

BOCC MINUTES-07/03/17

079081 **THE BOARD OF WHITMAN COUNTY COMMISSIONERS** met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, July 3, 2017** at **9:00 a.m.** Chairman Arthur D Swannack, Michael Largent, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended. Commissioner Dean Kinzer was unavailable.

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

Present: Gary Petrovich, Troy Henderson and Chris Nelson (9:00 a.m.), Mark Storey (9:10 a.m.) and Lori Nails (9:20 a.m.).

079082 **1.** The following items were discussed but no action was taken.

- State Budget
- WDFW Support Letter
- Ballot Box Issue
- Brown/WRCIP
- Malden/Oakesdale Tax Title Sales
- Marijuana Application-ULEAF
- SRSRB New Executive Director
- Airport Overlay Zone
- Missing Edmondson Bridge Plaque
- Cyber Attacks
- State Public Health
- Capital Improvement Planning

10:00 a.m. - Flag Salute.

Present: Lori Nails, Paul Spencer and Jana Mathias.

D079082A **2.** **Pledge of Allegiance.**

Consent Agenda:

D079082B **2A.** **Motion** by Commissioner Largent **seconded** by Commissioner Swannack and **carried** to accept the consent agenda.

079083 **3.** Treasurers Wire Transfers and Check Report for **\$1,104,452.89**, Payroll warrants numbered **330349-330361** for **\$395,910.75** and General/Veterans' Relief warrants numbered **330383-330464** for **\$699,528.35** approved.

079084 **4.** June 19, 2017 minutes approved.

079085-079088 **5.** Personnel change orders approved.

079089 **6.** A request for the sale of Oakesdale tax title property was explained by Lori Nails, Treasurer's Office. This property was for sale in December 2016 but did not sell. Upon checking with Public Works they have no interest in this property. Bob and Lorena Brooke said they would guarantee a minimum bid of \$2,700 but there will now be additional charges for advertising and recording fees and a \$1,300 water/sewer lien. The applicant has requested the commissioners keep the water/sewer lien in mind. It was noted, the county has no authority over the city/town water/sewer liens; these fees are included in the minimum bid as well as owed taxes of \$2415 and estimated advertising and recording costs of \$405 for a total minimum bid of \$2820. Commissioner Largent **moved** Commissioner Swannack **seconded** the motion and it **carried** to sign a resolution authorizing the sale of tax title property in Oakesdale and setting a minimum bid of \$2,820.

**RESOLUTION NO. 079089
BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

In the matter of a citizen submitting a County Tax Title Petition for re-sale of County Tax Title Property.

WHEREAS, Ron and Lorena Brooke of Orondo, Washington has petitioned the county for re-sale of County Tax Title Property, and

WHEREAS, the property listed below is County Tax Title Property and may be sold, NOW, THEREFORE, IT IS HEREBY RESOLVED BY THIS BOARD OF COUNTY COMMISSIONERS, that the County Treasurer advertise and sell, according to law, the following described property:

Assessor's Parcel #106450012070000

LEGAL DESCRIPTION: Lot 7, Block 12, Town of Oakesdale, according to the plat thereof, recorded in Book A of Plats, page 133, records of Whitman County, Washington.

For the above described property, Ron and Lorena Brooke, hereby made a minimum bid of \$2,700 and the Treasurer is not to sell the said property unless he receives a minimum bid of \$2,820.

Dated this 3rd day of July, 2017.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Arthur D Swannack, Chairman

Dean Kinzer, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

079090 7. Commissioner Largent moved Commissioner Swannack seconded the motion and it carried to authorize the publishing of a notice of tax title property in Oakesdale.

079091 8. Commissioner Largent moved Commissioner Swannack seconded the motion and it carried to sign a letter to Washington Department of Fish & Wildlife regarding recreational salmon harvest inequities in Eastern Washington.

CORRESPONDENCE:

D079091A 9. The following correspondence was received:

079092-079092A 9A. Notices of marijuana license applications filed by Donna Istvan for ULEAF LLC, Endicott, WA for Processing and Producer Tier 3 was received from the Washington State Liquor and Cannabis Board.

079093 9B. A letter was received from the Department of Commerce awarding \$101,288 in Community Development Block Grant funds for public service via the Community Action Agency.

079094 9C. A letter was received from the Department of Social and Health Services regarding county reimbursement for local evaluation services when State Hospital evaluators are unable to meet the 7-day performance targets for in-custody competency evaluations.

079095 9D. An executed copy the WebEOC government entity user agreement #EOC17-172 was received.

079096 10. Commissioners' pending list reviewed.

10:20 a.m. - Recess.

11:00 a.m. - Public Works.

Present: Mark Storey, Alan Thomson, Katrin Kunz, Barbara O'Donnell and Garth Meyer.

079097 10A. The following Public Works related issues approved/updated:

ACTION ITEMS:

079098 11. The regular meeting was recessed and the hearing convened by the Chairman for the 6-Year Transportation Improvement Program (2017-2022).

Staff report provided by Mark Storey requesting inclusion of the NBI Project and Almota Road in the 2017-2022 6-Year Transportation Improvement Program.

The hearing was opened to public comment.

Mr. Storey requested approval as proposed.

There being no further comments the hearing was adjourned and the regular meeting reconvened.

079099 12. Commissioner Largent **moved** Commissioner Swannack **seconded** the motion and it **carried** to approve the resolution amending the 2017-2022 Transportation Improvement Program.

BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS

In the Matter of the Six Year)
Transportation Improvement) **RESOLUTION No. 079099**
Program (2017-2022))

WHEREAS, the Public Hearing was held on the 3rd day of July, 2017; 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 3rd day of July, 2017.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Arthur D Swannack, Chairman

Dean Kinzer, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

079099A 13. The regular meeting was recessed and the hearing convened by the Chairman for proposed revisions to the Zoning Ordinance and Comprehensive Plan.

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Staff report provided by Alan Thomson, County Planner as follows:

19.10 AGRICULTURAL DISTRICT

- To make buildings on hilltops be entirely below the highest point instead of measuring from the living space of a structure;
- Increasing the size of an accessory dwelling unit from 1100 square feet to 1200 square feet;
- Correcting an incorrect citation; and
- Clarifying the definition of a short plat in chapter 19.10.

19.12 CLUSTER RESIDENTIAL DISTRICT

- Clarifying the setbacks from clusters to adjacent lands; offering a waiver opportunity to build 100 feet from adjacent lands instead of 200 feet;
- Eliminating the waiver requirement from commercial agricultural operators;
- Eliminating the requirement to have a pre-hearing meeting with neighboring landowners;
- Allowing non-impervious use of the buffer from the residences;
- Changing the hilltop requirement to match that of the requirement in the agricultural district ordinance;
- Eliminating some language from the declaration of intent;
- Adding an RCW reference for potable water;
- Adding an allowance for completely re-platting the original cluster short plat;
- Eliminating language regarding annexation;
- Adding the word *preliminary* regarding drainfield locations on the plat map;
- Eliminating the word *zone* and changing it to area when referring to cluster opportunity areas; and
- Eliminating the word *general* when describing the area eligible for cluster rezoning in chapter 19.12.

COMPREHENSIVE PLAN

- Eliminating the language requiring a pre-hearing meeting with adjacent landowners;
- Eliminating the language describing the required criteria for a cluster residential district;
- Changing the definition of a long plat from five lots to six lots;
- Allowing for a waiver to build 100 feet from adjacent lands instead of 200 feet;
- Allowing non-impervious use of the buffer from the residences; and
- Changing the hilltop requirement to match that of the requirement in the Agricultural District ordinance in the Comprehensive Plan, as described in the proposed ordinance hereto attached and made a part of by reference.

The hearing was opened to public comment.

Commissioner Swannack inquired about radio/television antennas being able to exceed the limits. Mr. Thomson said there was never any discussion about antennas with the Planning Commission since 2004. The way it has been applied since 2007, anything on a roof is considered part of the structure and needs to be within limits in the cluster district. In the agricultural district it is allowable.

If the Board wanted to change the recommendation they can or remand this back to the Planning Commission. Commissioner Swannack requested this issue be addressed with the Planning Commission at their September meeting and Alan Thomson nodded agreement. Commission Largent said the revisions can be adopted as is and then the Planning Commission can take it up again when they reconvene in September.

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Barbara O'Donnell said she just experienced this situation last week; there aren't many choices.

Mark Storey asked if this pertains to only new construction or current structures and Mr. Thomson said it applies to all. The original idea was that nothing breach the skyline.

There being no further comments the hearing was adjourned and the regular meeting reconvened.

079100 **14.** Commissioner Largent **moved** Commissioner Swannack **seconded** the motion and it **carried** to approve the amendments of the Whitman County Zoning Ordinance (Chapters 19.10, 19.12 and the Comprehensive Plan) as stated in the findings of fact.

ORDINANCE NO. 079100

AN ORDINANCE AMENDING CHAPTER 19.10- AGRICULTURAL DISTRICT, CHAPTER 19.12 - CLUSTER RESIDENTIAL DISTRICT AND THE COMPREHENSIVE PLAN.

19.10 AGRICULTURAL DISTRICT

- To make buildings on hilltops be entirely below the highest point instead of measuring from the living space of a structure;
- Increasing the size of an accessory dwelling unit from 1100 square feet to 1200 square feet;
- Correcting an incorrect citation; and
- Clarifying the definition of a short plat in chapter 19.10.

