricultural operation within 1,500 feet of the proposed new site may appeal the decision to the Board of Adjustment within 20 days after the date of the notice, to show that a significant negative effect on their farming operation would be created. If the owners sign a waiver from this requirement, such notice is not required.
 2. Approval of Parcel Configuration.
 - a. In General: For the purpose of meeting the minimum building lot requirements of this section, public and private easements or rights-of-way for roads, railroads or utilities shall be ignored.

- b. Minimum lot size: The area of the subject lot shall be no less than the minimum area required by the Whitman County Department of Environmental Health to safely accommodate approved water supply and on-site sewage disposal systems.
- c. Access to an improved road: All residential parcels shall be accessible from an improved County road or State highway.
- d. Frontage/easement requirement: Lots without frontage on an improved public road shall be permitted if access to such a road has been obtained via an easement across adjacent property and if said access has been approved by the appropriate agency.
- e. Driveways
 - i. Any driveway that serves more than two residences shall be designed and constructed to Fire Code minimums, under oversight by a professional engineer licensed in the State of Washington.
 - ii. Driveways shall be designed to fit existing land contours.
 - iii. Access to an improved public road must be approved and issued by the Whitman County Public Works or the Washington State Department of Transportation. Shared driveways are encouraged to enhance safety of traffic flow entering and leaving improved roads.
- f. Development Buffers
 - i. Residential development other than of the types listed in (f)(iv)(1) through (11), below, shall not be allowed within 200 feet of property being used for commercial agricultural production at the time of development, or within 100 feet if written permission of the owner of property in production is secured. This area between residential development and commercial agricultural production shall be referred to as the "development buffer."
 - ii. Development buffers shall appear on the short plat of the parcel and any other surveys subsequently produced.
 - iii. The width of an adjacent road's right-of-way may be included as part of the development buffer.
 - iv. Structures and activities related to residential living shall not be allowed within the development buffer. Such structures and activity areas include residences, decks, play areas, home occupation areas, greenhouse, garden, orchard, ornamental trees and so forth. Structures and uses that shall be allowed within the development buffer include, but are not limited to:
 - 1) Garages
 - 2) Storage sheds
 - 3) Equipment sheds
 - 4) Driveways
 - 5) Wells, if not part of a Group A or B water system
 - 6) Septic system drain fields
 - 7) Stables
 - 8) Livestock pens and corrals
 - 9) Hay storage
 - 10) Vegetation compatible with adjacent agricultural uses, including pasture, wildlife areas, hay land and native plants.

- 11) Windbreaks and shelterbelts
 - v. The residential owner may lease the development buffer for agricultural uses such as farming, grazing and so forth.
 - g. Setbacks.
 - i. 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 Bituminous Surface Treatment/Asphalt Concrete Pavement (BST/ACP) road. (Revised 3/31/14 Ordinance #075323)
 - ii. For all residential structures the minimum setback from roads shall be 100 feet and the minimum setbacks on all other sides of the residence shall be twenty (20) feet except where the development buffer requires a greater distance.
 - h. Water and Sanitation. The applicant shall provide proof of adequate and potable water, as required by Whitman County Environmental Health for a rural residence and shall meet all other requirements of Whitman County Public Health, the Washington State Department of Health and any other agencies regarding the permitting of wells and domestic waste disposal.
 - i. Highly visible locations. Buildings and structures located on hills or ridges shall be sited and/or constructed to minimize the appearance of a silhouette against the sky as measured this way. No part of the living space of a structure shall be higher than the highest part of the landform on which it will be built. A landform is described for the purpose of this chapter as the natural topographic high point separated from other topographic high points by a drop of at least 40 feet. All accessory structures built or placed after the approval of the application for the RHC for the proposed residence must have roof lines no higher in elevation than the principal residential structure. (Amended by Ordinance on August 2, 2010, Ordinance #071008)
3. Approval of Lighting.
- New lighting fixtures shall be designed and installed so as to control the direction and intensity of light which affects neighboring properties or roadways, so that direct rays of light don't shine onto neighboring properties or serve as a source of light pollution.
- a. New lighting fixtures must be shielded, hooded and oriented towards the ground.
 - b. Use of motion-sensing devices and/or timers is encouraged.
 - c. No new lighting shall blink, flash or be of an usually high intensity or brightness.
 - d. All new lighting fixtures shall be appropriate in scale, intensity and height to their use.
4. Weed Control.
- a. It is the responsibility of the owner(s) of rural land to control weeds.
 - b. Uncontrolled weeds that are a source of further weed dispersion across property boundaries constitute a significant threat to agricultural production. Therefore, a statement asserting this responsibility shall appear on any plat that creates a lot for the purpose of a residential site. However, this ordinance is

not intended to, and does not, restrict any rights or remedies available to an owner or lessor of land affected by uncontrolled or inadequately controlled weeds, whether the statement is included in the plat or not.

- 5. Receipt of Affidavit of Acknowledgement of Agricultural Practices.
 - a. The deed restriction and/or easement sample as stated below shall be used when rural residential parcels are created, and when there is a residential building permit and/or conveyance of a rural residential property:

**COUNTY OF WHITMAN
STATE OF WASHINGTON
CERTIFICATION OF ADJACENT AGRICULTURAL USE**

The undersigned do hereby certify to be the owner(s) of the hereinafter legally described real property and do hereby acknowledge that the proposed development is within the vicinity of property utilized for commercial agricultural purposes. Persons who may reside or work in any of the proposed structures may be subjected to inconvenience or discomfort arising from the pursuit of agricultural operations, including but not limited to plowing, seeding, application of agricultural chemicals (herbicides, pesticides, and fertilizer), cultivation, harvesting, the keeping of livestock, employment and use of labor, the operation of machinery, the transport or relocation of farm machinery or farm products, the storage of crops, and other accepted and customary agricultural activities conducted in accordance with federal and state laws. These normal agricultural practices that occur any time of day and any day of the week generate dust, fumes, smoke, noise and odor, and may slow traffic, or otherwise conflict with residential property uses. Whitman County has established agriculture as a priority use on agricultural lands (Ordinance No. 044668, February 4, 1991). Residents of property within the vicinity of agricultural lands should be prepared to accept such inconvenience or discomfort from normal, necessary farm and ranch operations. In the event of conflict, the residential property owner recognizes the preference to resolve it in favor of farm and ranch practices.

