

BOCC MINUTES-07/01/13

074360 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, July 1, 2013 at 9:00 a.m.** Chairman Michael Largent, Arthur Swannack and Dean Kinzer, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

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

Present: Gary Petrovich, Kelli Campbell, Bill Spence and Bill McKee.

074361-074362 1-2. Items discussed included 2014 budgeting, state budget adoption and Assessor's request for temporary help. No action taken.

10:00 a.m. - Flag Salute.

Present: Bill Tensfeld, David Ledbetter, Gary Petrovich and Jerry Jones.

D074362A 3. Pledge of Allegiance.

D074362B 4. Motion by Commissioner Kinzer to accept the consent agenda. Motion **seconded** by Commissioner Swannack and **carried**.

074363-074364 5. General/Veterans' Relief Claims/Payroll warrants numbered **304191-304218** for **\$283,373.47** and **304232-304426** for **\$498,223.99** approved.

074365 6. June 17, 2013 minutes approved.

074366 7. Personnel change orders approved.

074367 8. Commissioner Kinzer **moved** Commissioner Swannack **seconded** the motion and it **carried** to approve the 2014 budget calendar.

074368 9. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to approve the 2014 budget goals and priority letter.

10:15 a.m. - Bill McKee and Bill Spence.

074369 10. Commissioner Kinzer **moved** Commissioner Swannack **seconded** the motion and it **carried** to allow Emergency Management/Communications to obtain a MasterCard as presented.

074370 11. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to authorize a MasterCard for the Public Health Director and additional copies of fuel cards (Busch/Chevron) for Environmental Health's new truck.

074371 12. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to allow the **Coroner** to acquire fuel cards (Busch/Chevron).

074372 13. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to appoint Bob Reynolds as the ADA project lead.

074373 14. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to appoint Paul Anderson to the Safety Committee.

074374 15. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to authorize the Chairman to sign a letter of appreciation to Bob Reynolds for his service on the Safety Committee.

074375 16. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to deny the Prosecutor's request for adjustment to the grant position as presented.

074376 17. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to appoint Martin Walker to a 6-year unexpired term on the Board of Adjustment. Mr. Walker's term will expire 12/31/15.

074377 18. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to authorize the Chairman to sign the 2013-14 subrecipient agreement with the Community Action Center.

074378 19. Commissioner Kinzer **moved** Commissioner Swannack **seconded** the motion and it **carried** to call for a special meeting of the Board for long-range strategic planning to be held July 30th and 31st at the Clarkston Quality Inn from 8:00 a.m.-10:00 p.m. each day.

D074378A 20. Executed copies of the following contracts received:

- 074379 20A. 2013 Teamsters agreement for the Courthouse bargaining unit;
- 074380 20B. 2013 Teamsters agreement for the Solid Waste bargaining unit; and,
- 074381 20C. Washington State Military Department #E13-210 (06/30/13).

074782 21. Commissioners' pending list reviewed.

10:25 a.m. - Recess.

10:30 a.m. - Mark Storey, Public Works Director.

Present: Phil Meyer, Dean Cornelison, Alan Thomson, Bill McKee, Bill Spence and Jerry Jones.

ACTION ITEMS

074383 22. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** that the resolution to initiate county road project O'Donnell Road intersection be signed as presented.

**RESOLUTION NO. 074383
BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

In the matter of initiating a county road project designated as C.R.P. No. 5570-2, Project No. XFR1103.

IT IS HEREBY RESOLVED that the O'Donnell Road, County Road No. 5570, from milepost 0.00 to milepost 0.10 be improved as follows:

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Intersection realignment including grading, draining, widening and surfacing.

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

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

PURPOSE	AMOUNT OF APPROPRIATION
Engineering (PE & CE)	\$10,000.00
Contract	<u>\$40,000.00</u>
TOTAL	\$50,000.00

This project was included in the official adopted annual road program as Item No. 4.

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

ESTIMATED date of commencing work: July 1, 2013
ESTIMATED date of completing work: December 15, 2013

ADOPTED this 1st day of July, 2013.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Michael Largent, Chairman

ATTEST:

Arthur D Swannack, Commissioner

Maribeth Becker, CMC
Clerk of the Board

Dean Kinzer, Commissioner

074384 **23.** Commissioner Kinzer **moved** Commissioner Swannack **seconded** the motion and it **carried** that Public Works proceed with a notice of call for bids for the following three separate safety projects when funding is released: Tree removal, guardrail and turn lane.

074385 **24.** Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** that the resolution to change the speed zone on a portion of Pullman Airport Road from 50 MPH to 35 MPH be signed as presented.

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

In the Matter of establishing Speed)
Limits for an improved County Road,)
Pullman Airport Road # 5600,)
Whitman County, Washington)

RESOLUTION No. 074385
ORDER ESTABLISHING SPEED LIMITS

BEFORE THE BOARD OF COUNTY COMMISSIONERS of Whitman County, Washington in the matter of changing the speed limit on a certain county road pursuant to R.C.W. 46.61.415;

WHEREAS, the BOARD has received a request from the County Engineer to consider changing the posted speed limit on the road, and has assessed the character and use of the road with respect to the existing posted speed limit, particularly in light of proposed improvements at the O'Donnell Road Intersection, and,

WHEREAS, the BOARD has considered and accepted the recommendations of the County Engineer summarizing that the geometry, character, and intended use of the road are such that setting the posted speed to 35 mph would be consistent with good engineering principles and transportation management,

IT IS HEREBY RESOLVED that the maximum speed limit for the Pullman Airport Road #5600 shall be set at 35 mph from Milepost 3.4 (at the Pullman City Limit) to Milepost 4.17 (just past O'Donnell Road. The change shall be implemented on July 8, 2013. It is further resolved that the road shall be posted with fixed signs indicating the maximum speed.

