

Minutes for July 19, 2010

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070924 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, July 19, 2010** at **9:00 a.m.** Chairman Greg Partch, Patrick J. O'Neill and Michael Largent, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

9:00 a.m. - Call to Order/Pledge of Allegiance/Board Business.

Present: Kelli Campbell and Kirk Suess (9:00 a.m.).

D070924A 1. Items discussed included August 16th roundtable topic and a joint Latah/Whitman County Commissioners meeting.

D070924B 2. Kelli Campbell stated every 5 years the county must provide anti-harassment training and that training is due this year. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to again hold employee anti-harassment training for all employees under the Board's jurisdiction and to employees under the jurisdiction of other officials are encouraged to attend.

9:10 a.m. - Sarah Mason, Kelsey Samuels and Joe Smillie.

070925 3. Discussion concerning financial issues and positions was held. A draft overview was used as a starting point and remaining budget neutral through 2010. The Chairman foresaw a County Administrator position under the commissioners with duties similar to the position previously held by Dick Brown. Commissioner Largent suggested proceeding with two (2) positions for the Auditor at this time and holding off on the County Administrator position until after New World is in place.

9:25 a.m. - Evan Ellis and Chris Nelson.

Commissioner O'Neill preferred to have a County Administrator on board working hand in hand with the Auditor's staff. Everyone was in agreement to focus on authorizing at least one position in the Auditor's office as soon as possible. Further discussion will take place at 1 p.m. today.

070926 Email from Janice Brown of Pullman objecting to the hiring of Esther Wilson for the IT System Administrator position due to her lack of qualifications.

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D070926A 4. Motion by Commissioner O'Neill to accept the consent agenda. Motion **seconded** by Commissioner Largent and **carried**.

070927 5. Veterans claim for American Legion Post #52 hall rent.

070928 6. Claims/Payroll warrants numbered **241318-241329, 241332-241368, 241395-241420, 241497-241530** and **241773-241986** for **\$1,875,325.20** approved.

FUND	FUND NAME	AMOUNT	AMOUNT	AMOUNT	AMOUNT
001	Current Expense	2,548.88	54,870.63	5,310.94	168,961.51
102	Building & Development		1,709.20	31.80	40.44
103	Countywide Planning		1,838.60	237.98	200.95
104	Developmental Services				3,299.29
110	County Roads		18,395.60	39.45	205,666.89
111	CETC Building				266.25
117	Boating Safety				459.26
118	Inmate Welfare				535.12
123	Paths/Trails-Park 123.310.000				689.77
123	Paths/Trails-BCPT 123.310.001				3,511.52
127	Drug Enforcement-Quad City		400.00	60.00	12,475.24
128	Crime Victims/Witness-Pros. 000		350.00		
135	Prosecutor's Stop Grant		150.00		
143	Trial Court Improve 143.030.000				4,195.30
144	Emerg. Communicat. 144.260.001	131.22	250.00		2,465.71
300	CIP Cap. Projects 300.010.005	79,044.35			2,047.34
400	Solid Waste		800.00	7,730.35	4,774.10
501	Equipment Rental & Revolving	144,928.27	5,047.40	10,943.32	229,988.09
510	Photocopier Revolving				860.44
660	Whitcom-General 660.911.000			110.99	58,301.36
660	Whitcom-Grant 660.911.001			440.90	1,187.31
690	Clearing Fund 690.005.000	186,298.77			
690	CAC Agency Svc. 690.026.001				25,905.91
ET	Electronic Transfer	456,566.85			

070929 7. July 6, 2010 minutes approved.

070930-070952 8. Personnel board orders approved.

9:55 a.m. - Denis Tracy and Mr. Decker.

070953 9. A general outline of the recall process for Commissioners Partch and O'Neill was received from Prosecutor Denis Tracy.

070953A 10. Denis Tracy submitted a letter regarding approval of expenses for recall defense.

070954 11. Upon written request from Commissioner Partch, Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion to cover any and all expenses related to defending him involving the recall petition submitted by Roger Whitten, including appeal should it be necessary. In

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response to Commissioner Largent, Prosecutor Tracy indicated the request can be limited to various aspects. Motion **carried**.

070955 12. Upon written request from Commissioner O'Neill Commissioner Largent **moved** Commissioner Partch **seconded** the motion and it **carried** to pay for recall expenses for defending the request regarding the Superior Court hearing and any appeals.

10:45 a.m. - Recess.

10:50 a.m. - Board Business Continued.

Present: Kelsey Samuels, Sarah Mason, Joe Smillie

070956 13. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to authorize the publishing of a notice for the 2011 Salary Commission meetings.

070957 14. A request for authorization to obtain a Costco Commercial membership/charge card was received from the Fair/Facilities Management Director. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to

070958 15. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to appoint Dan LeBeau as a member of the Classification Committee representing Non-Management/Professional/Non-Represented employees. Mr. LeBeau's term will expire 08/01/12.

070959 16. A letter of resignation was received from Jim Hudak of the Blue Ribbon Advisory Task Committee (BRATC). Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to accept the resignation and authorize the Chairman to sign a letter of appreciation to Mr. Hudak.

070960 17. A contract proposal was received from Anderson Peretti for completing the 2008 and 2009 financials. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to enter into the contract as presented.

070961 18. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to recognize Dorothy Swanson, long-time member of the Solid Waste Advisory Committee (SWAC).

070962 19. An email was received from Carie Saunders of Palouse regarding cattle and fencing obstacles on the Palouse River.