The party(ies) who sign this acknowledgement, and their successors, hereby waive all common law rights to object to normal and necessary agricultural management activities legally conducted on agricultural land that may conflict with the use of this property for residential purposes.

This statement of acknowledgement shall be recorded with the Whitman County Auditor, and shall be binding on the undersigned, any future owners, encumbrances, their successors, heirs, or assignees.

Legal description of land: _____

A certification by the property owner is necessary to obtain a Rural Housing Certificate, and prior to all building permits issued for this property. Whitman County Zoning Ordinance Section 19.10.

I certify that I am/we are the owner(s) of the land described hereon.
 Printed name of land owner: _____
 Land owner signature: _____ Date: _____

ACKNOWLEDGMENT

STATE OF WASHINGTON)
)ss
COUNTY OF WHITMAN)

On this ___ day of _____, 20___, before _____ a Notary Public in and for the aforesaid state, personally appeared before me _____; to me known to be the person(s) who executed the foregoing certificate and that they signed the same as their free and voluntary act and deed in witness whereof, and date above written.

Notary Public In and For the State of Washington
Residing at _____
My commission expires _____

- b. The following steps are required for this compliance:
i. ___ Completing and signing this Certification
ii. ___ Obtaining Planning Office review
iii. ___ Filing this Certification with the County Auditor
iv. ___ Providing proof from the County Auditor for the Planning and/or Building Inspection office(s) that this Certification has been filed
c. The existence of this Certification must be conveyed to each future owner of this property.

C. Vesting.

- 1. 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.
2. 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.

19.10.065 - Accessory Dwelling Units.

- A. Purpose. 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.
B. Applicability. 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.

C. Development Standards.

1. 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.
2. No Accessory Dwelling Unit is allowed if there are two primary residences on one parcel of land. (Revised April 19, 2010, Ordinance #070610).
3. 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.
4. 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.
5. An Accessory Dwelling Unit may be created through:
 - b. Internal conversion within an existing dwelling.
 - c. The addition of new square footage to the existing house or to a garage and any addition thereto.
 - d. Conversion of an existing structure.
 - e. Inclusion in the development plans for, or as part of, the construction of a new single-family detached dwelling unit.
 - f. A separate detached dwelling unit on the same lot as the primary dwelling unit.
 - 1) 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.
 - 2) 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.
 - 3) 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.
 - 4) An Accessory Dwelling Unit shall not contain more than two (2) bedrooms.
 - 5) 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.

D. Historic Structures.

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:

- a. Exterior materials should be of the same type, size and placement as those of the primary dwelling structure.
- b. 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.
- c. 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).
- d. 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.

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:

- A. 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.
- B. No long subdivision plat shall be approved within the Agricultural District.
- C. A short plat may be used to separate out a parcel on which is located a residence in existence prior to the adoption of this ordinance. This home site must meet the requirements of Section 19.10.060. It will then be considered a conforming rural residential use, and shall be issued a Rural Housing Certificate.
- D. The creation of parcels of less than twenty (20) acres in area is permitted for non-residential, agricultural, conservation and/or habitat purposes. It is also permitted for isolating non-agricultural features for separate ownership purposes such as a well, a residential wind turbine and similar features.
 1. Language describing the use limitations for agriculturally related short plats shall be placed on the plat. The short plat survey shall include the following statement: "This parcel and its structures are limited to agricultural use only. This parcel has not been evaluated as a building site for any other use. If there is a future intent to try to use this parcel and its structures for any uses other than agriculture, further review for compliance with Whitman County code is required, and it is possible that this parcel will not be able to comply and be approved for different uses."
 2. If, in the future, there is a desire to change the use of this parcel, such as enlarging it to be part of a future residential or other use, the properties will have to be reviewed again to see if such proposed use can comply with land use regulations. If such approvals can be obtained, a revised plat containing language reflecting changes must be filed with the County Auditor. (Amended 9/10/12, Ordinance #073358)

19.10.090 - Conditional Uses and Administrative Permits.

- A. Because of considerations of traffic, noise, lighting, hazards, health and environmental issues, the following uses shall not be permitted in the Agricultural District unless a conditional use permit authorizing such use has been granted by the Board of Adjustment; provided, however, that in situations described herein where an administrative use permit may be

granted in lieu of a conditional use permit, the use of the land shall not be permitted until such time as an administrative use permit has been granted by the County Planning Office. (Revised 11/18/91, Ordinance #45331)