ADOPTED this 1st day of July, 2013.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Michael Largent, Chairman

ATTEST:

Arthur D Swannack, Commissioner

Maribeth Becker, CMC
Clerk of the Board

Dean Kinzer, Commissioner

074386 25. Commissioner Kinzer **moved** Commissioner Swannack **seconded** the motion and it **carried** that the resolution to change the speed zone from 50 MPH to 25 MPH on a portion of O'Donnell Road be signed as presented.

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

In the Matter of establishing Speed)
Limits for an improved County Road,)
O'Donnell Road # 5570 ,)
Whitman County, Washington)

RESOLUTION No. 074386
ORDER ESTABLISHING SPEED LIMITS

BOCC MINUTES-07/01/13

BEFORE THE BOARD OF COUNTY COMMISSIONERS of Whitman County, Washington in the matter of changing the speed limit on a certain county road pursuant to R.C.W. 46.61.415;

WHEREAS, the BOARD has received a request from the County Engineer to consider changing the posted speed limit on the road, and has assessed the character and use of the road with respect to the existing posted speed limit, particularly in light of proposed improvements at the Pullman Airport Road Intersection, and,

WHEREAS, the BOARD has considered and accepted the recommendations of the County Engineer summarizing that the geometry, character, and intended use of the road are such that setting the posted speed to 25 mph would be consistent with good engineering principles and transportation management,

IT IS HEREBY RESOLVED that the maximum speed limit for the O'Donnell Road #5570 shall be set at 25 mph from Milepost 0.0 (at the Pullman Airport Road) to Milepost 0.3. The change shall be implemented on July 8, 2013. It is further resolved that the road shall be posted with fixed signs indicating the maximum speed.

ADOPTED this 1st day of July, 2013.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Michael Largent, Chairman

ATTEST:

Arthur D Swannack, Commissioner

Maribeth Becker, CMC
Clerk of the Board

Dean Kinzer, Commissioner

DIVISION UPDATES:

Solid Waste Division:

D074386A 26. The Director said as of today, the Landfill has switched over to single stream recycling.

Engineering Division:

D074386B 26A. Project updates: Colfax Airport Road is still on schedule to be paved in late July or early August; Hume Road paving began last week with a few hiccups on the road shoulder.

Maintenance Division:

074387 26B. The Oakesdale shop sewer system repairs have been awarded through the small works roster process to Roto Rooter Service in the amount of \$11,780.

Planning Division:

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- 6. Almota Road
- 7. Edmondson Bridge
- 8. Farmington Road
- 9. Warner Road
- 10. Almota Road
- 11. Country Club Road
- 12. Pullman Airport Road
- 13. Pullman Airport Road
- 14. Hume Road
- 15. Green Hollow Curve
- 16. Green Hollow Road Grade
- 17. Blair Cut-off Intersection
- 18. Green Hollow Manning Intersection
- 19. Sand Road

074390 **29.** Hearing convened by the Chairman for amendment to the Six Year Transportation Improvement Program (2013-2018). A staff report was provided by Mark Storey. The hearing was opened to public comment. There being none the hearing was adjourned.

074391 **30.** Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and **carried** to adopt the amended Six Year Transportation Improvement Program 2013-2018 be signed as presented.

BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS

In the Matter of the Amended Six)	
Year Transportation Improvement)	RESOLUTION NO. <u>074391</u>
Program (2013-2018))	

WHEREAS, the Public Hearing was held on the 1st day of July, 2013; and

WHEREAS, Notice of the Public Hearing was published according to law and all present wishing to speak for or against said amendment have been heard; and

IT IS HEREBY RESOLVED that the attached amended Six Year Transportation Improvement Program be adopted as presented.

DATED this 1st day of July, 2013.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Michael Largent, Chairman

Arthur D Swannack, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Dean Kinzer, Commissioner

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Delete Priority #5, as it is now included in Priority #4.

074392 **31.** Hearing convened by the Chairman for amendment to the Building Code. A staff report was provided by Mark Storey and Dan Gladwill. The hearing was opened to public comment. There being none, the hearing was adjourned.

074393 **32.** Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** that the ordinance to approve the addition to the Whitman County Code Title 17, Chapters 4.010 and 4.20 Administration and Enforcement of State Building Code be signed as presented.

ORDINANCE NO. 074393
BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS

WHEREAS, the Whitman County Board of Commissioners met in their Chambers on this 1st day of July 2013; and,

WHEREAS, a public hearing was conducted July 1st, 2013 to consider an alteration and update to the Whitman County Code, Title 17, Chapters 4.010 & 4.020 State building Code Adopted and Supplement to the International fire code.

NOW, THEREFORE, BE IT HEREBY ORDAINED that the Whitman County Board of Commissioners duly approves the attached addition to the Whitman County Code, Title 17, Chapters 4.010 & 4.020 as described herein.