070963 20. An executed copy of Washington State Military Department contract #E10-097A for E911 funding was received (09/30/10).

070964 21. Commissioners' pending list reviewed.

10:45 a.m. - Recess.

11:00 a.m. - Mark Storey, Public Works Director.

Present: Phil Meyer, Alan Thomson, Iris Mayes, Kirk Suess, Evan Ellis, Sarah Mason and Joe Smillie.

ACTION ITEMS

Maintenance Division:

070965 1. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to publish the notice of call for bids for a vibratory pile driver.

Engineering Division:

070966 2. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** that the resolution to close Mader Road for replacement of Ringo Bridge #5170-2.56 be signed as presented.

RESOLUTION NO. 070966

BEFORE THE BOARD OF COUNTY COMMISSIONERS of Whitman County, Washington in the matter of closing a certain county road/bridge pursuant to R.C.W. 47.48.010;

IT IS HEREBY RESOLVED that the following road/bridge will be closed to vehicular traffic: County Road No. 5170, the Mader Road at milepost 2.56, beginning August 1, 2010 through August 30, 2010 or until completion of the Ringo Bridge Replacement.

ADOPTED this 19th day of July, 2010.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Greg Partch, Chairman

Patrick J. O'Neill, Commiss.

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

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070967 3. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to publish the notice of road closure for Mader Road replacement of Ringo Bridge #5170-2.56.

Planning Division:

070968 4. Official transmittal of the proposed Colfax Grange zone change was received.

070969 5. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to set the hearing for amending the Whitman County zoning map for the proposed Colfax Grange zone change, changing 11.16 acres from the Agricultural District to Heavy Commercial District to be held in this room at 11:15 a.m. on August 16, 2010.

Solid Waste Division:

070970 6. A report on the 2010 Tire Amnesty Day was received from the Director.

11:30 a.m. - Esther Wilson.

Present: Bob Reynolds, Chris Nelson, Eunice Coker, Greg Partch, Janet Schmidt, Kelli Campbell, Mark Storey, Michael Largent, Pat O'Neill, Pete Martin, Joe Smillie and Sarah Mason.

Excused: Fran Martin, Joe Reynolds and Tim Myers.

070971 The June 2010 month ending financial report provided by Ms. Cunningham.

June 2010 Cash Balance - \$2,862,478

June 2009 Cash Balance - \$2,237,433

June 2010 Revenue - \$5,472,337 - 47.48%

June 2009 Revenue - \$5,374,081 - 46.15%

June 2010 Expenditures \$5,583,272 - 47.05%

June 2009 Expenditures \$5,511,316 - 46.32%

12:00 p.m. - Recess.

1:00 p.m. - Board Business Continued.

Present: Eunice Coker, Denis Tracy, Kirk Suess, Joe Smillie, Sarah Mason, Kelsey Samuels and Evan Ellis.

070972 22. Discussion regarding financial issues continued, specifically position #2 as outlined in the draft overview for the Auditor's Office. Commissioner Largent felt the wages for this position,

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previously held by Sharron Cunningham, Assistant Finance Director, was too low. Chairman Partch noted that Ms. Cunningham took a salary decrease when she transferred from the position of Administrative Services Director to Assistant Finance Director. He suggested that position be adjusted from Grade 11 to Grade 12 and Commissioner Largent concurred. After further discussion, Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to adjust position #2 from Grade 11 to Grade 12 under the Auditor.

2:00 p.m. - Whitman County Code Chapter 19.10-Agricultural District Proposed Revisions (Butte Protection Areas).

Present: Denis Tracy, Kirk Suess, Rick and Carolyn Kiesz, Roger Whitten and Betsy Whitten, David Hall, Tim Hatton, Evan Ellis, Sarah Mason, Joe Smillie and Kelsey Samuels.

070973 Chairman Partch convened the hearing for proposed revisions to Whitman County Code Chapter 19.10-Agricultural District, as it relates to Butte Protection areas and requested a staff report.

Mr. Thomson stated the proposed amendment removes the butte protection section from Chapter 19.10.060(2)(ix)(2) from the Rural Residential Code. That means that the 15 specifically identified buttes would be treated the same as any other high point in the county.

The Chairman opened the hearing to public comments.

David Hall of Moscow and President of Palouse Prairie Foundation read excerpts from a prepared statement noting the largest remnants of Palouse Prairie are found on the summits and slopes of the region's buttes. These same undeveloped buttes contribute to the region's panoramic viewsheds. The Foundation believes the county should maintain the Butte Protection Area clause as designated under the Rural Residential Use Ordinance.

Kirk Suess' focus was on Steptoe Butte mentioning that Steptoe Butte is a natural landmark administered by the National Park Service since 1965 of which 150 acres belongs to the State of Washington for road right-of-way to the top of the butte and the remaining acreage belongs to the Roberts Family, LLC. It was Mr. Suess' opinion this ownership eliminates any possibility of buildings on or in the near proximity of the Butte. Mr. Suess said he was opposed to any development on Steptoe Butte.

Tim Hatton of Moscow stated the Palouse Prairie Foundation is currently mapping the Palouse Prairie in Whitman County. He was concerned about passage of this revision because the Critical Areas ordinance does not address this issue.

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Commissioner Largent explained removal of the clause is intended to protect the county from legal challenges.

Roger Whitten opposed the revisions based on esthetics noting Spokane County has an ordinance that restricts construction solely for esthetics.