19.12 CLUSTER RESIDENTIAL DISTRICT

- Clarifying the setbacks from clusters to adjacent lands; offering a waiver opportunity to build 100 feet from adjacent lands instead of 200 feet;
- Eliminating the waiver requirement from commercial agricultural operators;
- Eliminating the requirement to have a pre-hearing meeting with neighboring landowners;
- Allowing non-impervious use of the buffer from the residences;
- Changing the hilltop requirement to match that of the requirement in the agricultural district ordinance;
- Eliminating some language from the declaration of intent;
- Adding an RCW reference for potable water;
- Adding an allowance for completely re-platting the original cluster short plat;
- Eliminating language regarding annexation;
- Adding the word *preliminary* regarding drainfield locations on the plat map;
- Eliminating the word *zone* and changing it to area when referring to cluster opportunity areas; and
- Eliminating the word *general* when describing the area eligible for cluster rezoning in chapter 19.12.

COMPREHENSIVE PLAN

- Eliminating the language requiring a pre-hearing meeting with adjacent landowners;
- Eliminating the language describing the required criteria for a cluster residential district;
- Changing the definition of a long plat from five lots to six lots;
- Allowing for a waiver to build 100 feet from adjacent lands instead of 200 feet;
- Allowing non-impervious use of the buffer from the residences; and
- Changing the hilltop requirement to match that of the requirement in the Agricultural District ordinance in the Comprehensive Plan, as described in the proposed ordinance hereto attached and made a part of by reference.

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These changes are consistent with the Whitman County Comprehensive Plan and Zoning Ordinance.

BE IT ORDAINED and enacted by the Board of County Commissioners of Whitman County, State of Washington, it having been determined by the Board after hearing the Planning 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 3rd day of July, 2017.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Arthur D Swannack, Chairman

ATTEST:

Dean Kinzer, Commissioner

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

CHAPTER 19.10 - AGRICULTURAL DISTRICT
Revised 3/31/14 Ordinance #075323

19.10.010 - Declaration of Intent.

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

19.10.020 - Permitted Uses.

- A. Agriculture, including cropping, grazing of livestock, dairying, horticulture and floriculture, but not commercial horse-boarding which shall be instead considered to be a home-based business and allowed and governed, or regulated by the provisions related to home-based businesses. (Revised April 21, 2008; Resolution No. 068024)
- B. One (1) single-family dwelling per parcel conforming to provisions of Section 19.10.060 and not located within the CRD Opportunity Area. In the case of there being two existing residences within 500 feet of each other, nearest corner to nearest corner, where no previous zoning has been done, a short plat can be created containing both houses. Neither of the residences would be considered an accessory dwelling unit. If a zoning permit has been previously issued for two main residences that are located more than 500 feet apart, nearest corner to nearest corner, a short plat is allowable. Under both of the above scenarios no other residential unit would be allowed on the short plat. For the protection of resource lands, new residence(s) shall be located more than 1,000 feet from any permitted or grandfathered quarry, mine and/or other similar natural resource operations; or if it will be located within 1,000 feet of a permitted or grandfathered quarry, mine and/or other similar natural resource operations, an affidavit acknowledging adjacent mining activities, signed by the landowner, notarized and filed with the Whitman County Auditor, is required. This information will be attached to the short plat. The 1,000-foot distance is measured from the applicant's residential footprint to the designated mineral resource area, as described and/or defined in the administrative use permit or conditional use permit. (Revised April 19, 2010, Ordinance # 070610)

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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. (Adopted 7/1/13, Ordinance #074394)
- H. Private quarries under three (3) acres for uses related to agricultural activities by the land owner, for example farm access construction and maintenance.
- I. Accessory Dwelling Units conforming to provisions of Section 19.10.065.
- J. Level 1 and level 2 Electric Vehicle Charging Stations. (Revised 10/17/11 Ordinance #072330)
- K. Government facilities, offices, and the County fairgrounds.

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 (B) (2) (b).

19.10.040 - Setback Requirements.

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

19.10.050 - Height of Buildings.

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

19.10.060 - Rural Residential Use.

One single-family dwelling per parcel shall be a permitted use whenever the requirements of this Title are fulfilled except when there are two existing houses within 500 feet of each other, and there is an existing zoning permit allowing for two residences, or the two residences are non-conforming grandfathered uses, then a short plat containing the two houses is allowed. The Planning Director shall certify through the Rural Housing Certificate (RHC) process that all requirements of this Title have been met. (Revised April 19, 2010, Ordinance #070610) (Revised 3/31/14 Ordinance #075323) (Revised 3/31/14 Ordinance #075323)

- A. Development requiring Certification
 - 1. Issuance of a Rural Housing Certificate shall be required for:
 - a. Creation of a new residential parcel on which will be located existing residence(s), except that such new parcel with existing residence(s), need not comply with the provisions of 19.10.060 (B) (1) (b) viewshed, (B) (2) (f) development buffer where the available land to be used as a buffer is not owned by the applicant, (B) (2) (g) setbacks where the available land to be used as a buffer is not owned by the applicant, and (B) (2) (i) highly visible locations; or
 - b. Alteration of an existing residential parcel via a boundary line adjustment except when additional land is added to a parcel for which a CZC, RRSR or RHC has been filed. Also excepted are boundary line adjustments on agricultural parcels greater than 20 acres containing a residence, which either increases or decreases the parcel size. This boundary line adjustment example will still need to meet zoning code setback requirements and the Whitman County Environmental Health Department's requirements regarding drainfield and well placement; (Revised 3/31/14 Ordinance #075323) (Revised 3/31/14 Ordinance #075323) or
 - c. Construction of a residence on an existing parcel which has not been certified. In this circumstance, if the size and shape of the existing parcel, and wetlands or flood hazard areas limit the location of a new residence so that it is not possible to meet the agricultural buffer or 100-foot house setback distance from the road, these specific regulations shall not apply except that the greatest adherence to these distances possible is encouraged. (Revised 10/27/08, Ordinance #068837)
 - 2. Issuance of a Rural Housing Certificate shall not be required on an existing rural residential parcel for which no parcel enlargement, reduction or division is requested when a new accessory structure is built and an existing residence or an existing accessory structure is altered, expanded or replaced. For replacement purposes, the new residence may be sited up to 50 feet from the original residential footprint. (Revised 2/7/11, Ordinance #071612).

Because of limitations due to the size, shape, or existing vegetation of/on the parcel it may be necessary to replace the residence further than 50 feet from the original footprint. In this circumstance, if it is possible to meet the siting requirements for a rural housing certificate such as buffers, setbacks, viewshed, and no structures on hilltops or ridges, then they must be met. If meeting these siting requirements is not possible then those

regulations shall not apply except that the greatest adherence possible to these regulations is encouraged.

The parcel shall be reviewed for compliance with all applicable ordinances, including those which regulate setbacks, road access, preservation or expansion of the septic system, drainfield and replacement drainfield area, flood hazard, wetlands, aquifer recharge, and habitat conservation areas. However, no notice to adjacent landowners is required, and the size and other constraints of the parcel may prevent full compliance with hilltop prohibitions, the house 100-foot road setback distances, and buffer or setback distances required from other property; in which case these requirements do not apply. This review shall be termed Rural Residential Site Review (RRSR) and files shall be kept as proof of review and for future reference. (Revised 10/27/08, Ordinance #068837)

An RRSR will be required for boundary line adjustments that increase the size of a residential parcel containing less than 20 acres if no previous CZC, RHC or RRSR has been done.

No RRSR will be required for boundary line adjustments that increase or decrease the size of a parcel greater than 20 acres, which contains a residence. (Revised 3/31/14 Ordinance #075323)

- B. Certification Approval - Issuance of a Rural Housing Certificate shall be granted when a proposal meets all of the following conditions:
1. Approval of Residence Location.
 - a. New rural residences may be sited in locations which meet requirements for a viewshed site or meet requirements for a residential group.
 - b. Viewshed Site - Definition. A proposed residential building footprint which is located at least 1,500 feet horizontally from the nearest residence or certified residential site; or is located within 1,500 feet of one or more existing residences or certified residential sites but not visible from any of said residences or certified residential sites.
 - i. Definition of Not Visible: a proposed residential site is considered to be not visible if an observer standing at the corners of the footprint of the proposed residence and with their eye level at five (5) feet above existing grade cannot see any part of an existing residence or the footprint of another proposed residence due to the interposition of natural landforms.
 - ii. Exception for Highly Visible Residences: an existing residence within a viewshed under consideration and located on a hilltop or ridge, or whose highest point is higher than the slope on which it is located, shall be ignored due to its highly visible location.
 - c. Residential Group.
 - i. Definition: A residential group is defined as a collection of two to nine certified, residential parcels which are located such that at least some portion of each of the included residences is within 300 feet of some portion of another included residence. (Limited to nine or less residences to avoid the potential consequences of WAC 16-231-510.)
 - ii. Creation of a residential group. The owner of any residence constructed prior to January 1, 2007 may apply for review to create a residential group by submitting an application for a Rural Housing Certificate to obtain permission to construct a new residence which must be located within 300 feet of the existing residence.
 - iii. An existing residential group may be expanded to a maximum of nine houses.