PASSED, APPROVED AND ADOPTED THIS 1st DAY OF July 2013.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Michael Largent, Chairman

Arthur D Swannack, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Dean Kinzer, Commissioner

Chapter 17.04
ADMINISTRATION AND ENFORCEMENT OF STATE BUILDING CODE*

Sections:

- 17.04.010 - State Building Code adopted.
- 17.04.020 - Supplement to Section 508.3 of the International Fire Code.
- 17.04.030 - Definitions.
- 17.04.031 - Adds 503.1.1-Location on property.
- 17.04.040 - Occupancy permits and on-site sewage disposal permits.
- 17.04.050 - Building code fund established.
- 17.04.060 - Payment of fees.

17.04.010 - State Building Code Adopted.

A. There shall be in full force and effect in the unincorporated areas of Whitman County the State Building Code adopted July 1, 2013 per state law, which shall consist of the following codes and documents together with amendments included therein, which are adopted by reference:

2012 International Building Code (IBC) Standards and amendments - WAC 51-50;
2012 International Residential Code (IRC) Standards and amendments - WAC 51-51;

2012 International Mechanical Code (IMC) Standards and amendments - WAC 51-52;

2012 International Fire Code (IFC) Standards and amendments - WAC 51-54A;

2012 Uniform Plumbing Code (UPC) Standards and amendments - WAC 51-56,

2012 Washington State Energy Code, WAC 51-11.

B. In case of conflict among the codes and documents enumerated in this section, the first-named code per Section 19.17.031 of the State Building Code-Adoption-Conflict and opinions, shall govern over those following, save and except such portions as are deleted, modified or amended in this chapter. Such codes are in effect as fully as if set out at length in this chapter and from the effective date of the ordinance codified in this chapter the provisions thereof shall be controlling within the unincorporated areas of Whitman County.

C. As used in this section, the words "current edition" means the current version of a code adopted by the state of Washington.

D. In Lieu of a Board of Appeals, a Hearings Examiner will be appointed by the Building Official to hear all building code disputes. The Hearings Examiner shall be a person learned in the laws regarding applicable building codes. The Hearings Examiner shall have all the authority of a Board of Appeals. (Ord. No. 70853, 6-21-2010; Ord. 64404 (part), 2005)

17.04.020 - Supplement to Section 508.3 of the International Fire Code.

A. As provided for in Section 102.8, matters not provided for of the International Fire Code (IFC), this supplement to Section 508.3 is intended to provide a minimum fire flow standard for commercial/industrial development within Whitman County, in accordance with Section 508.3, required water supply for fire protection. PRDs are subject to this policy.

B. Understanding that it is unrealistic for rural wells and water systems in the Palouse region to produce sufficient water to provide IFC recommended fire flow quantities, the following provisions shall apply to all development located within commercial/industrial subdivisions and commercial/industrial development within the unincorporated boundaries of Whitman County that does not have the capability, or is determined by the county fire marshal to be impractical, to be connected to a public water system that can meet the fire flow and direction recommendations of Appendix B of the 2012 International Fire Code.

1. Exceptions to Providing Fire Flow.
 - a. R-3 single-family residence;

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- b. U-1 occupancies (i.e., garages, barns);
 - c. Structures that are normally unoccupied and are not located within a commercial/industrial subdivision, as approved by the Whitman County fire marshal.
2. Reduced Minimum Fire Flow. The minimum water storage allowed may be reduced by the Building Official if the following requirements are met:
- a. Local fire district provides a letter stating how many gallons per hour they can provide, and
 - b. Supervised/monitored fire alarm system is installed.
- C. The procedure for determining fire flow requirements for buildings or portions of buildings hereafter constructed shall be in accordance with NFPA 1142 Standard on Water Supplies for Suburban and Rural Fire Fighting, 2001 Edition (this policy does not adopt the entire NFPA 1142 standard).
- D. Automatic sprinkling of a non-required structure in accordance with NFPA 13,13D or 13R may reduce or eliminate the need for additional fire flow at the discretion of the building official.
- E. Only the following listed sections of the NFPA Standard shall supplement Section 903.2 of the International Fire Code, and be used in the determination of fire flow requirements:

Chapter 5 Classification of Occupancy Hazard

Chapter 4 Classification of Construction

6-2* Construction Classification Type

- 6-2.2
- 6-2.3
- 6-2.4
- 6-2.5
- 6-2.6

Chapter 7 Determining Minimum Water Supplies Pre-calculated Water Supply.

Table H.1.4 (a + b)

(Ord. 64404 (part), 2005).

17.04.030 - Definitions.

The International Codes and American National Standards Specifications adopted in this chapter are amended so that as the following words appear they shall be changed to read, and shall mean as follows:

"Building official" means director of public works or his/her appointee.

"City" means county.

"City council" means board of county commissioners.

"City limits" means county confines.

"Mayor" means board of county commissioners.

(Ord. 64404 (part), 2005).

17.04.031 - Adds 503.1.1-Location on property.

The location of buildings and structures on the property is subject to the land use ordinances and setback requirements established through Whitman County zoning

ordinance, comprehensive plans and subdivision ordinances. Where this code has more permissive requirements pertaining to setbacks and location of structures on the property than any land use ordinance, the more restrictive requirements shall govern. Subsequent amendments to said land use ordinances, when adopted by the board of county commissioners, shall be deemed as governing this code.

(Ord. 64404 (part), 2005).