Mr. Hatton suggested the commissioners wait until a challenge comes up before consider removal of the ban.

Prosecutor Denis Tracy clarified whether an application or suit is pending or not, the law needs to be changed. Land ownership and one's right to use one's land is a fundamental right in this country and enshrined in the constitution. Without solid scientific evidence, the county has no valid reason for limiting home development. Limiting development for aesthetic reasons is not legally defensible.

Rick and Carolyn Kiesz also voiced their objections to removal of the clause to clear up inconsistencies to allow wind towers to be placed atop buttes.

Denis Tracy pointed out the butte ban only applies to houses and would not impact the wind farm application.

Carolyn Kiesz said the housing ban could be viewed as contradictory to allowing construction of wind turbines on the county's buttes.

There being no further comments, the Chairman closed the hearing stating the comment period would remain open until Friday, July 23rd at 5 p.m. The Board will render their decision Monday, August 2nd at 11 a.m.

3:00 p.m. - Whitman County Code Chapter 19.06 and 19.61 Proposed Revisions (Hearing Examiner).

Present: Denis Tracy, Kirk Suess, Rick and Carolyn Kiesz, Roger Whitten and Betsy Whitten, John Kramer, Evan Ellis, Sarah Mason, Joe Smillie and Kelsey Samuels.

070974 1. Chairman Partch convened the hearing for proposed revisions to Whitman County Code Chapter 19.06 and 19.61 allowing for a hearing examiner.

Mr. Thomson said this amendment would add language to Chapter 19.06 - Board of Adjustment and 19.61 - Commercial Wind Energy Facilities to allow a Hearing Examiner to hear conditional use applications for commercial non-residential energy facilities.

The Chairman opened the hearing to public comments.

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Roger Whitten, Carolyn Kiesz and Rick Kiesz opposed the proposed revision to use an outside hearing examiner to decide wind farm applications because it takes away the local control.

John Kramer, long time member and present Chair of the Board of Adjustment (BOA) said the board reached a consensus that the examiner position is necessary because of the intricacies of permitting a wind farm and is outside the area of expertise for most members of the board at the present time.

All three residents in opposition said the examiner would have a conflict of interest. The more projects and examiner permits, the more likely they are to be hired to hear other applications.

Prosecutor Tracy said an expert would meet landowners' rights to have their development plans decided in a timely manner and tying up the BOA for review of complicated wind farm applications would be unfair to other residents seeking permits for their projects.

Roger Whitten proposed creation of a special citizen board that would specifically hear wind farm applications.

Mr. Kramer pointed out citizen participation in existing land use boards is low and finding volunteers for an additional board could be a problem.

Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to approve the amendment of the Whitman County Zoning Ordinance Chapters 19.06 and 19.61 to allow for a Hearing Examiner to conduct all conditional use applications for commercial non-residential energy facilities.

ORDINANCE NO. 070974

AN ORDINANCE AMENDING CHAPTER 19.06 - BOARD OF ADJUSTMENT AND CHAPTER 19.61 - COMMERCIAL WIND ENERGY FACILITIES OF THE WHITMAN COUNTY ZONING ORDINANCE, to craft language allowing for the use of a Hearing Examiner for commercial non-residential energy generating facilities. This change will require all conditional use applications for commercial non-residential energy facilities to be heard by a Hearing Examiner. This change is consistent with the Whitman County Comprehensive Plan and Zoning Ordinance.

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

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PASSED AND APPROVED by the Board of Whitman County Commissioners of Whitman County, Washington on the 19th day of July 2010.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Greg Partch, Chairman

ATTEST:

Patrick J. O'Neill, Commiss.

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

CHAPTER 19.06 - BOARD OF ADJUSTMENT

Section 19.06.010 - Conditional Use Permit.

The Board of Adjustment shall hear and decide all applications for Conditional Use Permits, except in those especially defined cases where an Administrative Use Permit or use of a Hearing Examiner is authorized. The following standards, criteria and procedures shall apply to any Conditional Use Permit authorized by this title:

1. A Conditional Use Permit may only be granted for those uses specifically identified and allowed in the applicable use district, subject to the following limitations;
 - a. That the conditional use, and any conditions imposed by the Board of Adjustment will not adversely affect the public health, safety and welfare;
 - b. That the proposed use, and any conditions imposed, will be in harmony with the purposes of the Comprehensive Plan as it relates to the area in question;
 - c. That the proposed use with any conditions imposed will be in compliance with the standards set out in this title for the use district applicable to the proposed use;
 - d. That the findings of fact adopted by the Board of Adjustment to support their decision clearly indicate that the above-listed criteria have been fulfilled.
2. The Board of Adjustment may impose any conditions or safeguards upon granting a conditional use permit which are necessary to insure conformity with the provisions of this title and protection of the public health,

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safety and welfare. The Planning Office may also impose such conditions for any eligible Administrative Use Permit. Failure to fulfill any condition imposed by the Board of Adjustment shall be in violation of this title, and said permit may be revoked, as provided by Section 19.05.040. Conditions may include but are not limited to any of the following:

- a. Specify a time limit within which action, for which the Conditional Use Permit is required, shall be begun or completed, or both.
- b. Require a periodic review of an issued permit to assure compliance with any imposed conditions.
- c. Increase the required lot size or yard dimensions.
- d. Limit the height or total lot coverage of buildings.
- e. Control the number and location of vehicular access points to the property.
- f. Control the number of off-street parking or loading spaces.
- g. Require suitable landscaping or drainage control.
- h. Control signing.
- i. Control hours of operation.
- j. Control nuisance, generating features in matters of noise, colors, air pollution, wastes, vibration, traffic physical hazards and glare.