- d. Agricultural Notification. In the case of any application for a Rural Housing Certificate, all owners of property within 1,500 feet of the proposed residential building footprint shall be notified by mail. Any owner of a commercial agricultural operation within 1,500 feet of the proposed new site may appeal the decision to the Board of Adjustment within 20 days after the date of the notice, to show that a significant negative effect on their farming operation would be created. If the owners sign a waiver from this requirement, such notice is not required.
2. Approval of Parcel Configuration.
- a. In General: For the purpose of meeting the minimum building lot requirements of this section, public and private easements or rights-of-way for roads, railroads or utilities shall be ignored.
 - b. Minimum lot size: The area of the subject lot shall be no less than the minimum area required by the Whitman County Department of Environmental Health to safely accommodate approved water supply and on-site sewage disposal systems.
 - c. Access to an improved road: All residential parcels shall be accessible from an improved County road or State highway.
 - d. Frontage/easement requirement: Lots without frontage on an improved public road shall be permitted if access to such a road has been obtained via an easement across adjacent property and if said access has been approved by the appropriate agency.
 - e. Driveways
 - i. Any driveway that serves more than two residences shall be designed and constructed to Fire Code minimums, under oversight by a professional engineer licensed in the State of Washington.
 - ii. Driveways shall be designed to fit existing land contours.
 - iii. Access to an improved public road must be approved and issued by the Whitman County Public Works or the Washington State Department of Transportation. Shared driveways are encouraged to enhance safety of traffic flow entering and leaving improved roads.
 - f. Development Buffers
 - i. Residential development other than of the types listed in (f)(iv)(1) through (11), below, shall not be allowed within 200 feet of property being used for commercial agricultural production at the time of development, or within 100 feet if written permission of the owner of property in production is secured. This area between residential development and commercial agricultural production shall be referred to as the "development buffer."
 - ii. Development buffers shall appear on the short plat of the parcel and any other surveys subsequently produced.
 - iii. The width of an adjacent road's right-of-way may be included as part of the development buffer.
 - iv. Structures and activities related to residential living shall not be allowed within the development buffer. Such structures and activity areas include residences, decks, play areas, home occupation areas, greenhouse, garden, orchard, ornamental trees and so forth. Structures and uses that shall be allowed within the development buffer include, but are not limited to:
 - 1) Garages
 - 2) Storage sheds
 - 3) Equipment sheds
 - 4) Driveways
 - 5) Wells, if not part of a Group A or B water system
 - 6) Septic system drain fields
 - 7) Stables

- 8) Livestock pens and corrals
 - 9) Hay storage
 - 10) Vegetation compatible with adjacent agricultural uses, including pasture, wildlife areas, hay land and native plants.
 - 11) Windbreaks and shelterbelts
 - v. The residential owner may lease the development buffer for agricultural uses such as farming, grazing and so forth.
 - g. Setbacks.
 - i. The minimum setback for all non-residential structures shall be twenty (20) feet on all sides, provided that a minimum setback of thirty-five (35) feet shall be required adjacent to the right-of-way of any State or County Bituminous Surface Treatment/Asphalt Concrete Pavement (BST/ACP) road. (Revised 3/31/14 Ordinance #075323)
 - ii. For all residential structures the minimum setback from roads shall be 100 feet and the minimum setbacks on all other sides of the residence shall be twenty (20) feet except where the development buffer requires a greater distance.
 - h. Water and Sanitation. The applicant shall provide proof of adequate and potable water, as required by Whitman County Environmental Health for a rural residence and shall meet all other requirements of Whitman County Public Health, the Washington State Department of Health and any other agencies regarding the permitting of wells and domestic waste disposal.
 - i. Highly visible locations. ~~All buildings and structures located on hills or ridges shall be sited and/or constructed to minimize the appearance of a silhouette against the sky as measured this way. No part of the living space of a structure shall be higher than the highest part of the landform on which it will be built. A landform is described for the purpose of this chapter as the natural topographic high point separated from other topographic high points by a drop of at least 40 feet. All accessory structures built or placed after the approval of the application for the RHC for the proposed residence must have roof lines no higher in elevation than the principal residential structure. (Amended by Ordinance on August 2, 2010, Ordinance #071008)~~
3. Approval of Lighting.
New lighting fixtures shall be designed and installed so as to control the direction and intensity of light which affects neighboring properties or roadways, so that direct rays of light don't shine onto neighboring properties or serve as a source of light pollution.
- a. New lighting fixtures must be shielded, hooded and oriented towards the ground.
 - b. Use of motion-sensing devices and/or timers is encouraged.
 - c. No new lighting shall blink, flash or be of an usually high intensity or brightness.
 - d. All new lighting fixtures shall be appropriate in scale, intensity and height to their use.
4. Weed Control.
- a. It is the responsibility of the owner(s) of rural land to control weeds.
 - b. Uncontrolled weeds that are a source of further weed dispersion across property boundaries constitute a significant threat to agricultural production. Therefore, a statement asserting this responsibility shall appear on any plat that creates a lot for the purpose of a residential site. However, this ordinance is not intended to, and does not, restrict any rights or remedies available to an owner or lessor of land affected by uncontrolled or inadequately controlled weeds, whether the statement is included in the plat or not.

Residing at _____
My commission expires _____

- b. The following steps are required for this compliance:
 - i. _____ Completing and signing this Certification
 - ii. _____ Obtaining Planning Office review
 - iii. _____ Filing this Certification with the County Auditor
 - iv. _____ Providing proof from the County Auditor for the Planning and/or Building Inspection office(s) that this Certification has been filed
 - c. The existence of this Certification must be conveyed to each future owner of this property.
- C. Vesting.
- 1. Upon receipt of fees and a complete application, the Planning Director shall grant to the applicant a temporary development right. The Planning Office shall not accept any additional Rural Housing Certificate applications for residences within the viewshed of the proposed residence until the Planning Director has either granted or denied a Rural Housing Certificate for the proposed residence.
 - 2. If granted a Rural Housing Certificate, the applicant shall have 270 days during which to complete construction of an approved well and to file a short plat. Failure to complete these steps within this time period shall result in voiding of the Rural Housing Certificate except when an approved water supply has been established and a building permit for a residence has been issued, a short plat is not required.

19.10.065 - Accessory Dwelling Units.

- A. Purpose. An Accessory Dwelling Unit (ADU) is an additional smaller, subordinate dwelling unit on a lot with, or in, an existing or new house. These units are intended to provide for a greater range of choices of housing types in the Agricultural District. Accessory Dwelling Units are intended to enhance options for families by providing opportunities for older or younger relatives to live in proximity while maintaining a degree of privacy.
- B. Applicability. A property with a primary residence and an Accessory Dwelling Unit is different from a property with two residences because the intensity of use is less due to the limitations of size and number of bedrooms. An Accessory Dwelling Unit that meets the requirements of this subsection may be allowed on any lot developed with an existing single-family dwelling, except as noted herein.
- C. Development Standards.
 - 1. No more than one Accessory Dwelling Unit per legal lot is permitted and it must be accessory to a single-family residence. If a short plat is approved, an Accessory Dwelling Unit for each lot is permitted only if all other provisions of this Chapter are met.
 - 2. No Accessory Dwelling Unit is allowed if there are two primary residences on one parcel of land. (Revised April 19, 2010, Ordinance #070610).
 - 3. Whenever the requirements of this Section are at variance with the requirements of any of the lawfully-adopted ordinances, the most restrictive, or that imposing the higher standards to be met prior to a land use being permitted, shall govern.
 - 4. The applicant must apply for a building permit for an Accessory Dwelling Unit. An Accessory Dwelling Unit shall comply with applicable building, fire, and health and safety codes. An Accessory Dwelling Unit cannot be occupied until a certificate of occupancy is issued by the building department.
 - 5. An Accessory Dwelling Unit may be created through:
 - 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.
- e. A separate detached dwelling unit on the same lot as the primary dwelling unit.
 - 1) An Accessory Dwelling Unit shall conform to existing zoning requirements, including, but not limited to setbacks. The addition of an Accessory Dwelling Unit shall not make any lot, structure or use nonconforming within the development site.
 - 2) Building height is limited to twenty-five (25) feet for a detached Accessory Dwelling Unit. Building height requirements of the underlying zone do apply to the Accessory Dwelling Unit for internal conversion or structural addition to the existing primary dwelling.
 - 3) The total gross floor area of an Accessory Dwelling Unit shall not exceed either 1,2100 square feet or 50% of the total gross floor area of the primary residence, whichever is less.
 - 4) An Accessory Dwelling Unit shall not contain more than two (2) bedrooms.
 - 5) For an Accessory Dwelling Unit created by internal conversion or by an addition to an existing primary dwelling, only one (1) entrance may be located on the front of the house, unless the house contained additional front doors before the conversion. Secondary entrances should be located on the side or rear of the primary residence to the extent possible.

D. Historic Structures.

If an Accessory Dwelling Unit is on the same lot as or within a historic structure which has been designated on the national, state or local historic register, the following design guidelines are applicable:

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

19.10.080 - Short Plat and Subdivision.