1. Public or private substations, renewable energy generating facilities, energy storage facilities and energy facilities fueled by natural gas. (Revised 11/16/09, Ordinance #070081) and (Amended 9/10/12, Ordinance #073358)
2. Small wind energy generators greater than 125 feet in height and greater than 100 Kw. cumulative generating capacity. (Revised 10/20/08, Ordinance #068810)
3. Utility storage and transportation facilities.
4. Private and public recreational facilities such as campgrounds, golf courses, rifle ranges, and similar uses.
5. Churches.
6. Airstrips.
7. Solid waste site or transfer station.
8. Feedlots.
9. Commercial agricultural commodity warehouse. (Adopted 7/1/13, Ordinance # 074394)
10. Veterinary clinics, boarding kennels, and similar uses.
11. Surface mining and crushing subject to the minimum standards listed in Sections 19.59 and 19.60.
12. Home-based businesses that exceed the threshold of a permitted use may be allowed as an administrative use or a conditional use. (For more information on home-based businesses permitting, see Chapter 19.56.) (Revised April 21, 2008; Resolution No. 068024)
13. Gun clubs and fraternal organizations.
14. On-site hazardous waste treatment and storage facilities, provided that such facilities are accessory to a permitted or conditional use, and provided that such facilities meet the state siting criteria adopted pursuant to RCW 70.105.210.
15. Landfill for inert materials (earth, concrete and asphalt) of more than 2,000 cubic yards of material (including over 2,000 cubic yards of aggregate stockpile materials on a separate parcel from the mining operation) [For earth fills less than 2,000 cubic yards, see Section 19.05.020(4)].
16. Recycling Facility, provided, however, that hazardous material, infectious material and/or radioactive material which federal or state regulations would allow to be recycled but which the County may deem to be unsafe or detrimental to public welfare, shall not be allowed without a Conditional Use Permit issued by the Board of Adjustment and a Special Permit issued by the Whitman County Health Department. Said permits shall establish specific conditions for the processing-handling of the hazardous material, infectious material and/or radioactive material, where the State of Washington or the Federal Government has not otherwise preempted all control and regulation of said materials. (Revised 11/18/91, Ordinance #045331)
17. Temporary asphalt and/or concrete batch plant.
18. Agricultural Research Facility, such as but not limited to greenhouses, laboratories, machine sheds, arboretum, animal science facilities, farm equipment service and maintenance operations associated with a principal conditional use listed herein, and a caretaker residence. (Revised 4/26/95, Ordinance #048077)

19. Mining, quarry, and/or other similar natural resource operations located within 1,000 feet of any residence or within one mile from any incorporated community or designated unincorporated rural community, subject to the minimum standards in Section 19.59 and Section 19.60.
- B. An Administrative Use Permit shall be required for:
1. Surface mining and crushing subject to the minimum standards listed in Section 19.59 and Section 19.60.
 2. Mining located more than one mile from an incorporated community or designated unincorporated rural community.
 3. Landfill for inert materials (earth, concrete and asphalt) of less than 2,000 cubic yards of materials.
 4. Support structure facilities, (towers and accessories) for antennae and other similar uses greater than forty (40) feet in height subject to the requirements of Section 19.58 - Communication and Utility Facilities. (Revised 2/7/11, Ordinance #071612).
 5. Level 3 Electric Vehicle Charging Stations. (Revised 10/17/11, Ordinance #072330)

19.10.110 - Special Conditional Use for Planned Residential Development (PRD).

- A. PURPOSE: This section establishes a location for and allows for the creation of a Planned Residential Development, (PRD), designed to foster creative, efficient, and comprehensive site development, intended for special site locations, conditions and circumstances, in concert with WCO Chapter 18.50, Subdivision Ordinance - Planned Residential Development, and:
1. Create a development form which allows for preservation of important sites within the County, containing significant natural shoreline areas, geology, habitat and/or ecosystems, and the goals of which are compatible with Whitman County's Comprehensive Plan.
 2. Produce a development which would be better than traditional lot-by-lot development, on either consolidated lots or unsubdivided property, through variety in design, placement of buildings, and use of undeveloped natural areas, in order to capitalize on the special features of the individual site.
 3. Permit flexibility that will encourage a more creative approach in the development of land and will result in a more efficient, aesthetic, and desirable use of undeveloped areas, while at the same time harmonizing with adjoining development.
 4. Ensure preservation of important natural habitat, and important ecosystems.
 5. Preserve and enhance special site features including areas of cultural significance and, habitat, wetlands and; compliance with the County's critical areas ordinances.
 6. Maximize use of alternative energy sources and energy-efficient structures, while employing strategies for conservation of water and other resources.
- B. There is created a special conditional use for Planned Residential Developments within specific areas of the Agricultural District.
1. The general areas within the Agricultural District in which a special conditional use for Planned Residential Developments shall be allowed are as follows:
Township 20 N. Ranges E. 39, 40, 41, 42, and 43;
Township 19 N. Ranges E. 39, 40 and 41;
Township 18 N. Ranges E. 39 and 40;

BOCC MINUTES-05/19/14

Township 17 N. Ranges E. 39 and 40;
Township 16 N. Ranges E. 38, 39 and 40;
Township 15 N. Ranges E. 37, 38, 39 (except sections 24, 25 and 36),
41, 42, and 43;
Township 14 N. Ranges E. 36, 37, 38, 39, 40, 41, 42 and 43;
Township 13 N. Ranges E. 37, 38, 39, 40, 43 and 44;
Township 12 N. Ranges E. 44, 45 and 46; or,
Township 11 N. Ranges E. 45 and 46