17.04.040 - Occupancy permits and on-site sewage disposal permits.

No building or structure serviced by an on-site sewage disposal system shall be eligible for an occupancy permit unless the county environmental sanitarian has certified that any on-site sewage disposal system therefore complies with applicable laws and regulations.

(Ord. 64404 (part), 2005).

17.04.050 - Building code fund established.

There shall be established by the county treasurer a special fund to be known as the "Whitman County Building Code Fund," to be administered by the county director of public works.

(Ord. 64404 (part), 2005).

17.04.060 - Payment of fees.

All fees are set and adopted by resolution of the Whitman County BOCC, or permitted to be charged under the State Building Code by the director of public works of Whitman County or his designee.

(Ord. 64404 (part), 2005).

074394 33. Hearing convened by the Chairman for amendment to the Zoning ordinance and Comprehensive Plan. A staff report was provided by Alan Thomson. The hearing was opened to public comment. There being none, the hearing was adjourned.

34. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to approve the amendment of the Whitman County Zoning ordinance (Chapters 19.03 and 19.10 and the Comprehensive Plan to approve addition new definitions for "commercial agricultural commodity warehouses" and "agricultural activity"; changing "commercial grain elevators" to "commercial agricultural commodity warehouses"; allowing ditching materials from county roads to be placed in landowner's fields that are not adjacent to the place being ditched; and clarification of the Comprehensive Plan as to where industrial uses can occur.

ORDINANCE NO. 074394

AN ORDINANCE AMENDING CHAPTER 19.03 - DEFINITIONS, CHAPTER 19.10 - AGRICULTURAL DISTRICT AND THE COMPREHENSIVE PLAN, to approve adding new definitions for 'commercial agricultural commodity warehouses' and 'agricultural activity'; changing 'commercial grain elevators' to 'commercial agricultural commodity warehouses'; allowing ditching materials from County roads to be placed in landowner's fields that are not adjacent to the place being ditched; and clarification of the Comprehensive Plan as to where industrial uses can occur. These changes are consistent with the Whitman County Comprehensive Plan and Zoning Ordinance.

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BE IT ORDAINED and enacted by the Board of County Commissioners of Whitman County, State of Washington, it having been determined by the Board after hearing the Planning Department's Recommendations and Findings of Fact, after the Board's public hearing and adoption of Findings of Fact.

PASSED AND APPROVED by the Board of Whitman County Commissioners of Whitman County, Washington, on the 1st day of July, 2013.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Michael Largent, Chairman

ATTEST:

Arthur D Swannack, Commissioner

Maribeth Becker, CMC
Clerk of the Board

Dean Kinzer, Commissioner

Chapter 19.03
DEFINITIONS ^[14]

⁽¹⁴⁾ **Note**— Special Definitions exist for Communication and Utilities Facilities and can be found in Chapter 19.58 of the Whitman County Zoning Ordinance.

- Section 19.03.005 - Accessory Dwelling Unit
- Section 19.03.010 - Accessory Use or Structure
- Section 19.03.015 - Active Surface Mining and/or Rock Crushing Operations
- Section 19.03.020 - Administrative Official
- Section 19.03.025 - Agricultural Activity
- Section 19.03.030 - Airport
- Section 19.03.040 - Airport Elevation
- Section 19.03.050 - Airport Hazard
- Section 19.03.060 - Airstrip
- Section 19.03.070 - Apartment
- Section 19.03.073 - Appeal
- Section 19.03.075 - Applicant
- Section 19.03.080 - Area of Special Flood Hazard
- Section 19.03.090 - Base Flood
- Section 19.03.093 - Basement
- Section 19.03.100 - Board
- Section 19.03.110 - Board of Adjustment
- Section 19.03.120 - Boundary
- Section 19.03.130 - Building
- Section 19.03.135 - Building Envelope
- Section 19.03.140 - Building Height
- Section 19.03.150 - Building Site
- Section 19.03.153 - Carrier
- Section 19.03.155 - Certificate of Occupancy
- Section 19.03.156 - Commercial Agricultural Commodity Warehouses
- Section 19.03.157 - Commercial Wind Generating Facility
- Section 19.03.160 - Commission
- Section 19.03.170 - Comprehensive Plan
- Section 19.03.173 - County Planner
- Section 19.03.175 - Critical Areas
- Section 19.03.178 - Critical Facility
- Section 19.03.180 - Dependent Mobile Home
- Section 19.03.190 - Development
- Section 19.03.197 - Development Regulation
- Section 19.03.200 - Dwelling Unit
- Section 19.03.210 - Dwelling, Single-Family
- Section 19.03.220 - Dwelling, Two-Family
- Section 19.03.230 - Dwelling, Multiple-Family
- Section 19.03.240 - Employee
- Section 19.03.250 - Existing Mobile Home Park or Mobile Home Subdivision
- Section 19.03.260 - Expansion to an Existing Mobile Home Park or Mobile Home Subdivision
- Section 19.03.269 - Farm Operators
- Section 19.03.270 - Feedlot
- Section 19.03.280 - Flood, Flooding