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

- A. Residential short plats in the Agricultural District must comply with the requirements of Section 19.10.060(B)(1) regarding viewsheds and groupings. A short plat means the division or re-division of land into four or less buildable lots. ~~No short plat creating more than three (3) lots, including the remainder of the original parcel of land, shall be approved within the Agricultural District.~~
- B. No long subdivision plat shall be approved within the Agricultural District.
- C. A short plat may be used to separate out a parcel on which is located a residence in existence prior to the adoption of this ordinance. This home site must meet the requirements of Section 19.10.060. It will then be considered a conforming rural residential use, and shall be issued a Rural Housing Certificate.
- D. The creation of parcels of less than twenty (20) acres in area is permitted for non-residential, agricultural, conservation and/or habitat purposes. It is also permitted for isolating non-agricultural features for separate ownership purposes such as a well, a residential wind turbine and similar features.

1. Language describing the use limitations for agriculturally related short plats shall be placed on the plat. The short plat survey shall include the following statement: "This parcel and its structures are limited to agricultural use only. This parcel has not been evaluated as a building site for any other use. If there is a future intent to try to use this parcel and its structures for any uses other than agriculture, further review for compliance with Whitman County code is required, and it is possible that this parcel will not be able to comply and be approved for different uses."
2. If, in the future, there is a desire to change the use of this parcel, such as enlarging it to be part of a future residential or other use, the properties will have to be reviewed again to see if such proposed use can comply with land use regulations. If such approvals can be obtained, a revised plat containing language reflecting changes must be filed with the County Auditor. (Amended 9/10/12, Ordinance #073358)

19.10.090 - Conditional Uses and Administrative Permits.

- A. Because of considerations of traffic, noise, lighting, hazards, health and environmental issues, the following uses shall not be permitted in the Agricultural District unless a conditional use permit authorizing such use has been granted by the Board of Adjustment; provided, however, that in situations described herein where an administrative use permit may be granted in lieu of a conditional use permit, the use of the land shall not be permitted until such time as an administrative use permit has been granted by the County Planning Office. (Revised 11/18/91, Ordinance #45331)
1. Public or private substations, renewable energy generating facilities, energy storage facilities and energy facilities fueled by natural gas. (Revised 11/16/09, Ordinance #070081) and (Amended 9/10/12, Ordinance #073358)
 2. Small wind energy generators greater than 125 feet in height and greater than 100 Kw. cumulative generating capacity. (Revised 10/20/08, Ordinance #068810)
 3. Utility storage and transportation facilities.
 4. Private and public recreational facilities such as campgrounds, golf courses, rifle ranges, and similar uses.
 5. Churches.
 6. Airstrips.
 7. Solid waste site or transfer station.
 8. Feedlots.
 9. Commercial agricultural commodity warehouse. (Adopted 7/1/13, Ordinance #074394)
 10. Veterinary clinics, boarding kennels, and similar uses.
 11. Surface mining and crushing subject to the minimum standards listed in Sections 19.59 and 19.60.
 12. Home-based businesses that exceed the threshold of a permitted use may be allowed as an administrative use or a conditional use. (For more information on home-based businesses permitting, see Chapter 19.56.) (Revised April 21, 2008; Resolution No. 068024)
 13. Gun clubs and fraternal organizations.
 14. Agricultural repair shops
 15. 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.
 16. 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 (C4)].
 17. Recycling Facility, provided, however, that hazardous material, infectious material and/or radioactive material which federal or state regulations would allow to be recycled but which the County may deem to be unsafe or detrimental to public welfare, shall not be allowed without a Conditional Use

Permit issued by the Board of Adjustment and a Special Permit issued by the Whitman County Health Department. Said permits shall establish specific conditions for the processing-handling of the hazardous material, infectious material and/or radioactive material, where the State of Washington or the Federal Government has not otherwise preempted all control and regulation of said materials. (Revised 11/18/91, Ordinance #045331)

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 care-taker residence. (Revised 4/26/95, Ordinance #048077)
 19. Mining, quarry, and/or other similar natural resource operations located within 1,000 feet of any residence or within one mile from any incorporated community or designated unincorporated rural community, subject to the minimum standards in Section 19.59 and Section 19.60.
- B. An Administrative Use Permit shall be required for:
1. Surface mining and crushing subject to the minimum standards listed in Section 19.59 and Section 19.60.
 2. Mining located more than one mile from an incorporated community or designated unincorporated rural community.
 3. Landfill for inert materials (earth, concrete and asphalt) of less than 2,000 cubic yards of materials.
 4. Natural topsoil and subsoil fill materials on agricultural lands. (Revised 12/21/15, Ordinance # 077293).
 5. Support structure facilities, (towers and accessories) for antennae and other similar uses greater than forty (40) feet in height subject to the requirements of Section 19.58 - Communication and Utility Facilities. (Revised 2/7/11, Ordinance #071612).
 6. Level 3 Electric Vehicle Charging Stations. (Revised 10/17/11, Ordinance #072330)
 7. Temporary asphalt and/or concrete batch plants. (Revised 8/17/15, Ordinance #076901)

19.10.100 - Natural Topsoil and Subsoil Fill Materials on Agricultural Lands.

- A. PURPOSE: The intention of this section is to allow by an administrative process natural top soil and subsoil such as clay, silt, sand or gravel to be deposited on agricultural lands and have the land continue in agricultural use. The topsoil or subsoil fill may come from any offsite development or land restoration project but subject to the following requirements:
1. The soil deposited can only be top soil or clean earth. No manmade materials such as concrete, asphalt, glass, tires or woody vegetation is allowed.
 2. Best Management Practices (BMP's) are required to control stormwater runoff and airborne soil erosion. An erosion control plan must be submitted and approved by the Planning Department before the administrative use permit is issued.
 3. The fill site is to be monitored by the County Environmental Health Department and subject to their requirements for clean earth.
 4. A road haul permit may be required from the Public Works Department for protection of county roads.
 5. Fills shall be placed in lifts not to exceed two feet to at least 90% compaction as determined by ASTM D-1557 Modified Proctor.
 6. Fills shall be placed no thicker than 15 feet without providing a geotechnical engineer's report outlining conditions under which the 15 feet may be safely exceeded.
 7. Final fill slopes shall not exceed 4:1 (horizontal to vertical) without providing a geotechnical engineer's report outlining conditions under which steeper slopes can be safely constructed.
 8. Fill cannot be placed on slopes steeper than 4:1 without constructing a basal key and benching the fill to improve slope stability.

9. Fill that is placed and compacted in this manner will not be deemed suitable for installation of gravity septic drainfields in the future.
10. Any future development of the fill area will require a full geotechnical engineering evaluation prior to permitting for construction.
11. Fill placed within four feet of the completed final ground surface need only be lightly compacted to allow for ongoing agricultural use.

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

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

Township 20 N.	Ranges E.	39, 40, 41, 42, and 43;
Township 19 N.	Ranges E.	39, 40 and 41;
Township 18 N.	Ranges E.	39 and 40;
Township 17 N.	Ranges E.	39 and 40;
Township 16 N.	Ranges E.	38, 39 and 40;
Township 15 N.	Ranges E.	37, 38, 39 (except sections 24, 25 and 36), 41, 42, and 43;
Township 14 N.	Ranges E.	36, 37, 38, 39, 40, 41, 42 and 43;
Township 13 N.	Ranges E.	37, 38, 39, 40, 43 and 44;
Township 12 N.	Ranges E.	44, 45 and 46; or,
Township 11 N.	Ranges E.	45 and 46
 2. Within the above described general areas only a proposed PRD parcel meeting the following criteria shall be allowed a special conditional use permit.
 - a. Not more than 25% of the proposed PRD parcel shall contain prime farm land, defined as land used for the production of a crop on which the average yield for the preceding three years exceeded the Whitman County average by 20%.
 - b. The proposed PRD parcel contains at least 51% of any or any combination, of the following soil associations: Ander-Benge-Kuhl Association; Bakeoven Tucannon-Cheney Association; Kuhl-Alpowa Association; Starbuck-Alpowa Association, or, land that can be described as non-tillable.

- c. The "General Soil Map, Whitman County, Washington" published by the U.S. Department of Agriculture, Soil Conservation Service, edition 1979, as now or hereafter amended, shall be recognized as illustrative of the general locations of the designated soil associations and aid in determining non-tillable land. A copy of this map or its current version shall be retained in the Planning Department office for public access.
 - d. Should a question occur during the Conceptual Plan Review for a PRD, as set forth in WCO Chapter 18.50, the applicant shall, by proof acceptable to the County Planner, establish compliance with this section.
3. No special conditional use for a PRD shall be granted, for any reason without exception, to any PRD proposed parcel wherein any portion of the proposed PRD parcel is within two miles of the boundary of any state park.
- C. Except for the provisions of this section, an applicant for a special conditional use for a PRD shall not be required to meet any other provisions of WCO 19.10 or any section of WCO Chapter 19 which is inconsistent with the provisions of WCO Chapter 18.50, Subdivision Ordinance - Planned Residential Development, as now or hereafter amended.
 - D. The Planning Commission shall be the sole agency to review and approve, modify or deny a special conditional use for a PRD. A denial by the Planning Commission may be appealed to the Board of County Commissioners within 30 days of the denial.
 - E. A special conditional use for a PRD shall be granted by the Planning Commission with at least the following minimum conditions:
 - 1. Full compliance with the provisions of WCO Chapter 18.50, Subdivision Ordinance-Planned Residential Development.
 - 2. Full compliance with the County's critical areas ordinances, as now or hereafter amended, as well as any and all State Environmental Policy Act determinations, and,
 - 3. Approval of the Planned Residential Development by the Whitman County Board. (Revised 4/30/07 Ordinance #066838, effective 5/15/07)

**CHAPTER 19.12 - CLUSTER RESIDENTIAL DISTRICT
(Adopted 12/22/2003; Ordinance #0061970)**

Section 19.12.010 - Declaration of Intent.