Section 19.06.015 - Minimum Standards for Conditional Uses.

Surface Mining and Rock Crushing shall be subject to minimum standards of Sections 19.59 and 19.60.

Section 19.06.020 - Variance.

1. The Board of Adjustment shall hear and decide all applications for variances from the requirements of this title, PROVIDED that any variance granted shall be subject to such conditions as will insure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the standards and limitations applied to other properties in the use district in which the subject property is situated, and that the findings of fact adopted by the Board of Adjustment to support their decision indicate that the following circumstances apply:

- a. That because of special circumstances applicable to the subject property, including size, shape, topography, location or

surroundings, the strict application of the zoning standards is found to deprive the subject property of rights and privileges enjoyed by other properties under identical zone classifications;

- b. That the granting of the variance will not be detrimental to the public health, safety and welfare or be injurious to other properties and improvements in the vicinity of the subject property;
- c. That the variance is not required solely due to actions by the applicant that prevent direct compliance with use standards applicable to the subject property;
- d. That the variance shall not constitute a grant of special privileges inconsistent with the standards and limitations applied to other properties in the use district in which the subject property is situated.
- e. In the case of a landowner seeking a variance from the 1,500-foot viewshed restriction of Section 19.10.060, the parcel under consideration
 - 1. was in existence at the time of the passage of this ordinance; and
 - 2. has not been subdivided since the passage of this ordinance; and
 - 3. no prior variance has been granted for an existing RHC for that particular viewshed.

2. No variance shall be granted permitting a use not authorized in a zone.

Section 19.06.021 - Administrative Variances.

The planning director may grant an administrative variance to the following:

- a. Front yard setbacks within the Agricultural District (Section 19.10.040), after review and approval by the state or local agency with road jurisdiction. If the agency with road jurisdiction should not approve the variance, or if review is not completed within fifteen (15) days, the applicant may request variance pursuant to 19.06.020.

Section 19.06.030 - Flood Management Variance.

1. The Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of the Flood Management Overlay District, Chapter 19.50 of this title, following the procedures for variances in this chapter.

2. Conditions for Variances:

- a. A variance may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- b. A variance shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- c. A variance shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- d. A variance shall only be issued upon:
 1. a showing of good and sufficient cause;
 2. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and;
 3. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- e. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
- f. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria and otherwise complies with Section 19.50.070, Development Standards.

Section 19.06.040 - Hearing-Notice of Procedure.

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1. Upon receipt of application for a conditional use or variance, the Planning Office shall set the time and place for a public hearing and written notice thereof shall be addressed through the United States mail to all property owners of record within a radius of three hundred (300) feet of the exterior boundaries of the subject property. In the case of surface mining and/or rock crushing, this distance notice shall be extended to 1,000 feet from the surface mining and rock crushing operation. The written notice shall be postmarked not less than twelve (12) days prior to the hearing. In addition to the publication of the notice, the notice shall be posted on the property where the surface mining, and/or rock crushing activity is to take place, and at the point of access of the proposed activity to a public road.

In the case of an application for a Rural Housing Certificate, the distance notice shall be 1,500 feet from the proposed residential building footprint.

2. In addition to the notice provided for in Subsection (1), notice of the public hearing shall be published in the official county newspaper of general circulation at least ten (10) days prior to such hearing.

3. In the case of an application for a project for which a SEPA determination is required of the County and where adverse comments have been received by the responsible official in the SEPA process, the Conditional Use or Variance hearing shall not take place until after the deadline for filing of an administrative appeal of the final threshold SEPA determination of the responsible county official under Whitman County Code 9.04.

4. In the case of a properly and timely-filed SEPA administrative appeal, at least ten days notice of the hearing to consider such appeal shall be given to the parties in the case (administrative official, applicant, and appellant).

Section 19.06.050 - SEPA Appeals.

1. In instances where the Board of Adjustment hears and decides an application for a **conditional use permit** or **flood management variance** (the underlying governmental action), the Board of Adjustment shall also hear and decide any appeal from the final threshold SEPA determination of the responsible county official under SEPA and Whitman County Code 9.04.

2. The Board of Adjustment shall hold one consolidated hearing at which it will hear and decide both the underlying governmental action and the SEPA administrative appeal.

3. Procedural determinations made by the responsible county official in the threshold SEPA determination shall be entitled to substantial weight.

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The SEPA administrative appeal shall be an open-record appeal at which the County, the applicant, and the appellant may present evidence. The threshold determination shall be reviewed and may either be upheld or modified by a majority decision of the Board of Adjustment.

4. In instances where a Hearing Examiner hears and decides an application for a conditional use permit, the Hearing Examiner shall also hear and decide any appeal from the final threshold SEPA determination of the responsible county official under SEPA and Whitman County Code 9.04 or any adequacy of an EIS as allowed by Whitman County Code 9.04.085.

Section 19.06.052 - Administrative Decision Appeals.

1. The Board of Adjustment shall hear and decide all appeals from administrative decisions made by the Planning Director.