2. Within the above described general areas only a proposed PRD parcel meeting the following criteria shall be allowed a special conditional use permit.
 - a. Not more than 25% of the proposed PRD parcel shall contain prime farm land, defined as land used for the production of a crop on which the average yield for the preceding three years exceeded the Whitman County average by 20%.
 - b. The proposed PRD parcel contains at least 51% of any or any combination, of the following soil associations: Ander-Benge-Kuhl Association; Bakeoven Tucannon-Cheney Association; Kuhl-Alpowa Association; Starbuck-Alpowa Association, or, land that can be described as non-tillable.
 - c. The "General Soil Map, Whitman County, Washington" published by the U.S. Department of Agriculture, Soil Conservation Service, edition 1979, as now or hereafter amended, shall be recognized as illustrative of the general locations of the designated soil associations and aid in determining non-tillable land. A copy of this map or its current version shall be retained in the Planning Department office for public access.
 - d. Should a question occur during the Conceptual Plan Review for a PRD, as set forth in WCO Chapter 18.50, the applicant shall, by proof acceptable to the County Planner, establish compliance with this section.
3. No special conditional use for a PRD shall be granted, for any reason without exception, to any PRD proposed parcel wherein any portion of the proposed PRD parcel is within two miles of the boundary of any state park.
- C. Except for the provisions of this section, an applicant for a special conditional use for a PRD shall not be required to meet any other provisions of WCO 19.10 or any section of WCO Chapter 19 which is inconsistent with the provisions of WCO Chapter 18.50, Subdivision Ordinance - Planned Residential Development, as now or hereafter amended.
- D. The Planning Commission shall be the sole agency to review and approve, modify or deny a special conditional use for a PRD. A denial by the Planning Commission may be appealed to the Board of County Commissioners within 30 days of the denial.
- E. A special conditional use for a PRD shall be granted by the Planning Commission with at least the following minimum conditions:
 1. Full compliance with the provisions of WCO Chapter 18.50, Subdivision Ordinance-Planned Residential Development.
 2. Full compliance with the County's critical areas ordinances, as now or hereafter amended, as well as any and all State Environmental Policy Act determinations, and,
 3. Approval of the Planned Residential Development by the Whitman County Board. (Revised 4/30/07 Ordinance #066838, effective 5/15/07)

Chapter 19.40 - RURAL COMMUNITY RESIDENTIAL DISTRICT (RCR)

19.40.010 - Declaration of Intent.

The purpose and intent of the RCR district is to provide a single-family residential zone for the unincorporated rural communities of the County. The intent of this district is the preservation of a rural agriculturally-oriented life style including the keeping of animals for pleasure or profit, retaining low to medium density development, and providing for a mixture of residential uses with buildings necessary to farming operations.

19.40.020 - Permitted Uses.

- A. One and two-family dwelling units, including mobile homes.
- B. All agriculture, horticulture, general farming, grazing of livestock, nurseries, greenhouses and other similar enterprises excluding agricultural uses which would be a nuisance because of continuing noise, odor or air pollution problems, such as feed lots, fertilizer or petroleum products storage, commercial poultry operations.
- C. The usual accessory structures located on the same lot with these buildings, including temporary stands for the sale of products produced on the premises.
- D. A garage or group of garages containing space for private storage and maintenance of automobiles, trucks and farm equipment.
- E. Private storage facilities for agricultural products or materials necessary for agricultural activities.
- F. The raising of animals for the private use and enjoyment of the resident at the recommended densities in Section 19.40.060 which may be varied as long as a health hazard or nuisance is not created.
- G. Small-Antenna facilities and Antenna Support Structures up to 40 feet in height in conformance with the requirements of Section 19.58 - Communication and Utility Facilities.
- H. 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)
- I. Level 1 and Level 2 Electric Vehicle Charging Stations. (Revised 10/17/11 Ordinance #072330).

19.40.030 - Lot Size Requirements.

- A. Building site area required: not less than 10,000 sq. ft. with a minimum boundary of 75 ft. on any side for single-family dwellings.
- B. Building site area required: not less than 15,000 sq. ft. with a minimum boundary of 125 ft. on any side for two-family dwellings.
- C. Each building site must conform to existing rules and regulations of the State Board of Health for On-Site Sewage Disposal and Water System administered by the County Health Department.
- D. Maximum lot coverage allowed: not greater than 35 % of the total lot area.

19.40.040 - Yard Requirements.

- A. Setback required: the minimum setback for dwellings and accessory buildings from property boundaries shall be 15 ft. for front yards, 10 feet for rear yards and 5 ft. for side yards, except 15 ft. for side yards along flanking

street or corner lot. The front yard setback for both residences and accessory buildings can be reduced administratively by the County Planner to as low as zero feet if the front yard contains no parking space and with approval of the governing road district. The County Planner may approve a rear yard setback reduction to as low as zero feet for residences and accessory buildings if there is no objection from the adjacent landowner(s). (Revised 3/31/14 Ordinance #075323)

19.40.050 - Height of Buildings.

No building shall exceed a height of thirty-five [35'] feet or two stories, except grain storage facilities.

19.40.060 - Animal Density Regulations.

The following limits shall apply to animals on lots as a permitted use:

- A. Rabbits and poultry at a density of 12 animals per lot, not including young less than one month of age.
- B. Horses and cattle or a combination of each at a density of two animals per acre, not including young under one year of age, and provided that year-round vegetation is maintained in the area of confinement.
- C. Sheep, goats or a combination of each at a density of four animals per acre, not including young under one year of age, and provided that year-round vegetation is maintained in the area of confinement.
- D. Two adult pigs and young up to three months of age as long as a nuisance of odor or otherwise are not created.
- E. For the keeping of a combination of sheep, goats or pigs and horses or cattle, the density shall be determined on the basis that two sheep, goats or pigs are equal to one animal unit of a horse or cow.

19.40.070 - Conditional Uses.