Section 19.12.020 - Permitted Uses.

- A. One single-family dwelling per buildable lot;
- B. Accessory structures to a permitted use;
- C. Temporary stands for sale of agricultural non-livestock products produced on the premises;
- D. Home-based businesses utilizing only those accessory buildings and structures permitted under this chapter, and which from the premises' property line cannot be seen or heard or felt or smelled and will not have customer visits. (For more information on home-based businesses permitting, see Chapter 19.56.) (Revised April 21, 2008; Resolution No. 068024)
- E. Agricultural activities including but not limited to cropping and grazing of livestock.
- F. Level 1 and level 2 Electric Vehicle Charging Stations.
(Revised 10/17/11, Ordinance # 072330)

Section 19.12.030 - Zone and Lot Size Requirements, and House to Acreage Ratios.

- A. The minimum zone size for a short plat consisting of four buildable lots shall be 20 acres. The minimum zone size for a long plat consisting of at least six buildable lots shall be 60 acres.
- B. This zone must be capable of creating at least four lots that are suitable for building a single-family residence.

- C. Lots may be as small as ½ acre as long as the short plat ratio of at least 5 acres per residence is maintained, or the long plat ratio of at least 10 acres per residence is maintained.

Section 19.12.040 - Yard Requirements.

~~Setbacks are measured from the nearest point of a structure to the property line and are determined by the zoning of the adjacent property. If the adjacent property is zoned:~~

- ~~A. Cluster Residential District, the setback for all principal and accessory uses and structures shall be 20 feet.~~
- ~~B. Agricultural District, the setback for all principal and accessory uses and structures shall be 200 feet, unless a waiver from the adjacent landowner is obtained then the setback shall be 100 feet.~~
- ~~C. The North and South Pullman-Moscow Corridor Districts, the setback for all principal and accessory uses and structures shall be 200 feet, unless a waiver from the adjacent landowner is obtained then the setback shall be 100 feet.~~
- ~~D. Light or Heavy Industrial District, Heavy Commercial District, or a Highway/Waterway Commercial District, the setback for all principal and accessory uses and structures shall be 200 feet unless a waiver from the adjacent landowner is obtained then the setback shall be 100 feet.~~
- ~~E. The right-of-way of any state or county roadway, the setback shall be thirty-five feet from primary and secondary arterials as designated in the Comprehensive Plan and twenty feet for non-arterials. All residences shall be setback no less than 100 feet from any road right-of-way.~~

~~The minimum setback for all principal and accessory uses and structures shall be twenty feet on all sides, provided that a minimum setback of thirty-five feet shall be required for any yard adjacent to the right of way of any state or county roadway designated as a primary or secondary arterial in the Comprehensive Plan. To facilitate setback location, measurement may be made from the centerline of the road. The front yard setback shall be half the distance of that specific right-of-way width, plus thirty-five feet, as measured from the road centerline.~~

Section 19.12.050 - Height of Buildings.

The maximum height of buildings and structures in this district shall be thirty-five feet as measured from the average of the highest and lowest natural grade points of the foundation, to the top of the roof.

Section 19.12.070 - Short Plat and Long Plat Subdivisions.

Whitman County shall accept no short plat or subdivision for residential use within this Cluster Residential District unless such plat complies with this chapter:

- A. Short plats:
1. A short plat in this zoning district must create four buildable lots in a zone of at least 20 acres; additional non-buildable lots, to be held in common ownership by a homeowners' association and not certified as eligible residential parcels, may also be created. The short plat shall identify any non-buildable lots as non-buildable and include a note stating that no residences may be constructed on parcels so labeled.
 2. The four buildable lots must meet code requirements so that they are eligible for residential building permits. These lots must be platted, and the plat must show the private road right-of-way, preliminary drain field locations, well locations and utility easements. Road construction must be completed to each lot prior to the issuance of any building permit. Proof of adequate, potable water is required prior to approval of the short plat per RCW 19.27.097(1) or as subsequently revised.
 3. Minimum lot size shall be ½ acre and there is no maximum lot size.
 4. If land is not held in common ownership, easements for roads and utilities must be provided. Road and utility construction and maintenance agreements are required.
 5. Cluster Residential Districts, once created and platted, shall not be further subdivided unless the zoning classification is changed ~~or the land is~~

~~annexed~~. Minor boundary line adjustments or a replat of the original short plat may be allowed as long as these changes do not jeopardize the integrity of each lot as a building site nor the accessory systems developed to support the plat.

6. Prior to approval of the plat, the land owner shall file with the County Auditor a deed restriction and/or easement of acceptance of agricultural operations document. This document shall also be printed on the plat or adequately referenced so that future buyers have opportunity to be aware of this deed restriction and/or easement. Applicants for any residential building permit shall sign and file a form that indicates they are aware of the deed restrictions and/or easements. Documents that in the future convey the land to new owners shall also acknowledge the existence of these filed documents. The deed restriction and/or easement sample is attached to the last part of this chapter.
7. Once an area has been successfully zoned Cluster Residential District, the process of platting may be initiated and completed. Upon successful completion of platting, the lots may be conveyed and building permits sought.

B. Long plats:

1. A long plat must create at least six buildable lots in a zone of at least 60 acres; additional non-buildable lots, to be held in common ownership by a homeowners' association and not certified as eligible residential parcels, may also be created. The preliminary and final plats shall identify any non-buildable lots as non-buildable and include a note stating that no residences may be constructed on parcels so labeled.
2. For each additional buildable lot, the zone size must be expanded by 10 acres, so that the ratio of 10 acres per residence is maintained.
3. The six or more buildable lots must meet code requirements so that they are eligible for residential building permits. These lots must be platted, and the plat must show the private road right-of-way, preliminary drain field locations, well locations and utility easements. Since a long plat can be phased, road construction must be completed to each lot prior to approval of that phase of the long plat, (the Final Plat). Proof of adequate, potable water is required prior to approval of the Final Plat per RCW 19.27.097(1) or as subsequently revised, although a developer may wish to assure an adequate supply of potable water earlier in the process.
4. Minimum lot size shall be ½ acre and there is no maximum lot size.
5. If land is not held in common ownership, easements for roads and utilities must be provided. Road and utility construction and maintenance agreements are required.
6. Cluster Residential Districts, once created and platted, shall not be further subdivided unless the zoning classification is changed ~~or the land is annexed~~. Minor boundary line adjustments or a replat of the original long plat may be allowed as long as these changes do not jeopardize the integrity of each lot as a building site nor the accessory systems developed to support the plat.
7. Prior to approval of the plat, the landowner shall file with the County Auditor a deed restriction and/or easement of acceptance of agricultural operations document. This document shall also be printed on the plat or adequately referenced so that future buyers have opportunity to be aware of this deed restriction and/or easement. Applicants for any residential building permit shall sign and file a form that indicates they are aware of the deed restrictions and/or easements. Documents that in the future convey the land to new owners shall also acknowledge the existence of these filed documents. The deed restriction and/or easement sample is attached to the last part of this chapter.
8. Once an area has been successfully zoned Cluster Residential, the process of platting may be initiated and completed. Upon successful completion of platting, the lots may be conveyed and building permits sought.

Section 19.12.080 - Conditional Uses and Administrative Uses.

Because of considerations of traffic, noise, lighting, hazards, health and environmental issues, the following uses shall not be permitted in the Cluster Residential District unless a conditional use permit authorizing such use has been granted by the Board of Adjustment:

- A. 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)
- B. An Administrative Use Permit is required for a Level 3 Electric Vehicle Charging Station. (Revised 10/17/11, Ordinance # 072330)

Section 19.12.90 Special Features for Cluster Residential District, (CRD)

A. PURPOSE: This section establishes potential locations for and allows for the creation of Cluster Residential Districts, (CRD), 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, and:

- 1. Produce a non-farm rural residential development which would be better than traditional, scattered houses, 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;
- 2. 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;
- 3. Ensure preservation of important natural habitat, and important ecosystems;
- 4. Preserve and enhance special site features including areas of cultural significance and, habitat, wetlands and; compliance with the County's critical areas ordinances.
- 5. Maximize use of alternative energy sources and energy-efficient structures, while employing strategies for conservation of water and other resources.

- B. 1. There is created the possibility for a Cluster Residential District within specific areas of Whitman County, hereafter termed CRD Opportunity Areas, as follows:

The areas that may be converted from Agricultural District to the Cluster Residential District are those remaining areas from the originally identified cluster opportunity ~~areaszone~~ that lie outside the tax sharing area agreed upon between the County and the City of Pullman. The tax sharing area is identified as follows: The following described land located in Whitman County, State of Washington:

All that part of the NE $\frac{1}{4}$ of Section 25 lying southeast of a line drawn from the NE corner of the NE $\frac{1}{4}$ to the SW corner of the NE $\frac{1}{4}$ of said Section 25; The SE $\frac{1}{4}$ of Section 25; All that part of the SW $\frac{1}{4}$ of Section 25 lying southeast of a line drawn from the NE corner of the SW $\frac{1}{4}$ to the SW corner of the SW $\frac{1}{4}$ of said Section 25; All of Section 36; the East $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the East $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 35; All in Township 15 North, Range 44 East, W.M.