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- Section 19.03.290 - Flood Insurance Rate Map (FIRM)
- Section 19.03.300 - Flood Insurance Study
- Section 19.03.310 - Floodway
- Section 19.03.312 - Footprint (Building Footprint)
- Section 19.03.318 - Grading
- Section 19.03.315 - Hazardous Waste
- Section 19.03.320 - Health Department
- Section 19.03.330 - Home-Based Business
- Section 19.03.335 - Impacts
- Section 19.03.340 - Independent Mobile Home
- Section 19.03.341 - Interest in Proposed Amendment
- Section 19.03.346 - Legal description
- Section 19.03.347 - Living Space
- Section 19.03.348 - LOS (Level of Service)
- Section 19.03.350 - Lot, Lot of Record
- Section 19.03.352 - Lowest Floor
- Section 19.03.355 - Micrositing
- Section 19.03.359 - Mineral Resource Area
- Section 19.03.360 - Mobile/Manufactured Home
- Section 19.03.370 - Mobile/Manufactured Home Park
- Section 19.03.380 - Mobile/Manufactured Home Space
- Section 19.03.385 - Monopole
- Section 19.03.390 - New Construction
- Section 19.03.400 - New Mobile Home Park, New Mobile Home Subdivision
- Section 19.03.410 - Nonconforming Lot
- Section 19.03.420 - Nonconforming Use or Structure
- Section 19.03.421 - Non-Participating Landowner
- Section 19.03.422 - Occupied Building
- Section 19.03.423 - Off-site
- Section 19.03.425 - Open Area
- Section 19.03.428 - On-site
- Section 19.03.430 - Overlay District
- Section 19.03.434 - Parcel
- Section 19.03.435 - Operation Site (mining/quarry)
- Section 19.03.436 - Operator
- Section 19.03.438 - Permit
- Section 19.03.440 - Person
- Section 19.03.450 - Planning Director
- Section 19.03.452 - Pullman-Moscow Corridor District North and South (N-PMC & map; S-PMC)
- Section 19.03.453 - Project Corridor/Area
- Section 19.03.454 - Recreational Vehicle
- Section 19.03.455 - Recycling Facility
- Section 19.03.456 - Resource Lands
- Section 19.03.460 - Service Building
- Section 19.03.464 - Screening
- Section 19.03.467 - SEPA
- Section 19.03.470 - Setback
- Section 19.03.475 - Shadow Flicker
- Section 19.03.480 - Sign
- Section 19.03.485 - Site

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- Section 19.03.491 - Small Wind Energy Generator
- Section 19.03.492 - SPRC (Site Plan Review Committee)
- Section 19.03.495 - Start of Construction
- Section 19.03.500 - Structure
- Section 19.03.508 - Substantial Damage
- Section 19.03.510 - Substantial Improvement
- Section 19.03.515 - Treatment and storage
- Section 19.03.520 - Turbine Height
- Section 19.03.910 - Urban Governmental Services
- Section 19.03.930 - Variance
- Section 19.03.950 - Vicinity Map
- Section 19.03.960 - Wind Turbine

Section 19.03.005 - - Accessory Dwelling Unit

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

Section 19.03.010 - - Accessory Use or Structure

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

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

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

Section 19.03.020 - - Administrative Official

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

Section 19.03.025 - Agricultural Activity

Agricultural activity includes, but is not limited to, the growing or raising, harvesting, storage, disposal, transporting, conditioning, processing, sale, and research and development of, but not limited to, the following: horticultural crops, poultry, livestock, grain, legumes such as peas, lentils and garbanzos, mint, hay, forages and feed crops, apiaries, beekeeping, equine activities, leather, fur, wool, dairy products and seed crops.

Section 19.03.030 - - Airport

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

Section 19.03.040 - - Airport Elevation

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

Section 19.03.050 - - Airport Hazard

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

Section 19.03.060 - - Airstrip

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

Section 19.03.070 - - Apartment

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

Section 19.03.073 - - Appeal

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

Section 19.03.075 - - Applicant

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

Section 19.03.080 - - Area of Special Flood Hazard

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

Section 19.03.090 - - Base Flood

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

Section 19.03.093 - - Basement

Any area of the building having its floor subgrade (below ground level) on all sides. (*Adopted May, 2003; Resolution No. 061233.*)

Section 19.03.100 - - Board

The Whitman County Board of Commissioners.

Section 19.03.110 - - Board of Adjustment

The Whitman County Board of Adjustment.

Section 19.03.120 - - Boundary

The lot lines describing a lot of record.

Section 19.03.130 - - Building

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

Section 19.03.135 - - Building Envelope

That portion of proposed building location regardless of square footage size of the building outward to the limits of the allowable setbacks. This definition includes projections such as porches, decks, or any appendage of a residential structure, including the garage. (*Adopted 2/7/11, Ordinance #071612.*)

Section 19.03.140 - - Building Height

The vertical distance from the average grade of a building site to the highest

point of the structure or building thereon.

Section 19.03.150 - - Building Site

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

Section 19.03.153 - - Carrier

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

Section 19.03.155 - - Certificate of Occupancy

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

Section 19.03.156 - Commercial Agricultural Commodity Warehouses

A commercial business where agricultural products from multiple farming operations are brought to be processed or sorted, stored and ultimately transported to another destination. Processing means cleaning, treating or sorting with minimal alteration of the original product. Processing does not mean altering the original product into a completely different form such as a bio fuel or a food product such as hummus.

Section 19.03.157 - - Commercial Wind Generating Facility

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

Section 19.03.160 - - Commission

The Whitman County Planning Commission.