2. Standing to appeal administrative decisions to the Board of Adjustment is as follows:

- a. Appeal may be taken to the Board of Adjustment by any person aggrieved, or by any officer, department, board, or bureau of Whitman County affected by any decision of an administrative nature pursuant to this title.
- b. Appeal of a decision pursuant to Section 19.10.060 of this title may be taken to the Board of Adjustment by the following persons, provided that such appeal is submitted to the Planning Office not more than twenty (20) days after the issuance of the written decision by the Planning Director:
 1. Any applicant for a Rural Housing Certificate subject to administrative approval by the Planning Director; or
 2. Any aggrieved owner of property within 1500 feet of a proposed residential building footprint for which application for a Rural Housing Certificate has been submitted.
 3. When appealing an administrative decision which was made pursuant to Section 19.10.060 of this title, the appellant shall submit a written notice of appeal to the administrative official containing statements and information as follows:
 - a. I, (name of appellant) appeal the proposed decision to (grant or deny) a Rural Housing Certificate to the property owned by (name of original applicant), such being signed and dated (date) .
 - b. The appellant shall attach a statement specifying how the proposed development would impact their property and stating why

they think the decision to grant or deny the Rural Housing Certificate was in error.

4. Upon the filing of an appeal from an administration determination, the Board of Adjustment shall set the time and place at which the matter will be considered. At least twelve (12) days notice of the time and place shall also be given to the adverse parties of record in the case. The officer from whom the appeal is being taken shall forthwith transmit to the Board of Adjustment all of the records pertaining to the decision being appealed from, together with such additional written report as he deems pertinent.

5. The Board of Adjustment shall hear all evidence, on an appeal from an administrative decision, order, interpretation or determination of a requirement, and may, in conformity with the provisions of this title, reverse, affirm, or modify, wholly or in part, the decision, order, or requirement appealed from. The Board may call on expert witnesses for testimony at its own request or at the request of either party to the appeal. Decisions of the Board shall be based on the standards and requirements of this title and any applicable sources or types of information, or other state or County regulations, referenced by that section of this title. A verbatim record shall be made of all proceedings at the hearing. If a hearing is continued to allow collection of additional information, the Board at its hearing shall specify and announce the date, time, and place to which the hearing will be continued. The Board shall formulate written findings of fact supporting its decision to approve or deny an appeal. The decision shall have all the powers of the official from whom the appeal is taken.

Section 19.06.055 - Hearing Examiner.

All other provisions of this chapter notwithstanding, all powers and duties vested in the Board of Adjustment by this chapter shall also be vested, and shall be exercised, by a Hearing Examiner instead of the Board of Adjustment, if the application is for a commercial and non-residential energy generating facility. In the event of an application for a commercial non-residential energy generating facility, the Director of Public Works shall appoint a qualified Hearing Examiner, (a licensed attorney in the State of Washington and experienced in area of land use), to conduct the actions that would otherwise be done by the Board of Adjustment under this chapter. The applicant will be required to commit to paying the cost of such Hearing Examiner and must pay such cost.

All other provisions of this chapter notwithstanding, all powers and duties vested in the Board of Adjustment by this chapter shall also be vested, and may be exercised, by a Hearing Examiner, upon the request of the applicant, in the following circumstances:

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- a. If at any time a quorum of the Board of Adjustment is not available to meet, consider, and decide one or more of the issues covered by this chapter or
- b. If the estimated final value of the project is at least \$5 million;

and if the applicant commits to paying the cost of the Hearing Examiner, and does pay the cost, the Director of Public Works shall appoint a qualified Hearing Examiner, (a licensed attorney in the State of Washington and experienced in area of land use), to conduct the actions that would otherwise be done by the Board of Adjustment under this chapter.

A Hearing Examiner shall follow the procedures listed in this chapter for the Board of Adjustment. All decisions of the Hearing Examiner shall be given the same effect as the decisions of the Board of Adjustment.

Section 19.06.058 - Fees.

All applicants shall be required to pay all fees in accordance with the fee schedule of the Public Works department in effect at the time of the filing of the application.

Section 19.06.060 - Action Final-Writs.

The action by the Board of Adjustment or Hearing Examiner on an application for a conditional use permit or a variance, or on appeal from a SEPA determination, or on an appeal from the decision of an administrative official, shall be final unless the original applicant or an adverse party makes a prompt and timely application to a court of competent jurisdiction in accordance with R.C.W. 36.70C et. Seq., or makes a prompt and timely application for a writ of prohibition, or a writ of mandamus. *(Revised 4/30/07 Ordinance #066838, effective 5/15/07, Revised 7/19/10 Ordinance 070974)*

CHAPTER 19.61 - COMMERCIAL WIND ENERGY FACILITIES

Section 19.61.010 - Declaration of Intent.

A. To provide requirements for permitting of wind energy facilities based upon locations where wind energy facilities can meet the standards and criteria set forth herein and/or can be mitigated in relation to the County's Agricultural District.

B. To provide site criteria for the utilization of the County's wind energy resources. Each wind energy facility will be subjected to individualized review and the imposition of conditions based on site-specific information that will be tailored to address project impacts in accordance with the adopted site criteria. The ultimate goal is to

achieve a predictable but sensitive siting process that effectively addresses project impacts.

Section 19.61.020 - Application of Standards and Criteria.

Due to the unique nature of each wind energy project site, this section sets forth the requirements and standards for the review and granting of a conditional use permit for a commercial wind energy facility.