All that part of the SW $\frac{1}{4}$ of Section 25 lying west of a line that lies approximately 1,920 feet east and parallel to the West Section line of said SW $\frac{1}{4}$ of Section 25; The SE $\frac{1}{4}$, the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ all in Section 26; Sections 27, 28, 29, 30, 31, 32, 33, 34 and 35; The SE $\frac{1}{4}$, the SW $\frac{1}{4}$ and all that part of the NW $\frac{1}{4}$ lying west of a line that lies approximately 1,920 feet east and parallel to the West Section line of said NW $\frac{1}{4}$, all in Section 36; All in Township 15 North, Range 45 East, W.M.

The South ½ of Section 31; the SW ¼ and Government Lots 3 and 4 of Section 32; All in Township 15 North, Range 46 East, W.M.

The NE ¼, the NW ¼, the SE ¼ and all that part of the SW ¼ lying easterly of a line that lies 1,000.00 feet westerly and parallel to the centerline of SR 195 all in Section 1; All that part of the East ½ of Section 2 lying easterly of a line that lies 1,000.00 feet westerly and parallel to the centerline of SR 195; All that part of Section 12 lying easterly and northerly of the centerline of SR 195 and all that part of said Section 12 lying between the centerline of said SR 195 and a line 1,000.00 feet westerly and southerly and parallel to the centerline of SR 195 from the intersection of SR 27 and SR 195 to the northerly section line of said Section 12; All in Township 14 North, Range 44 East, W.M.

The NE ¼, the NW ¼ and the North ½ of the SW ¼ all in Section 1; The NE ¼, the NW ¼, the North ½ of the SW ¼, the SW ¼ of the SW ¼ and the North ½ of the SE ¼ all in Section 2; Sections 3, 4, 5, 6, 7 and 8; All of Section 9 lying northerly of the said centerline alignment for the "Alternative B" route as drawn and shown in the South By-Pass Conceptual Route study prepared for the City of Pullman by Taylor Engineering dated November 28, 2005, and also lying northerly of the centerline of County Road Number 9070, Old Moscow Road; All of Section 10 lying northerly of said centerline of County Road Number 9070, Old Moscow Road; All that part of the North ½ of Section 18 and the North ½ of the NW ¼ of Section 17 lying northerly of the centerline alignment for the "Alternative B" route as drawn and shown in the South By-Pass Conceptual Route study prepared for the City of Pullman by Taylor Engineering dated November 28, 2005; All in Township 14 North, Range 45 East, W.M. (A map has been produced to show this area.) (Revised 12/21/15, Ordinance # 077295).

2. Land within the above-described ~~general~~ areas may be considered for rezoning to Cluster Residential District. (Any area defined by interlocal agreement between the county and the city of Pullman that describes city expansion areas [adjacent to water and sewer line potential extensions] will be excluded from this zone.) The process by which this zone may be created is as follows:

~~C. The proposed Cluster Residential District zone change shall be at least 1,000 feet distant from any commercial agricultural land and any other commercial or industrial zone or existing conditional use that may have compatibility issues with the proposed Cluster Residential development, unless the owner(s) of said lands sign a waiver that they do not object to the establishment of such a zone.~~

- a. The site plan prepared as part of the zone change application shall designate an area for the shared well, or for individual wells on each lot.
- b. The site plan prepared as part of the zone change application shall show preliminary County Environmental Health information that potential residential sites will have access to area and soils adequate to be permitted for septic system drain fields, sufficient for each proposed residential building site.
- c. The zone change application must show that the proposed access from an improved county road or state highway can be obtained from the appropriate government agency.
- d. The internal road that serves the lots shall be a shared private road. In general, this road shall be designed to stay on one of the land's contours. It shall be engineered to County standards, or as approved by the County Engineer, and shall meet fire code requirements.
- e. ~~The dwelling area is defined as the area of a parcel of land in which building construction can occur, such as the area suitable for structures and landscaping.~~ Wells, drain fields, driveways, the

- ~~internal road~~, and so forth could be allowed within the setback/buffer area, but must maintain ~~the required a~~ 20-foot setback from the zone perimeter.
- f. The setback/buffer from the perimeter of the Cluster Residential zone to the structures within the lots, ~~or the dwelling area within each lot, shall be as stated in Section 19.12.040 - Yard Requirements, horizontal 200-foot distance shall not be rendered impervious, except those areas used by driveways and internal roads.~~ ~~of pasture, hay or native vegetation in those cases where the exterior Cluster Residential zone boundary is adjacent to lands in commercial agricultural use.~~
 - g. Compliance with the County's critical areas ordinances will direct development away from flood hazard and wetland areas, and will protect the aquifers. The Building and Fire Codes will guide development with regards to steep slopes and geologically hazardous soils. Structures built on 1:3 slopes or steeper are subject to additional Building Code provisions.
 - h. Prior to the zone change public hearing, within county jurisdiction, notice shall be mailed to land owners within 1,000 feet of the proposed zone boundaries. Within city jurisdiction the notice distance shall be 300 feet. The property shall be posted with a public notice and the notice shall be published.
 - i. Prior to approval of any short plat survey or preliminary long plat survey, any Declaration of Covenants, Conditions and Restrictions (CCR) associated with said subdivision shall be reviewed by the County Planner for inclusion of
 - i. Regulations controlling assessments for the improvement and maintenance of shared infrastructure such as driveways and water systems.
 - ii. Regulations controlling amendment of the CCR document;
 - j. The CCR document may include other restrictions, such as those addressing type of construction, which are not required by Whitman County.
3. Special requirements within the zone:
- a. A grading permit shall be required prior to the disturbance of any vegetation and soils. Grading shall disturb the minimum area needed for the developments. It may be necessary for a grading permit to be issued prior to each new proposed development if the development occurs in phases or over time. The grading permit requirement shall be enforced through the Building Code.
 - b. ~~Structures shall be located so that their highest point shall be lower than elevation of the highest ridgeline or hilltop within one-half mile of the building site. All 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 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.~~
 - c. Prior to the issuance of a building permit, in consultation with the appropriate Fire District, fuel breaks shall be designed to protect structures. It shall be the responsibility of each home owner and/or resident to implement and maintain the fuel break in such condition as to protect structures from wildfire damage. Whitman County shall have no liability for any wildfire damage.
 - d. Any development that is planned to meet State Department of Ecology storm water requirements shall be presented to Whitman County as part of the plat design. Although this is not a County requirement, this will involve land use, so the details of that development and/or the structures required shall be provided to Whitman County. In some

BOCC MINUTES-07/03/17

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 _____

The following steps are required for this compliance:

1. ____ Completing and signing this Certification.
2. ____ Obtaining Planning Office review
3. ____ Filing this Certification with the County Auditor
4. ____ Providing proof from the County Auditor for the Planning and/or Building Inspection office(s) that this Certification has been filed.

The existence of this Certification must be conveyed to each future owner of this property. (Revised 4/30/07 Ordinance #066838, effective 5/15/07)

COMPREHENSIVE PLAN

- b. Provide adequate acreage for appropriate productive use of rural residential land, such as small numbers of livestock, large gardens, etc.
3. Minimum of 200 feet of frontage on an improved county or state road (road which has minimum improvements of grading, drainage, and gravel surface).
4. If any perennial surface water passes through or along the property lines of the acreage, a minimum of 200 feet of frontage should be required.
5. Less than 50% of the acreage in a designated flood hazard area (as defined by the Federal Flood Insurance Program).
6. For all new residential building outside incorporated areas where significant amounts of natural vegetation occur, a maximum amount of irreplaceable wetland vegetation and existing timber should be preserved, for the purpose of:
 - a. Erosion Control;
 - b. Maintenance of critical wildlife habitat;
 - c. Protecting the natural landscape for the benefit of all residents.

IMPLEMENTATION GUIDELINES

1. Rural residential development shall be regulated by the Whitman County Zoning and Subdivision Ordinances to ensure that it meets the following conditions:
 - a. Ensure access from an improved County or State road and demonstrate adequate access for emergency services without increasing the cost of liability of the County for road maintenance costs.
 - b. Protect identified natural resources, existing vegetation, and streams on the property, and the air and water quality of surrounding property. Control location and conditions of residential development in proximity

to permitted mining, quarrying and other natural resource operations.
(Adopted July, 1999; Resolution 055301)

SUBURBAN AND URBAN RESIDENTIAL LAND USE

GOAL 1

DISCOURAGE URBAN AND SUBURBAN DEVELOPMENT OUTSIDE INCORPORATED AREAS IN WHITMAN COUNTY, EXCEPT WITHIN DESIGNATED UNINCORPORATED COMMUNITIES, AND THOSE AREAS DESIGNATED BY THE PLAN AS SUITABLE FOR CLUSTER RESIDENTIAL ZONING DISTRICTS.

GOAL RATIONALE

The original policy is based on a number of conclusions made during the 1978 Plan Revision concerning suburban density development outside incorporated areas was stated as follow: 1) that concentrations of residential units adjacent to croplands are one of the conditions leading to serious land use conflict; 2) that land users at suburban densities have expectations of public service levels which are not and cannot be provided by a rural county; 3) that the assumption that suburban development adjacent to city boundaries can later be annexed is misleading, because rural subdivision would typically be constructed to standards different than those of the city to which it may be annexed; and 4) that growth is occurring at a slow enough rate to be absorbed by existing urban places.