- A. Home-based businesses that exceed the threshold of a permitted use may be allowed as an administrative or a conditional use. (For more information on home-based businesses permitting, see Chapter 19.56). (Revised April 21, 2008, Resolution No. 068024)
- B. Schools.
- C. Churches.
- D. Community club houses or other buildings for private or public activities.
- E. Public or private parks, playgrounds or recreational areas.
- F. Buildings necessary for government or public utility functions.
- G. Raising animals for profit at densities greater than those specified in Section 19.40.060, the Board of Adjustment shall consult with the County Health Department to develop special provisions of the permit to be taken by the operator. These specifications will include animal density maximums.
- H. Mobile home parks as defined in Chapter 19.55 of this title. (Revised 2/7/11, Ordinance #071612)

19.40.080 - Administrative Uses.

Level 3 Electric Vehicle Charging Stations. (Revised 10/17/11 Ordinance #072330)

Chapter 19.41 - RURAL COMMUNITY CENTER DISTRICT (RCC-1)

19.41.010 - Declaration of Intent.

The purpose and intent of the RCC-1 district is to provide a mixed residential and commercial zone in unincorporated communities. Commercial uses allowed shall be of a type and scale to be primarily patronized by local residents.

19.41.020 - Permitted Uses.

- A. One-and two-family dwellings, including mobile homes.
- B. Small businesses providing retail sales or professional services.
- C. 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)
- D. Gas station or garage.
- E. Blacksmith or farrier.
- F. Other commercial uses of the general small-scale nature of the above-listed uses.
- G. Private storage facilities for agricultural products or materials necessary for agricultural activities.
- H. Accessory uses and structures common or incidental to the permitted use, located on the same lot.
- I. A garage or group of garages containing space for private storage and maintenance of automobiles, farm equipment or vehicles associated with the commercial uses permitted.
- J. Small-Antenna facilities and Antenna Support Structures up to 40 feet in height in conformance with the requirements of Section 19.58 - Communication and Utility Facilities.
- K. Level 1 and Level 2 Electric Vehicle Charging Station. (Revised 10/17/11 Ordinance # 072330)

19.41.030 - Lot Size Requirements.

- A. Building site area required: not less than 5,000 sq. ft. with a minimum boundary of 50 ft. on any side for single-family dwellings.
- B. Building site area required: not less than 10,000 sq. ft., with a minimum of 100 ft. on any side for two-family dwellings.
- C. Building area site required: not less than 5,000 sq. ft., with a minimum boundary of 50 ft. on any side for any commercial use.
- D. Maximum lot coverage allowed: no greater than 35% of the total lot area.
- E. Each building site must conform to existing rules and regulations of the State Board of Health for On Site Sewage Disposal and Water Systems as administered by the County Health Department.

19.41.040 - Yard Requirements.

- A. Setback required: the minimum setback for dwellings and accessory buildings from property boundaries shall be 15 ft. for front yards, 10 feet for rear yards and 5 ft. for side yards, except 15 ft. for side yards along flanking street or corner lot. The front yard setback for both residences and accessory buildings can be reduced administratively by the County Planner to as low as zero feet if the front yard contains no parking space and with approval of the governing road district. The County Planner may approve a rear yard setback reduction to as low as zero feet for residences and accessory buildings if there is no objection from the adjacent landowner(s). (Revised 3/31/14 Ordinance #075323)

19.41.050 - Height of Buildings.

The height limit shall not exceed 35 feet or two stories, except grain storage facilities.

19.41.060 - Conditional Uses.

- A. Raising of livestock, poultry, and rabbits for private use and enjoyment may be permitted at the following densities:
 - 1. Rabbits and poultry at a density of twelve animals per lot, not including young less than one month of age.
 - 2. Horses and cattle or a combination of each at a density of two animals per acre not including young under one year of age, and provided that year-round vegetation is maintained in the area of confinement.
 - 3. Sheep, goats or a combination of each at a density of four animals per acre, not including young under one year of age and provided that year-round vegetation is maintained in the area of confinement.
 - 4. Two adult pigs and young up to three months of age as long as a nuisance of odor or otherwise are not created.
 - 5. For the keeping of a combination of sheep, goats of pigs and horses or cattle, the density shall be determined on the basis that two sheep, goats or pigs are equal to one animal unit of a horse or cow.
- B. Agriculture related commercial uses, including grain storage elevators, greenhouses and fertilizer distribution, but excluding agricultural chemical manufacture.
- C. Restaurants, not including drive-ins.
- D. Schools.
- E. Churches.
- F. Community club houses or other buildings for private or public activities.
- G. Public or private parks, playgrounds or recreational areas.
- H. Mobile home parks as defined in Chapter 19.55 of this title.
- I. Off-street parking and loading or unloading facilities may be required by the Board of Adjustment in Association with any Conditional Use Permit.
- J. Home-based businesses that exceed the threshold of a permitted use may be allowed as an administrative or a conditional use. (For more information on home-based businesses permitting, see Chapter 19.56). (Revised April 21, 2008, Resolution No. 068024) (Revised 2/7/11 Ordinance #071612)

19.41.070 - Administrative Uses.

Level 3 Electric Vehicle Charging Stations. (Revised 10/17/11 Ordinance #072330)

075516 **16.** The official transmittal for the Pacific Northwest Farmers' Cooperative zone change was received from and reviewed by Assistant Planner Jerry Basler. The request is to rezone 5 acres from the Agricultural District to a Limited Heavy Industrial District.

075517 **17.** Commissioner Kinzer **moved** Commissioner Largent **seconded** the motion and it **carried** to set a public hearing to take public comment on amending the Whitman County Zoning Map for the proposed Pacific Northwest Farmers' Cooperative zone change at the Cashup Flat site, changing five acres from the Agricultural District to a Limited Heavy Industrial District, to be held in this room at 11:00 a.m. on June 2, 2014.

075518 18. The primitive roads resolution was postponed t June 2nd.