1. **Purpose.** The following standards and regulations are necessary for the health, safety, general welfare and convenience of the inhabitants of the County.
2. **Permits.** No person or applicant shall establish a commercial wind energy facility without first complying with the provisions and standards of this ordinance and obtaining all necessary state and local permits and approvals.
3. **Pre Conditional Use Meeting.** The project applicant will hold a minimum of one informal community meeting within the County to inform the public about the proposed facility. Planning staff will take responsibility for arranging these meetings.
4. **Permits Required.** Before any person shall commence construction, a valid conditional use permit shall be approved. Prior to road construction on county roads and/or new intersections with a county road, county road use and right-of-way permits shall be obtained. Building permits must be obtained before foundations are prepared.
5. **Permit Application.** Application for a conditional use permit to create a commercial wind energy facility shall be filed with the Planning Office. The application for a conditional use permit shall be in writing, signed by the applicant, and shall include the following:
 - a. The name and address of the applicant;
 - b. The project site location and a listing of the tax parcels and parcel ownerships of the proposed facility;
 - c. Twelve copies of the complete layout plan for persons reviewing the application. These plans shall contain the following information:
 - i. Area and dimensions of the project site;
 - ii. Corridor(s) or area(s) within which proposed wind tower turbines and facilities will be located. This includes the study area where micrositing for the final project layout occurs;
 - iii. Number, dimensions and preliminary footprint of all turbines including the size of the monopoles;

- iv. Preliminary location and dimensions of all roads and connections to county roads;
 - v. Preliminary location of underground and overhead transmission line corridors;
 - vi. Location of any proposed buildings or facilities, such as operations and maintenance buildings or substations;
 - vii. Location of any existing buildings;
 - viii. Location of existing water, sewer or any existing gas lines;
 - ix. A map or maps of the existing and proposed site topography including conceptual grading and drainage plans;
 - x. All existing occupied buildings within one mile of turbine "micrositing" corridors or areas and/or proposed turbine locations;
 - xi. Any other applicable information as might be necessary to interpret the compliance of the plans to the regulation of this ordinance.
- d. Such further information as may be requested by the County Planner to enable him/her to determine if the proposed facility will comply with all the requirements of this Ordinance and other applicable state and local regulations.
6. **Review Procedure.** Upon receipt of the application and plans, the County Planner shall distribute for review and comment the plans to the following: the County Engineer, the Director of Public Works, the County Environmental Health Officer, the County Building Inspector and the affected utilities. These personnel shall review the application and submit written comments to the County Planner within 20 days of the date of distribution of the application.
- The County Planner shall review the application for compliance with the provisions of this ordinance and other applicable laws and regulations, shall review the comments received from the review sources, and shall submit a written staff report to the Board of Adjustment or Hearing Examiner regarding whether the proposed use serves and makes appropriate provisions for the public health, safety and general welfare.
- A public hearing shall be held before the Board of Adjustment or Hearing Examiner as set out in Chapter 19.06 under Section 19.06.040.
7. **SEPA Appeal.** In the event of an appeal of the County's SEPA determination, the appeal hearing shall be conducted by the

Board of Adjustment or Hearing Examiner as required by Section 19.06.050 - SEPA Appeals. The Board of Adjustment or Hearing Examiner shall hold one consolidated hearing at which it will hear and decide both the underlying governmental action (CUP) and the SEPA administrative appeal.

8. **Amendment of a Corridor/Area Site Plan.** A corridor/area site plan as approved by the Board of Adjustment or Hearing Examiner shall not be altered in a substantial way, such as an increase in the number of towers or a change in the project boundaries, unless approved by the Board of Adjustment or Hearing Examiner. If the alteration is felt to be of a substantial nature, the Board of Adjustment or Hearing Examiner shall require that the plan be submitted in compliance with these regulations. In the case of micrositing wind turbines or facilities, because of changing generator sizing, topographical features and other conditions, latitude is given, provided the wind turbine location is within the corridors/areas approved by the Board of Adjustment or Hearing Examiner. In the event of micrositing of turbines or facilities within the approved boundaries of the project area, micrositing will not be considered to be a substantial change to the site plan. Prior to any micrositing changes, County Planning staff must be notified.

Section 19.61.030 - Other Applicable Requirements.

- A. Project applicants will need to comply with other applicable County requirements, such as critical area ordinances, environmental review regulations, and building code requirements.
- B. Uses Permitted Outright. The following uses are permitted outright, without the need for a conditional use permit, subject to compliance with the provisions stated in 19.61.040 and other applicable code requirements:
 1. Temporary uses associated with investigatory work to determine the suitability of the site for energy development, such as meteorological towers. The placement of meteorological towers and other such equipment need not obtain a permit through this chapter. However, all other applicable code requirements apply.
- C. All accessory buildings, uses, and structures related to and supporting the operation of commercial wind energy facilities, including utilities and utility infrastructure needed for the principal use, shall be considered part of the facility. For purposes of this chapter, accessory uses include any temporary (construction phase) concrete or asphalt batch plant and the mining and utilization of on-site gravel for on-site use only, as necessary

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for the wind energy facility development, such as for the construction of internal roads.

19.61.040 - Conditions for Meteorological Towers.

1. There is no height restriction on meteorological towers in Whitman County. Towers over 200 feet are subject to conditions applied by the Federal Aviation Authority (FAA) regarding lighting and markings. The towers will have four FAA red marker balls installed at the uppermost portion of the guy wires to serve as a visual aid for low-flying planes and helicopters.
2. For meteorological towers and associated accessory structures the front setback shall be 35 feet from the right-of-way of any state or county road and side or rear setbacks shall be 20 feet. The setback from parcel or lease lines shall be 20 feet for meteorological towers and five feet for accessory structures.
3. The meteorological towers and guy wires shall be fenced sufficient to prevent unauthorized access. The fence shall be at a minimum six feet high.
4. If a meteorological tower is no longer in use it is to be removed at the time of decommissioning of a wind energy facility. In the case of a meteorological tower that is not a part of the facility, it is to be removed at the end of its use.