Since the mid 1990's the Planning Commission has held public input meetings in every one of the county's incorporated cities and towns, and also in many of the county's unincorporated communities. In addition, special meetings with various focus groups have been held, in an attempt to find ways to allow more non-farm rural residential places while at the same time protecting the ability of other, neighboring agricultural producers to continue farming and raising livestock. In 1997, a group of citizens appointed half by the Board of County Commissioners and half by the Pullman City Council formed the Joint Planning Area Committee. In several meetings over a 6-month period, this Committee acknowledged the demand for a rural non-farm lifestyle close to the city that was not addressed by either the city or the county. This committee also learned about the experience of other area jurisdictions including the problems and pitfalls of unplanned, incrementally-developed subdivisions.

As a result of the cumulative assembly of all of these comments from residents and from the Joint Planning Area Committee, the Planning Commission met frequently in January, February and March of 2003 to find ways to allow this type of housing lifestyle while at the same time protecting the ability of agricultural producers to continue operations.

Therefore, the Planning Commission has found 1) that because residential units adjacent to cropland remains as a potential for serious land use conflict, it is better to group residences in a cluster of land rather than allow for spotted housing development scattered over the countryside; 2) that although it is likely that these new residents will have urban expectations, the land use codes will require that people who create the zones, the subdivisions, and/or build there-on, will be made aware of the fact that urban services will not be provided, and that they acknowledge via a filed document running with the land that they are aware they are located in an agricultural area so they know that their property and lives will be subject to the impacts from surrounding agricultural operations; 3) that the Plan policy and land use codes can assure that while the development may not be constructed to city standards, it will be possible to upgrade to those standards as well as providing adequate area for the city to grow through such zones when they are annexed; 4) that this Plan revision is providing for a kind of growth of a lot size and zoning use that is not available within the city and has not been easily available in the county, and 5) the incentive for the development of Cluster Residential zones is the permission to convert commercial productive agricultural

ground to non-agricultural use sooner than is otherwise allowed within the Agricultural District.

PLANNING GUIDELINES

1. URBAN and SUBURBAN development include residential subdivisions, residential development which creates new roads serving multiple residences, or residential development which creates more than two adjacent building lots at the same time (not including the parent parcel of land). This kind of development is intended for the existing Plan-designated unincorporated communities.
2. CLUSTER RESIDENTIAL development includes a grouped residential subdivision that is either a short plat with four lots or a long plat with ~~five~~ six or more lots. A zone change to Cluster Residential is a prerequisite for this development.

IMPLEMENTATION GUIDELINES FOR URBAN AND SUBURBAN DEVELOPMENT WITHIN THE AGRICULTURAL DISTRICT

1. Prohibit urban and suburban development outside incorporated areas (except within designated rural communities) through:
 - a. Prohibiting all long plats for residential land use (subdivision) within the Agricultural District.
 - b. ~~Residential Prohibiting~~ short plats (land partitions) are to be limited by a viewshed concept which requires residences to be at least 1,500 feet apart or not visible from each other because of topography and a grouping concept which allows for 2-9 residential parcels within 300 feet of any residence that existed prior to January 1, 2007, which create more than two parcels of land for new rural residential use (not including the parent parcel of land) within the Agricultural District.

IMPLEMENTATION GUIDELINES FOR CLUSTER RESIDENTIAL DEVELOPMENT

(Amended December 15, 2014 by Ordinance #076156)

1. Cluster Residential Districts are eligible for consideration on land that is within quarter sections (160 acres) that are within one half (1/2) mile of the city limits of Pullman, Washington as defined on the date of adoption of this Plan amendment, and that part of the SW ¼ of Section 30 lying north of Pullman Airport Road, Township 15N, Range 46E.W.M., Whitman County, WA and excepting:
 - a. Other existing zoning districts, such as Heavy Commercial, Light Industrial, Heavy Industrial, and the Pullman-Moscow Corridor District, and,
 - b. Within the City of Pullman.
 - c. Within the tax sharing area agreed upon by interlocal agreement between the County and the City of Pullman filed by the County Auditor's Office on July 7, 2015 under file number 730608.
- ~~2. The applicant is required to hold a meeting, with County Planning staff present, to discuss concerns with these neighboring land owners prior to the hearing. Planning staff shall take notes at this meeting.~~
- ~~3. An area may be considered eligible for approval as a Cluster Residential District if it meets any of the following criteria:
 - ~~2. Being at least 1,000 feet distant from any commercial agricultural land and any other commercial or industrial zone, existing conditional use, or grandfathered use that is in different ownership, that may have compatibility issues with the proposed residential use, or;~~~~

- ~~3. Receiving a written waiver from the owners of said lands that they do not object to the establishment of a Cluster Residential District, or;~~
- ~~4. Applicant proves satisfactorily to the Planning Commission [if the applicant has been unable to obtain waiver(s)], that said Cluster Residential development would not hamper or curtail current agricultural, commercial or industrial practices, such as but not limited to:~~
- ~~5. Prevailing wind problems~~
- ~~6. Aerial applicator flight patterns required by topography or structures~~
- ~~7. Odor~~
- ~~8. Noise~~
- ~~9. Livestock~~
- ~~10. Hours of operation~~

- 42. If the Pullman City Council and the Board of County Commissioners agree through an interlocal agreement, certain areas currently within county jurisdiction may be prohibited from rezoning and development until said area is annexed into the city of Pullman.
- 53. A person, persons, party or parties who apply for a Cluster Residential zone change shall agree that their submission of the zone change application legally binds them as well as all successors to recognition of normal, on-going agricultural operations and practices, effective at the point the zone change is approved by the Board of County Commissioners. This recognition will take the shape of language on the plat and a signed easement by each future owner, filed with the County Auditor that the owner understands where they live and the activities that will normally occur around them. This recognition shall also be referenced in any rental contract, so that all occupants shall be aware of and will accept agricultural operations and practices. The kinds of operations and practices that shall be listed in the deed restriction or easement include, but are not limited to expect and not complain about:
 - a. Periods of dust (soil and chaff);
 - b. Aerial application of chemicals (fertilizer and pesticides), occasionally early in the morning;
 - c. Movement of slow and large agricultural equipment on the roads;
 - d. Noise of agricultural machinery;
 - e. Odor from livestock;
 - f. Early and late hours of operations
- 64. The Cluster Residential zones shall be subdivided according to the following policies:
 - a. The minimum acreage for a Cluster Residential zone shall be 20 acres that is suitable for division into ~~to~~ four lots that meet standards for residential construction;
 - b. There is no maximum acreage for a Cluster Residential zone;
 - c. Platting into a minimum of four lots on 20 acres is required, even if the owner intends to build on only one lot. The platting assures that the subdivision will hold for the future adequate building sites and lots for up to three more homes;
 - d. For a Cluster Residential subdivision of four lots, the minimum ratio of land area per house is five acres per residential unit. Individual lot sizes within the cluster can be as small as ½ acre as long as this ratio is maintained. This land division shall be approved administratively as a Short Subdivision, (short plat);
 - e. For a Cluster Residential subdivision of five six or more lots, the minimum ratio of land area per house is ten acres per residential unit. Individual lot sizes within can be as small as ½ acre as long as this ratio is maintained. This land division shall be approved via the Planning Commission and Board of County Commissioners as a long plat;

- f. ~~In order to protect and enable recharge to the aquifer the setback/buffer from the perimeter of the Cluster Residential zone to the structures within the lots, as stated in Section 19.12.040 - Yard Requirements, shall not be rendered impervious, except those areas used by driveways and internal roads. The buffer from the perimeter of the Cluster Residential zone to the lots or the development envelopes within each lot shall be a horizontal 200-foot distance of pasture, hay or native vegetation in those cases where the exterior Cluster Residential zone is adjacent to lands in commercial agricultural use. Aside from buffering normal agricultural practices, the maintenance of pasture, hay or native vegetation shall protect and enable recharge to the aquifer.~~

- 75. The Cluster Residential zones shall meet the following road policies:
 - a. Cluster Residential Districts must access from an improved county road or state highway. Whitman County will not improve roads for this zone, but the applicant may seek to improve it;
 - b. The internal road that serves the lots shall be a shared private drive. In general, this road shall be designed to stay on one of the land's contours. The road shall be engineered and shall meet fire code requirements;
 - c. Private internal roads shall be either held in common, or shall be allowed by easements across private lots. A private road construction and maintenance agreement is required;
 - d. The private road must be built to any residence according to the approved engineering standards prior to the issuance of a building permit for that lot;
 - e. All plats will show the location of these roads, but platting alone within a short subdivision does not require the construction of these internal roads. Within a long subdivision, the roads must be completed prior to approval of the Final Plat, although long plats may be phased over time.

- 86. Subdivisions and potable water policies are:
 - a. State Health Department and Department of Ecology regulations govern the requirements for potable water;
 - b. For a 4-lot subdivision, an exempt well or wells will allow withdrawal of 5,000 gallons per day, or 1,250 gallons per residence. (The residence to area ratio must be a minimum of 5 acres per residence, for a total of 20 acres.)
 - c. For a subdivision of ~~five~~ six or more lots, each residence is allotted 1,200 gallons of water per day. (The residence to area ratio must be a minimum of 10 acres per residence, beginning with a minimum subdivision size of ~~5~~60 acres. There is no maximum.)
 - d. State law requires proof of an adequate amount of potable water prior to approval of the plat.
 - e. Water conservation is encouraged, through the planting of drought-tolerant plants that do not need irrigation and the capture of rooftop rainwater, and so forth.