075519 19. Commissioner Kinzer **moved** Commissioner Largent **seconded** the motion and it **carried** to approve the resolution to amend Whitman County's fee schedule for road fees as presented.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON**

In the Matter of Establishing)	
Road Renaming and Vacationing Fees)	RESOLUTION No. <u>075519</u>
Whitman County Public Works Department)	ORDER ESTABLISHING FEES
Whitman County, Washington)	

BEFORE THE BOARD OF COUNTY COMMISSIONERS of Whitman County, Washington in the matter of updating some of the Fees charged by Whitman County Public Works in the daily operation of the Road Division;

WHEREAS, the Public Works Director, and Board of County Commissioners have determined the importance of maintaining fees that reflect current practices and cost factors,

AND, WHEREAS, the Board recognizes the necessity to operate the Road Division in a fiscally responsible manner, to run efficiently, and result in a balanced Road Division Operating Budget,

AND, WHEREAS, the Road Division (engineering) staff have researched the benefits and costs in the process of both renaming and vacation of roads and road segments, and found the fee schedule for some of the services to be inconsistent or inefficient compared to the cost of the services,

IT IS HEREBY RESOLVED that Whitman County will adopt the following revised fees for services, beginning on the first day of June, 2014, and that other fees not listed herein shall remain the same,

Road Renaming Request	\$500.00 minimum Actual cost over the minimum will be billed at cost
Road Vacation Request	\$500.00 Lump Sum

ADOPTED this 19th day of May, 2014.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Arthur D Swannack, Chairman

ATTEST:

Dean Kinzer, Commissioner

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

075520 20. Commissioner Largent moved Commissioner Kinzer seconded the motion and it carried to approve the resolution to amend Whitman County's fee schedule for Solid Waste fees as presented.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

In the Matter of Updating)	
Solid Waste Fees)	RESOLUTION No. <u>075520</u>
Whitman County Public Works Department)	ORDER ESTABLISHING FEES
Whitman County, Washington)	

BEFORE THE BOARD OF COUNTY COMMISSIONERS of Whitman County, Washington in the matter of updating some of the Solid Waste Fees charged by Whitman County Public Works in the daily operation of the Solid Waste Facility;

WHEREAS, the Director of Solid Waste and Recycling, Public Works Director, and Board of County Commissioners have determined the importance of maintaining fees that reflect current practices and cost factors,

AND, WHEREAS, the Board recognizes the necessity to operate the Solid Waste Facility in a fiscally responsible manner, to result in a balanced Solid Waste Division operating budget,

AND, WHEREAS, the Solid Waste Facility staff have researched the benefits and costs in the daily operation of the facility, and found the fee schedule for some of the services provided at the facility to be at or lower than the cost of the services,

IT IS HEREBY RESOLVED that Whitman County will adopt the following revised fees for services, beginning on the first day of August, 2014, and that fees not listed herein shall remain the same,

Clean Wood Waste	\$ 25.00 per ton (\$15.00 minimum)
Automotive tires	\$160.00 per ton \$ 2.40 each (up to 10 tires) \$ 0.90 each (up to 10 with garbage)
Truck Tires	\$160.00 per ton \$ 8.40 each (up to 5 tires) \$ 1.60 each (up to 5, with garbage)
Tractor Tires	\$160.00 per ton \$ 32.00 each (up to 2 tires) \$ 12.00 each (up to 2, with garbage)
Uncovered or unsecured load (as required by RCW 70.93)	\$ 15.00 per incident (at discretion of scale clerk)

BOCC MINUTES-05/19/14

IT IS HEREBY RESOLVED that the Whitman County Board of County Commissioners authorizes the Public Works Department to enter into a sole-source supply agreement with Crane Equipment Manufacturing Corporation of Eugene, Oregon to supply a knuckleboom crane for the solid waste facility.

ADOPTED this 19th day of May 2014.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Arthur D Swannack, Chairman

ATTEST:

Dean Kinzer, Commissioner

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

075523 22A. Commissioner Kinzer **moved** Commissioner Largent **seconded** the motion and it **carried** approve the resolution to initiate a county force county road project designated as 2014 sealcoating.

DIVISION UPDATES

Maintenance Division:

D075523A-075524 23. Mr. Storey advised the commissioners that the asphalt batch plant broke down therefore no asphalt work will be done this week; crack sealing is taking place in each district.

Engineering Division:

075524 23A. The Director shared a picture a bridge that collapsed in Iowa. The cause of the collapse was due to farm equipment greatly exceeding the load posted limit of the bridge.

Planning Division:

D075524A 23B. Mark Storey brought up the issue of marijuana permits/use of land when growing, processing and/or selling marijuana within Whitman County. The county is not very involved in the retail side but they are seeing much use in land use and growing/processing. The county has not taken any official action recognizing marijuana growing and/or processing because the county has loosely believed this has fallen into agricultural land use and existing county codes of which 98% of the county is in the agricultural zone. In past conversations the county believed it did not have to do anything. Because of the discrepancy between state and federal laws, that was a good position for the county to be in; not condoning or condemning growth, processing, etc. of marijuana. Mr. Storey believed that is now causing issues for the Planners in trying to process agricultural land use issues in the county. One thing that is cloudy is whether marijuana growing is actually an agricultural land use and wanted to visit with the commissioners to see if there is a way to clear that up without condoning or condemning growing marijuana in the county. One thing the Planners and he have talked about is making a declaration of some kind saying that marijuana growing is an agricultural land use.