Section 19.03.170 - - Comprehensive Plan

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

Section 19.03.173 - - County Planner

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

Section 19.03.175 - - Critical Areas

Critical Areas include the following areas and ecosystems:

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

Section 19.03.178 - - Critical Facility

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

Section 19.03.180 - - Dependent Mobile Home

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

Section 19.03.190 - - Development

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

Section 19.03.197 - - Development Regulation

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

Section 19.03.200 - - Dwelling Unit

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

Section 19.03.210 - - Dwelling, Single-Family

A structure containing one dwelling unit.

Section 19.03.220 - - Dwelling, Two-Family

A structure containing two dwelling units.

Section 19.03.230 - - Dwelling, Multiple-Family

A structure containing three or more dwelling units.

Section 19.03.240 - - Employee

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

Section 19.03.250 - - Existing Mobile Home Park or Mobile Home Subdivision

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

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

The preparation of additional sites by the construction of facilities for

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

Section 19.03.269 - - Farm Operators

Persons responsible for the management of a farm.

Section 19.03.270 - - Feedlot

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

Section 19.03.280 - - Flood, Flooding

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

Section 19.03.290 - - Flood Insurance Rate Map (FIRM)

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

Section 19.03.300 - - Flood Insurance Study

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

Section 19.03.310 - - Floodway

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

Section 19.03.312 - - Footprint (Building Footprint)

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

Section 19.03.318 - - Grading

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

Section 19.03.315 - - Hazardous Waste

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

Section 19.03.320 - - Health Department

The Whitman County Department of Environmental Health.

Section 19.03.330 - - Home-Based Business

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

068024.)

Section 19.03.335 - - Impacts

Effects of one thing upon another.

Section 19.03.340 - - Independent Mobile Home

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

Section 19.03.341 - - Interest in Proposed Amendment

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

Section 19.03.346 - - Legal description

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

Section 19.03.347 - - Living Space

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

Section 19.03.348 - - LOS (Level of Service)

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

Section 19.03.350 - - Lot, Lot of Record

A parcel of land which is separately described by a deed instrument or sales contract, which deed or contract has been officially recorded with the Whitman County Auditor, considered as a unit of real property, and legally described in metes and bounds; or a parcel of land shown by number of an officially recorded short plat or subdivision plat.

Section 19.03.352 - - Lowest Floor

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

Section 19.03.355 - - Micrositing

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

Section 19.03.359 - - Mineral Resource Area

Lands that are not already characterized by urban growth and are of long term commercial significance for the extraction of aggregate and mine resources,

including: sand, gravel, and valuable metallic substances.

Section 19.03.360 - - Mobile/Manufactured Home

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

Section 19.03.370 - - Mobile/Manufactured Home Park

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

Section 19.03.380 - - Mobile/Manufactured Home Space

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

Section 19.03.385 - - Monopole

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

Section 19.03.390 - - New Construction

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

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

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

Section 19.03.410 - - Nonconforming Lot

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

Section 19.03.420 - - Nonconforming Use or Structure

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

Section 19.03.421 - - Non-Participating Landowner

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

Section 19.03.422 - - Occupied Building

A residence, school, hospital, church, public library, or other building used for public gathering that is occupied or in use when the permit application is

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submitted. (Adopted 11/16/09, Ordinance #070081.)

Section 19.03.423 - - Off-site

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

Section 19.03.425 - - Open Area

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

Section 19.03.428 - - On-site

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

Section 19.03.430 - - Overlay District

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

Section 19.03.434 - - Parcel

See Lot, Lot of Record.

Section 19.03.435 - - Operation Site (mining/quarry)

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

Section 19.03.436 - - Operator

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

Section 19.03.438 - - Permit

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

Section 19.03.440 - - Person

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

Section 19.03.450 - - Planning Director

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

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

See Boundary, Section 19.15.020 . (Adopted May, 2003; Resolution No. 061233.)

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(Adopted 2/7/11, Ordinance #071612.)

Section 19.03.453 - - Project Corridor/Area

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

Section 19.03.454 - - Recreational Vehicle

A vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use. *(Adopted May, 2003; Resolution No. 061233.)*

Section 19.03.455 - - Recycling Facility

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

Section 19.03.456 - - Resource Lands

A. Definitions. Resource lands include the following:

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

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

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

productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

4. "Minerals" include gravel, sand, and valuable metallic substances.
- C. Agricultural lands, as defined herein, are conserved within the jurisdictional boundaries of Whitman County. The county has identified agriculture and the family farm as the primary economic and social resources of Whitman County in the land use element of the Whitman County Comprehensive Plan. The land use element of the Whitman County Comprehensive Plan prevents "the indiscriminate or excessive changes in land use." Further restrictions or controls may apply by the measures, procedures, and land use criteria found in the Whitman County Zoning Code implementing the goals and objectives of the comprehensive plan.
 - D. Mineral lands are preserved through the implementing strategies of the county wide zoning code. The zoning code has an established policy which, prevents, limits, or discourages land uses which are not resource based in nature; agriculture, agribusiness, mineral extraction, and/or storage of related materials.
 - E. Nonfarm residential development, businesses not related to agriculture and which are not in conflict with higher density or urbanized development, and other types of development reliant upon urban type services are discouraged outside of the incorporated, urbanized centers of the county, or those historically recognized and established rural communities.
 - F. The Whitman County Zoning Code implementing the goals of the comprehensive plan, does, in fact, restrict and control nonagricultural development outside of the incorporated cities and towns and the few historically established and designated (in the comprehensive plan) unincorporated communities. The zoning code establishes certain policies and procedures which are designed to ensure that resource lands are conserved. These measures do, in fact, promote the goals and objectives of the Growth Management Act by limiting or restricting urbanization of existing agricultural or mineral lands outside of the incorporated cities and towns.