- 97. Environmental concerns:
 - a. The suitability of terrain shall be a factor in the criteria regarding the approval of the zone and the location of lots and building sites within such an approved zone. The county critical areas ordinances will direct development away from flood hazard and wetland areas, and will protect the aquifers and wildlife habitat. Building and Fire Codes will guide development with regards to steep slopes and geologically hazardous soils;
 - b. In addition to the current Plan requirements that encourage preservation of existing natural vegetation for the purpose of erosion control, maintenance of wildlife habitat, and protection of the natural landscape, it is Plan policy that construction disturbance to

vegetation and soils be minimized within lots and common areas, including lands being cropped or formerly cropped;

- c. New Washington State Department of Ecology forthcoming stormwater requirements are anticipated. Although this is not expected to be a county regulation, since this involves land use, the details of that development and/or the structures that Ecology will require, shall be provided to Whitman County. In some cases, it may be possible to combine stormwater control features with, for example, a fire flow and/or irrigation storage system.

~~108.~~ Wildfire concerns:

- a. Fuel breaks around buildings shall be designed to protect structures in case of wildfire. In consultation with the appropriate Fire District, fuel breaks shall be designed around the "development envelope" within each lot, identified prior to issuance of the building permit. It shall be the responsibility of each home owner and/or resident to maintain the fuel break in such condition as to protect structures from wildfire damage. Those who choose to develop and live in the country, surrounded at certain times of the year by dry grass or crop stubble, take full responsibility for that choice and for the possibility of loss by wildfire;
- b. Fire flow requirements shall be per Whitman County Fire Code.

~~119.~~ Aesthetics:

- a. It is intended that Cluster Residential development shall protect the aesthetic quality of Whitman County for its residents and visitors. Visual impact created by the development can either sustain or negate the current quality of life. Therefore, this Plan intends that structures be located so that no part of a structure shall be higher than the highest part of the landform on which it will be built. A landform is described as the natural topographic high point separated from other topographic high points by a drop of at least 40 feet. ~~their highest point shall be lower than the elevation of the highest ridgeline or hilltop within one-half mile of the building site.~~ This goal encourages energy efficiency and allows many of the current landscape and long-distance views to stay unobstructed. While it will not necessarily allow a 360-degree hilltop view, it will still allow a view from the residences, and it will allow views from the surrounding areas to be less obstructed;
- b. Since appearance of structures also is a factor in quality of life aesthetics, the zoning ordinance shall specify design standards to ensure this quality and require that the homes be constructed on-site.

~~120.~~ Covenants, Agreements and Easements:

- a. Agreements shall be written to govern construction and maintenance of shared internal roads, any common area and buffer area vegetation maintenance, the water system (if shared), and any other site specific restrictions from the zoning ordinance and any other land use codes;
- b. Easements shall be required for roads and utilities and common areas
- c. Acknowledgement of agricultural practices shall be affirmed;
- d. Easements shall be shown on the plats. Agreements may be included on the plat or may be referenced on the plat to a document filed with the County Auditor. The existence of covenants filed with the Auditor shall be referenced on the plat.

PLANNED RESIDENTIAL DEVELOPMENT, (PRD)

(Adopted May 10, 1999; Resolution No. 054924)

Goal: Allow alternative forms of low-density residential development in unincorporated areas that enhance the primary goals of the Comprehensive Plan, provide economic opportunities and benefits to the County and its residents, while at the same time helping to preserve environmentally sensitive areas.

BOCC MINUTES-07/03/17

1. Planned Residential Development will be authorized as a special conditional use in the Agricultural Zone District of Whitman County.
2. A Planned Residential Development special conditional use shall be confined to specific areas in Whitman County and contain the following criteria:
 - (a) Not more than 25% of the proposed PRD parcel shall be considered prime agricultural land;
 - (b) The proposed PRD parcel shall contains at least 51% of any, or any combination, of the following soil associations: Ander-Benge-Kuhl Association; Bakeoven Tucannon-

079101 15. **Motion** by Commissioner Largent **seconded** by Commissioner Swannack and **carried** to approve the contract between the Whitman County Landfill and A&R Construction for the Pre-Fab concrete wall project.

079102 16. Commissioner Largent **moved** Commissioner Swannack **seconded** the motion and it **carried** to approve publishing the notice to call for bids for the Farmington Road overlay when authorization is received from Washington State Department of Transportation.

079103 16A. Greg's Electric was awarded electrical services through the small works roster process for the contact water and suppression tanks project for \$22,296.11 without tax.

DIVISION UPDATES:

D079103A 17. The following division updates provided by Public Works staff.

Solid Waste Division:

D079103B 17A. Maintenance crews will be working at the Landfill on the old pond in mid-July for the tank project.

D079103C 17B. The Oakesdale shop contractor will begin on the project next week.

Engineering Division:

D079103D 17C. Edmondson Bridge update. Mr. Storey talked about the theft of the Edmondson Bridge plaque. Commissioner Largent said this theft really disappointed him because not only is it stealing from the county but the people's history and legacy. Commissioner Swannack asked if this theft jeopardizes the county's mitigation with the Army Corps of Engineers and Mr. Storey said it endangers the credibility of our agreement with the Corps. Mr. Storey said he contacted the Sheriff's Department and this particular theft based on the value is a felony. He has also contacted the radio stations and newspaper.

Maintenance Division:

D079103E 17D. Seal coating in the towns of Farmington and Garfield, back to ditching, removal of weight restrictions and will be hauling gravel in the fall.

Planning Division:

D079103F 17E. If the Board is agreeable, the Planning Commission will begin discussions in workshop on the Airport overlay zone and the commissioners had no objections. It was agreed to hold a joint workshop with the Board and Planning Commission on September 6 at 6 p.m. in the Public Service Building Auditorium.

D079103G 17F. A brief discussion on the Kitzmiller Road utility lines was addressed. Mr. Storey noted the county is compelled to allow utilities in the county right-of-ways.

D079103H 17G. The McCoy Creek SEPA is progressing and the project is moving ahead.

D079103I 18. Approved documents signed.

12:10 p.m. - Recess.

BOCC MINUTES-07/03/17

D079103J THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, July 10, 2017** at **9:00 a.m.** Chairman Arthur D Swannack, Dean Kinzer and Michael Largent, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

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

D079103K 19. Approved consent agenda items signed.

079104-079105 20. Treasurers Wire Transfers and Check Report for **\$134,592.23**, Payroll and General/Veterans' Relief warrants numbered **330475-330567** for **\$80,921.34** approved.

079106-079112 21. Personnel change orders.

D079112A 21A. Motion by Commissioner Kinzer **seconded** by Commissioner Largent and **carried** to amend the agenda to add item #24, Executive Session.

9:05 a.m. - BOCC Workshop.

Present: Gary Petrovich, Mark Storey, Bill Tensfeld (9:05 a.m.) and Troy Henderson (10:15 a.m.).

079113 22. The following items were discussed but no action was taken.

- Parks Staffing
- Public Works Staffing
- North Fire Simulcast
- EC Almota Shed Wind Damage
- Avista Overhead Power Lines
- Evening Aerial Application
- SEWEDA/RTPO Meeting
- Rosalia High Speed Internet
- State Budget
- Non-ER&R Vehicles
- Palouse Knowledge Corridor
- Bridge Plaques
- Edmondson Bridge
- Landfill Pond Removed
- Landfill Contractor to Begin
- Asphalt/General Maintenance
- Bridge Crew
- 2018 Budget Call
- Capital Improvement Planning
- Health Dept./Dog Bites
- Health Dept./Staffing
- Health Dept./Flooring (Pullman)

10:30 a.m. - Executive Session.

Present: Denis Tracy, Gary Petrovich, Mark Storey and Alan Thomson.

079114 23. Commissioner Kinzer **moved** Commissioner Largent **seconded** the motion and it **carried** to go into executive session with the above individuals until 11:15 a.m. in accordance with RCW 42.30.110(1)(i) for matters related to pending or potential litigation.

11:15 a.m. - Return to Open Session/Recess.

D079114A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Tuesday, July 11, 2017** at **3:00 p.m.** Chairman Arthur D Swannack, Dean Kinzer and Michael Largent, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

3:00 p.m. - Reconvene/Board Business Continued/Executive Session.

Present: Denis Tracy, Eunice Coker and Gary Petrovich.

BOCC MINUTES-07/03/17

079115 **24.** Commissioner Kinzer **moved** Commissioner Largent **seconded** the motion and it **carried** to go into executive session with the above individuals until 3:45 p.m. in accordance with RCW 42.30.110(1)(i) for matters related to pending or potential litigation.

3:45 p.m. - Return to Open Session.

3:45 p.m. - Adjournment.

D079115A Commissioner Kinzer **moved** to adjourn the **July 3, 10 and 11, 2017** meeting. Motion **seconded** by Commissioner Largent and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **July 17, 2017**. The foregoing action made this **11th** day of **July 2017**.

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

MARIBETH BECKER, CMC
Clerk of the Board

ARTHUR D SWANNACK, CHAIRMAN
Board of County Commissioners