Alan Thomson said there is room for an argument that marijuana is not an agricultural crop. He has reviewed other jurisdictions in Washington. Some have adopted resolutions stating they recognize marijuana as an agricultural product and therefore it fits into their zoning ordinance. It does not recognize marijuana, only stating it is an agricultural product and the Planning Department is not going to specifically answer questions about whether marijuana is allowed or not. It just clarifies the county's position and removes the interpretation question. Douglas, Grant and Snohomish County have taken various types of action regarding this issue. Mr. Thomson asked the Board if they would be interested in doing something similar to Douglas County.

Mark Storey said Alan and he spoke with the Prosecutor and discussed the pros/cons of stepping out a little further. The Prosecutor seemed to think that some type of a declaration or statement from the county might be helpful. Right now the citizens don't know what to do and are left in a bit of a lurch not knowing if marijuana is or isn't an agricultural product, how do they move forward, etc. The county has somewhat ignored the issue because of the conflict between state/federal laws. If the county makes a statement or resolution that marijuana is an agricultural land use but that in doing so it not in any way a statement regarding legality of either state or federal law. It is strictly a land use issue. It was Mr. Storey's opinion, continuing on by doing nothing could lead the county into bigger problems.

Mr. Thomson said it would essentially clarify what Planning is already doing. Mr. Storey added it does put the Planners in a difficult situation at times.

Commissioner Swannack pointed out 3 jurisdictions are saying it is an agricultural land use but wondered what other jurisdictions are doing. Mr. Thomson said some jurisdictions just dodged the issue completely not wanting to deal with it at all. The majority of cities/counties are basically allowing it and fitting it into existing regulations while others are creating a specific zoning ordinance to deal with the issue.

Commissioner Swannack asked how many counties are saying it is not an agricultural crop and Mr. Thomson said he doesn't know if any county have actually said that. Some jurisdiction imposed moratoriums and some have adopted ordinances/resolutions saying they don't accept any marijuana operations in their jurisdiction. Commissioner Swannack said he has received numerous communications from his district whereby landowners don't want a marijuana operation in their area. This issue also involves interference of other individual's property rights.

Commissioner Swannack wondered what the Washington State Liquor Control Board's (WSLCB) sorting process for these applications and what disqualifies someone from a growing operation. Mr. Thomson said state law is very extensive. There is a major background check and associations that will occur. The state has set standards as to how these operations are set up and the seeds are tracked from start to finish. The monetary portion is tracked as well. The state is trying to make these operations as safe as possible. Mr. Thomson is asking all applicants to be considerate of their neighbors with lighting.

BOCC MINUTES-05/19/14

Commissioner Swannack asked if the county has any indication that the individuals currently constructing facilities will receive a state permit. Mr. Thomson said the WSLCB has recognized a set number of operations throughout the state and that is done via a notice to the county. An individual would have had to apply during the window of opportunity last year, be recognized by the state and then build the facility. Upon that recognition these applicants have to set up their operation according to WSLCB rules. The WSLCB inspects the site to ensure the applicant is meeting all the requirements and then a license is issued. It is always possible the state will deny a license.

Commissioner Largent asked about water rights. Alan Thomson said industrial and commercial businesses qualify for exempt wells up to 5,000 gallons per day/per person. Mr. Storey clarified they are only exempt from the permit process. They still must meet the first in time, first in writing, same as any other water right. It simply means you can drill a well and get 5,000 gallons per day/per person without first obtaining a permit.

Mr. Thomson said if the Board decides marijuana is an agricultural activity then that's it as far as Whitman County is concerned and that is what other jurisdictions have done.

Commissioner Largent commented it is not a moral question to decide if marijuana is an agricultural crop or not. It is a question of is this plant grown for production and sale and how does it differ from any other agricultural crop in its production phase. Unless Commissioner Largent hears an argument that is compelling to the contrary he couldn't see how marijuana is not an agricultural plant, as is tobacco, irrespective of its end use.

Commissioner Swannack said according to MRSC, it did not appear to them marijuana was covered under Whitman County's land use laws and they didn't consider marijuana an agricultural crop. Then the state removed all agricultural tax breaks from the tax code law for being granted anything that everything else in agriculture would receive.

Commissioner Largent reiterated he still has not heard anything that would indicate marijuana is anything other than an agricultural crop. That's not to say he feels Initiative 502 was a good idea. He voted against it and believed the entire process was not good public policy.

Commissioners Swannack and Kinzer were undecided at this time.

Mark Storey suggested Alan and he will look at other language and work with the Prosecutor in developing a document for the Board to review.

11:55 a.m. - Recess.

1:10 p.m. - Reconvene/Board Business Continued.

Commissioner Largent was not available for this portion of today's meeting.

D075724B 24. Approved documents signed.

1:30 p.m. - Mike Berney, Greater Columbia Behavioral Health (GCBH).

075525 25. Mr. Berney reviewed issues addressed at the May 1st GCBH meeting.

D075525A 25A. Executive Session:

A short executive session was held to explain an idea from the Personnel Committee for a motion to be made in open session regarding placing the GCBH Director back on the RSN salary structure. Annual reviews of the Director would still be done by the Board.

D075525B 25B. Recommendations from the Personnel Committee:

The GCBH Personnel Committee meets on an as needed basis. They brought four recommendations to the Board of Directors.

- To hire a full time computer programmer to replace a part-time contractor who has given notice that he will be terminating his contract,
- To approve a cost of living adjustment for GCBH staff. It has been several since that staff have received an adjustment,
- To increase the employer's contribution for healthcare. It has been several years since this has been increased for GCBH staff, and,
- Approve an amendment to the Director's contract. This is follow up from the Executive Session mentioned above.

There was much discussion on all four recommendations. In the end each recommendation was addressed in a separate motion. Whitman County voted in favor of all four motions. All motions passed unanimously except the one to hire a computer programmer for which there was one dissenting vote.