19.61.050 - SEPA Requirements.

Expanded SEPA Checklist

1. An Expanded SEPA Checklist shall be submitted to the Planning Office for each application for a commercial wind energy generating facility. The Expanded Checklist shall be submitted simultaneously with any other permit application(s) that may be required by the County; *provided* that if the County determines that an Environmental Impact Statement (EIS) will be required, an Expanded Checklist will not be required.
2. The Expanded Checklist shall (in addition to being consistent with the SEPA Checklist required in this chapter) provide analysis of impacts to elements of the environment as noted in the SEPA Checklist required in this chapter and Chapter 197-11 WAC, and explain the measures proposed to avoid, minimize or mitigate those impacts.
3. Site specific studies for impacts to habitat/wildlife (including avian species), cultural resources, and a grading and stormwater management plan complying with applicable local or

state best management practices and stormwater quality standards, shall be submitted with the Expanded Checklist.

4. Because additional studies may be required by the Planning Office for effective review and siting, a pre-application meeting with a representative from the Planning Office is strongly recommended. The level of detail and analysis necessary is dependent on the type of project proposed, its location, and the currently available environmental information and review relevant to the proposal.
5. The Expanded Checklist shall include sufficient information to adequately describe the proposal and its impacts, including but not limited to, information regarding the total square footage of buildings to be constructed, the maximum height and number of wind turbines, expected noise generation levels, the location of occupied structures in proximity to the proposed project, the locations and length of new roads and above-ground and below-ground electrical cables and power lines, and transportation impacts.
6. An application for review under this Chapter shall not be deemed complete until the information required under number five (5) above is provided. Except for site specific studies for impacts to habitat/wildlife and avian species, upon a clear showing by the applicant that the study is not applicable or is unnecessary, the Planning Office may, within its discretion, waive specific application requirements. Such a determination shall be documented in writing in the project file. Should the applicant prepare an EIS, the Planning Office may waive all requirements for the submittal of individual studies at the time of application and deem the application complete upon submitting the information required in Section 19.61.020(5) above.

19.61.055 - Micrositing Corridors/Areas

1. All terrestrial habitat, critical area assessments, and cultural resource studies required shall be conducted within identified study corridors/areas of sufficient width and dimension to enable comprehensive environmental assessment while allowing flexibility in the final layout. In order to encourage the maximum sufficiency of studies and to enable the maximum flexibility of final layout based upon site-specific attributes, the County shall review and provide written approval of "micrositing" corridors/areas for all roads, wind turbine locations, and above- and below-ground electrical transmission locations. This micrositing review occurs at the time of the final layout approval of the project after the conditional use permit has been issued. The final location of wind turbines and

all buildings associated with the wind energy facility shall be recorded by GPS coordinates.

2. Actual final locations of wind turbine generators, below-ground electrical cables, and above-ground electrical transmission towers will be established during the micrositing process, occurring after permit review and prior to actual construction; provided that all such facilities must be sited within the study corridors/areas reviewed and approved by the County. During the micrositing process (when the final, exact locations of the turbines and other project elements and equipment are determined), the applicant will typically balance a number of technical and engineering factors, including limitations posed by the terrain, wind data (speed, wind shear, etc.), wake effects of turbines on others, feasibility of access, setbacks (internally established or based on permit requirements), geotechnical considerations (subsurface conditions), environmental restrictions (avoidance of sensitive habitat), cultural/archeological restrictions (avoidance of cultural resource sites), telecommunications constraints (line of sight microwave paths), FAA requirements, and other site-specific criteria that are not fully resolved until final engineering is completed.

19.61.060 - Development Standards and Criteria,

A. Setbacks.

All setback distances established in this section shall be measured from the closest point of the tower to the closest point of the thing from which the tower is set back, for example, an occupied building or property line.

1. Minimum, non-waivable occupied building setbacks: Wind energy turbine towers shall be sited a minimum of one-times (1X) the height of the wind turbine generator plus 100 feet away from existing occupied building structures, measured from the ground to the maximum extent of the turbine blade, regardless of whether the occupied building structure owner consents to the location.
2. Occupied building visual, shadow flicker, and aesthetic setbacks: Visual, including but not limited to shadow flicker, and aesthetic setbacks are imposed to address wholly local concerns regarding the visual and aesthetic impacts of wind turbine generators. For all non-consenting, non-participating landowners, commercial wind energy turbine towers shall be setback a minimum distance of four-times (4X) the maximum height of the turbine, measured to the blade tip at its maximum elevation, from the non-participating landowner's occupied building. In view of the low density, rural/agricultural nature

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of the zoning districts deemed to be suitable for commercial wind energy facilities, the minimum occupied building structure visual and aesthetic standard shall be considered sufficient to address any visual and aesthetic impacts.