Section 19.03.460 - - Service Building

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

Section 19.03.464 - - Screening

See 19.15.080 Landscaping.

Section 19.03.467 - - SEPA

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

Section 19.03.470 - - Setback

The distance in feet as measured from a lot line to the sill line of a building, or the closest point of a structure to the lot line. In the case where there is a

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leased area within a parcel of land the setback shall be measured from the lease line to the sill of a building, or the closest point of a structure to the lease line. (Adopted 6/1/09, Ordinance #069589.)

Section 19.03.475 - - Shadow Flicker

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

Section 19.03.480 - - Sign

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

Section 19.03.485 - - Site

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

Section 19.03.491 - - Small Wind Energy Generator

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

Section 19.03.492 - - SPRC (Site Plan Review Committee)

See Section 19.15.025.

Section 19.03.495 - - Start of Construction

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

Section 19.03.500 - - Structure

Anything constructed or erected which requires location on the ground or attached something having a location on the ground, but not including fences less than six feet in height, excepting that "structure" for the purposes of applying the regulations prescribed by the Flood Management Overlay District of this title shall mean any walled and roofed building or mobile home that is principally above ground.

Section 19.03.508 - - Substantial Damage

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

Section 19.03.510 - - Substantial Improvement

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

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

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

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

Section 19.03.515 - - Treatment and storage

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

Section 19.03.520 - - Turbine Height

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

Section 19.03.910 - - Urban Governmental Services

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

Section 19.03.930 - - Variance

A variance is the means by which an adjustment may be made in the application of the specific regulations of this Code to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the vicinity and similar zone classification and which adjustment remedies the difference in privileges; provided, however, that a variance granted shall not authorize a use otherwise prohibited in the zone classification in which the property is located. For the

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purposes of applying the regulations prescribed by the Flood Management Overlay District of this title, variance shall mean a grant of relief from those requirements which permits construction in a manner that would otherwise be prohibited by that Overlay District. *(Adopted May, 2003; Resolution No. 061233.)*

Section 19.03.950 - - Vicinity Map

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

Section 19.03.960 - - Wind Turbine

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

**Chapter 19.10
AGRICULTURAL DISTRICT**

- Section 19.10.010 - Declaration of Intent
- Section 19.10.020 - Permitted Uses
- Section 19.10.030 - Lot Size Requirements
- Section 19.10.040 - Setback Requirements
- Section 19.10.050 - Height of Buildings
- Section 19.10.060 - Rural Residential Use
- Section 19.10.065 - Accessory Dwelling Units
- Section 19.10.080 - Short Plat and Subdivision
- Section 19.10.090 - Conditional Uses and Administrative Permits
- Section 19.10.110 - Special Conditional Use for Planned Residential Development, (PRD)

Section 19.10.010 - - Declaration of Intent

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

Section 19.10.020 - - Permitted Uses

- 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.)*

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- 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.
- 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.)

Section 19.10.030 - - Lot Size Requirements

- 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.

Section 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.

Section 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.

Section 19.10.060 - - Rural Residential Use

One single-family dwelling per parcel shall be a permitted use whenever the requirements of this Title are fulfilled except when there are two existing houses within 500 feet of each other, and there is an existing zoning permit allowing for two residences, then a short plat containing the two houses is allowed. The Planning Director shall certify through the Rural Housing Certificate (RHC) process that all requirements of this Title have been met. (Revised April 19, 2010, Ordinance #070610.)

- A. Development Requiring Certification
 - 1. Rural Housing Certificate (RHC) - Issuance of a Rural Housing Certificate (RHC) 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 Section 19.10.060 viewshed, development buffer where the available land to be used as a buffer is not owned by the applicant, setbacks where the available land to be used as a buffer is not owned by the applicant, and 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; 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. Rural Residential Site Review (RRSR) - 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.)*

- 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. Maximum: 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 (a) through (k), 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. Reserved.

iii. Development buffers shall appear on the short plat of the parcel and any other surveys subsequently produced.

iv. Reserved.

v. The width of an adjacent road's right-of-way may be included as part of the development buffer.

vi. Reserved.

vii. 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:

a.) Garages

b.) Storage sheds

c.) Equipment sheds

d.) Driveways

e.) Wells, if not part of a Group A or B water system

f.) Septic system drain fields

g.) Stables

h.) Livestock pens and corrals

i.) Hay storage

j.) Vegetation compatible with adjacent agricultural uses, including pasture, wildlife areas, hay land and native plants.

k.) Windbreaks and shelterbelts

viii. 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 improved road.

- 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; and
 - 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 Chapter 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 _____

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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.

Section 19.10.065 - - Accessory Dwelling Units

- 1. 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.