075526 25C. Regional Office update:

Staff was asking for authority to draft a letter to the Adult Behavioral System Task Force (ABHS) requesting they consider designating the current 10 counties of GCBH as a Regional Service area and to express the intent of GCBH to apply to become a Behavioral Health Organization. A copy of the draft letter was to be sent to each of the GCBH member Counties. Whitman County voted in favor of drafting a letter to the ABHS Task Force and sending it to the member Counties for review. The commissioners will also be sending a letter to WSAC supporting the current 10-county RSN.

D075526A 25D. Letter from Washington Attorney General's Office:

The Attorney General is saying the contract between GCBH and Chelan-Douglas Regional Support Network was in violation of several WACs. GCBH understands this started as a complaint from Spokane RSN. It appears GCBH will have to terminate this agreement.

D075526B 25E. Mental Health and Chemical Dependency Integration:

A representative of Sundown M Ranch, a residential chemical dependency treatment provider in Yakima County attended the Board meeting for the first time and spoke during the public comment period.

D075526C 25F. Eastern State Hospital (ESH) Report:

ESH administration will be traveling around GCBH region at the end of May. They will be at Palouse River Counseling Thursday May 29th from 1 to 3 p.m.

1:55 p.m. - Recess.

2:00 p.m. - Convened/Board of Health.

BOCC MINUTES-05/19/14

Present: Troy Henderson, Michael Baker and Jeff Wilmouth.

Commissioner Largent was not available.

DIVISION UPDATES:

Health Officer:

D075527A 26. Mr. Henderson noted there have been two lab-confirmed cases of Middle East Respiratory Syndrome (MERS) in the U.S. from individuals who were in Saudi Arabia.

Environmental Health:

D075527B 27. Michael Baker introduced Jeff Wilmouth, newly hired Environmental Health Technician.

D075527C 27A. Mr. Baker spoke about the increase in on-site systems, plans and building permits.

D075527D 27B. Mr. Baker also mentioned working on food establishments permits.

D075527E 27C. There is a new salt water pool at WSU Residence Inn by Marriott that requires somewhat of a difference inspection process.

Personal Health:

D075527F 28. As a result of Skagit County's HIPAA violations, Mr. Henderson is making sure Whitman County Public Health doesn't have any HIPAA information on the county website.

Administrative:

D075527G 29. Troy Henderson gave a brief staffing report.

D075527H 29B. In response to Commissioner Swannack's inquiry Mr. Henderson explained Public Health does provides Certified Nursing Assistant training 5 times/year.

Next Meeting/Adjournment:

D075527I 30. Meeting adjourned at 2:15 p.m. The next Board of Health meeting is July 21, 2014.

2:30 p.m. - Board Business Reconvened/Karen Wilson and Debbie Pennick, State Auditor's Office.

Present: Bob Lothspeich, Bob Reynolds, Brett Myers, Candi Fisher, Chris Nelson, Cheryl Holcomb, Cinnamon Brown, Denis Tracy, Eunice Coker, Evon Jones, Kelli Campbell, Mark Storey, Peggy Wright, Robin Jones, Bill McKee, Sherry Ard, Bill Spence, Sally Ousley and 2 guests.

075528 31. The purpose of this exit conference was to share the results of the County's 2012 independent audit. The county was found to be in compliance with all federal requirements. However, since the state was not able to obtain financial statements supporting the financial activities of the County nor were they able to satisfy the financial activities by other auditing procedures, they

BOCC MINUTES-05/19/14

were unable to express an opinion over the financial activities for the year ending December 31, 2012 for Whitman County.

3:15 p.m. - Executive Session.

Present: Denis Tracy and Mark Storey.

075529 32. Commissioner Kinzer **moved** Commissioner Largent **seconded** the motion and it **carried** to go into executive session with the above individuals until 3:30 p.m. p.m. in accordance with RCW 42.30.110(1)(i) for matters related to litigation.

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

D075529A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Tuesday, May 20, 2014 at 9:00 a.m.** Chairman Arthur D Swannack, Dean Kinzer and Michael Largent, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

9:00 a.m. - Reconvene/Board Business Continued/BOCC Workshop.

Present: Chris Nelson.

075530 33-34. Items discussed included document digital/hard copy document retention financial system. No action taken.

10:50 a.m. - Recess.

D075530A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Tuesday, May 27, 2014 at 9:00 a.m.** Chairman Arthur D Swannack, Dean Kinzer and Michael Largent, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

9:00 a.m. - Reconvene/Board Business Continued.

D075530B 35. Approved documents signed.

075531-075532 35A. General/Veterans' Relief/Payroll warrants numbered **310530-310591** for **\$219,182.45** and **310592-310616** for **\$271,876.09**.

075533-075534 35B. Personnel change orders.

9:05 a.m. - BOCC Workshop.

Present: Mark Storey, Dean Cornelison, Gary Petrovich, Kelli Campbell (9:00 a.m.) and Chris Nelson (10:25 a.m.).

075535 36. Items discussed included Auditor's Financial Initiative List (WACO), Hatley Bridge repairs cost options, RTPO, employee medical insurance/federal regulation changes, Auditor's Financial system evaluation, financial policies and strategic planning meeting. No action taken.

11:00 a.m. - Adjournment.

D075535A Commissioner Kinzer **moved** to adjourn the **May 19, 20** and **27, 2014** 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 **June 2, 2014**. The foregoing action made this **27th** day of **May 2014**.

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

MARIBETH BECKER, CMC
Clerk of the Board

ARTHUR D SWANNACK, CHAIRMAN
Board of County Commissioners