2. 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.
3. Development Standards.
 - a. No more than one Accessory Dwelling Unit per legal lot is permitted and it must be accessory to a single-family residence. If a short plat is approved, an Accessory Dwelling Unit for each lot is permitted only if all other provisions of this chapter are met.
 - b. No Accessory Dwelling Unit is allowed if there are two primary residences on one parcel of land. (*Revised April 19, 2010, Ordinance #070610.*)
 - c. 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:
 - a. Internal conversion within an existing dwelling;
 - b. The addition of new square footage to the existing house or to a garage and any addition thereto;
 - c. Conversion of an existing structure;
 - d. Inclusion in the development plans for, or as part of, the construction of a new single-family detached dwelling unit; or
 - e. A separate detached dwelling unit on the same lot as the primary dwelling unit.
6. 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.
7. 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.
8. 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.

9. An Accessory Dwelling Unit shall not contain more than two (2) bedrooms.
10. 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.
11. 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.

Section 19.10.080 - - Short Plat and Subdivision

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

1. No short plat creating more than three (3) lots, including the remainder of the original parcel of land, shall be approved within the Agricultural District.
2. No long subdivision plat shall be approved within the Agricultural District.
3. 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.
4. The creation of parcels of less than twenty (20) acres in area is permitted for agricultural, conservation and/or habitat purposes.
 - a. No structures other than fences, a well, and livestock watering and feeding containers are allowed on parcels created for this purpose.
 - b. Language describing the use limitations shall be placed on the

plat.

- c. 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.

Section 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. Utility substations or commercial wind generating facilities. *(Revised 11/16/09, Ordinance #070081.)*
 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 Warehouses.
 10. Veterinary clinics, boarding kennels, and similar uses and crushing subject to the minimum standards listed in Chapters 19.59 and 19.60 .
 11. Surface mining
 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.

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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 .
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 #45331.)
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 Chapter 19.59 and Chapter 19.60 .
20. Accessory structures necessary for farm or ranch production that are or should be separated from the agricultural production land or farmsteads on their own parcel, including shops, machine sheds, grain bins and similar agricultural production structures that are intended to continue to be used in conjunction with agricultural operations. 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." (Revised 2/7/11, Ordinance #071612.)

B. An Administrative Use Permit shall be required for:

1. Surface mining and crushing subject to the minimum standards listed in

Chapter 19.59 and Chapter 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 Chapter 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.)

Section 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.

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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;
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.

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- 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.)

074395 35. Cancelled.

11:20 a.m. - Recess.

1:00 p.m. - Southeast Washington Economic Development Association (SEWEDA) (SEWEDA) Representatives.

Present: Jessika Satori (ADO/Managing Director) and Marshall Doak (Executive Director).

074396 36. Representatives of SEWEDA met with the Commissioners for a general update. Some of the issues they addressed included how they are assisting Whitman County cities/towns, Corridor development, ADO funding now secured, events they recently attended and others they plan to attend.

074397 37. Cancelled.

074398 38. Cancelled.

1:30 p.m. - Recess.

3:00 p.m. - Executive Session.

Present: Todd Vanek, Gary Petrovich and Bob Reynolds.

074399 39. Commissioner Kinzer **moved** Commissioner Swannack **seconded** the motion and it **carried** to go into executive session with the above individuals until **3:35** p.m. in accordance with RCW 42.30.110(1)(c) for matters related to real estate.

3:35 p.m. - Return to Open Session.

D074399A 40. Approved documents signed.

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D074399B 41. Need for 07/02/13 workshop-Yes.

4:30 a.m. - Recess.

D074399C THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Tuesday, July 2, 2013 at 9:15 a.m.** Chairman Michael Largent, Art Swannack and Dean Kinzer, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

9:15 a.m. - Reconvene/Board Business Continued/Workshop.

Present: Kelli Campbell (9:25 a.m.).

074400 42. Items discussed included Assessor's requests for extra help and promotion, hiring employees at Step "A", Safety Committee recommendations, Prosecutor's Diversion program, employee medical insurance, Paul Kimmell's offer to moderate/facilitate, position budgeting and new BARS Coding. No action taken.

11:30 a.m. - Recess.

D074400A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, July 8, 2013 at 9:00 a.m.** Art Swannack and Dean Kinzer, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended. Chairman Michael Largent was unavailable.

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

074401 43. Items discussed included BOCC's special meeting, Palouse Conservation District tour, ADO, CETC, WCIF Trust bylaws, Prosecutor's Composite rates, HIPAA, Health Care reform delayed, personnel change orders, Safety Committee recommendations, Pullman election, Sign Code, countywide employee meeting, IT review, wolf delisting, Anderson Peretti and Whitcom. No action taken.

D074401A 44. Cancelled.

D074401B 45. Approved documents signed.

074402 45A. Claims/Payroll warrants numbered **304434-304559** for **\$380,788.19** and **304568-304595** for **\$292,627.06**.

074403-074404 45B. Personnel change orders.

D074404A 46. Need for 07/09/13 workshop-No.

D074404B 47. Cancelled.

10:15 a.m. - Adjournment.

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D074404C Commissioner Kinzer **moved** to adjourn the **July 1, 2 and 8, 2013** meeting. Motion **seconded** by Commissioner Swannack and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **July 9, 2013**. The foregoing action made this **15th** day of **July 2013**.

ss/ ARTHUR SWANNACK, COMMISSIONER

ss/ DEAN KINZER, COMMISSIONER

MARIBETH BECKER, CMC
Clerk of the Board

MICHAEL LARGENT, CHAIRMAN
Board of County Commissioners