3. There shall be a minimum setback distance of four-times (4X) the maximum height of a turbine, measured to the blade tip at its maximum elevation, from the boundaries of incorporated communities.
4. Setbacks from non-participating adjacent landowner's property lines: There shall be a minimum distance of one-times (1X) the height of the wind turbine generator plus 100 feet away from the property line of any non-participating adjacent landowners, including state and improved county right-of-ways, measured from the ground to the maximum extent of the turbine blade.
5. For purpose of this section, any consents to visual setback distances of less than 4X turbine height from a non-participating adjacent landowner's occupied buildings and less than the minimum setbacks from a nonparticipating adjacent landowner's property lines shall be documented by a fully executed, notarized agreement by the fee title owner, in a format that can be recorded on the affected real property title.

B. Height Limits

1. Subject to standards imposed by the FAA, height limits are not established for wind turbines, transmission towers, and wind data collecting devices such as anemometers.
2. Building structure height limitations shall be in accordance with the standards established for the applicable zoning district.

C. Site Access and Traffic Management: Prior to commencement of construction, the applicant shall provide the Public Works Department with a traffic management plan. All elements of the traffic management plan shall be reviewed by the County Engineer, who has discretion for determining whether or not the materials are complete or acceptable to the Public Works Department based on state law and prevailing rigorous industry standards. Required elements of the plan shall include:

1. Public roads to be utilized by the applicant shall be identified in the application. A qualified third party engineer shall document road conditions prior to construction and again within thirty (30) days after construction is complete or as weather permits. The applicant shall enter into a county road use

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agreement for the repair of damage to public roads resulting from project activities.

2. Ingress and egress points shall be located and improved (if needed) in order to assure adequate structural and operational capacity for existing and projected traffic volumes and to provide efficient movement of traffic, including existing and anticipated agricultural traffic and projected construction traffic.
3. All applicable governmental permits or approvals shall have been obtained, including: permits to access state or county roads (if needed), construction within state or county right-of-ways, overweight and oversize loads, weight restricted bridges and structures, haul route agreements, etc.
4. A franchise agreement pertaining to the long term use of public right-of-ways for underground utilities, above ground utilities, private facility features, and private infrastructure.
5. All weather access roads (including graveled roads) suitable to accommodate year-round emergency response vehicles and equipment, shall be provided to within 150 feet of any built structure or surface activity area.
6. Engineering studies, plans, reports necessary to substantiate any engineering related elements of the plan.
7. Planned phasing requirements of the traffic management plan (if required) to accommodate multi-phase or multi-year construction plans.

D. Noise: State noise standard compliance: During construction and operations, the project shall comply with applicable state noise standards.

E. Air quality: All applicable air emission permits shall be obtained and all conditions complied with. The applicant shall revegetate any disturbed areas that are not permanently occupied by the project features. The applicant shall comply with county road standards for dust control and erosion. The applicant shall maintain a water truck on-site during construction for dust-suppression.

F. Vegetation and wildlife construction limitations: Based upon the information provided in the Expanded SEPA Checklist, the applicant shall limit construction disturbance by flagging sensitive areas and conduct ongoing environmental monitoring during construction to assure that flagged areas are avoided. The applicant shall develop a reseeding-

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restoration and weed management plan in consultation with the Whitman County Weed Control Board.

G. Overhead electrical transmission and collector lines: Overhead electrical transmission and collector lines should be constructed consistently with the existing Avian Power Line Interaction Committee (APLIC) recommendations for raptor protection on power lines and such other commonly accepted industry or regulatory standards.

H. Avian and bat studies and requirements: The County shall consider recommended conditions listed in the current, and as amended, Washington State Department of Fish and Wildlife Wind Power Guidelines. However, any recommended conditions taken from the Guidelines or recommended by the Department of Fish and Wildlife must be reasonable and objective and address project impacts. The following conditions and requirements shall be mandatory:

1. The applicant shall conduct project pre-assessment studies consistent with the Washington Department of Fish and Wildlife Wind Power Guidelines effective on the date of submitting a complete permit application. Project applicants are further advised to consult with WDFW and local habitat/wildlife experts regarding turbine siting before making final site decisions.
2. The facility shall use bird flight deflectors on guy supported permanent meteorological towers or use un-guyed permanent meteorological towers.
3. The applicant shall assess and monitor raptor nests on the project site for activity prior to construction and modify construction timing and activities to avoid impacts to nesting raptors. At a minimum, one raptor nest survey during breeding season within 1-mile of the project site should be conducted to determine the location and species of active nests potentially disturbed by construction activities, and to identify active and potentially active nest sites with the highest likelihood of impacts from the operation of the wind plant. A larger survey area (e.g., a 2-mile buffer) is recommended if there is some likelihood of nesting occurrence of state and/or federally threatened and endangered raptor species (e.g., ferruginous hawk, bald eagle, golden eagle), or if empirical data on displacement impacts may be monitored after construction.
4. A minimum of one full season of avian use surveys is recommended following current state-of-the-art protocols to estimate the use of the project site by avian species/groups of interest during the season of most concern (usually spring/early summer). Additional seasonal data (e.g. fall or winter) is recommended in

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the following cases: 1) use of the project site for the avian groups of concern is estimated to be high relative to other projects, and 2) there is very little existing data regarding seasonal use of the project site. This additional avian use data should be collected to refine impact predictions and make decisions on project layout.

5. The County shall require the applicant to identify and remove all carcasses of livestock, big game, etc. from within the project that may attract foraging bald eagles or other raptors.
6. The CUP shall require the applicant to monitor the project for a minimum of one year following project start-up to estimate bird and bat fatality rates using standard protocol. The applicant shall report bird fatalities observed for the life of the project to WDFW and USFWS on a quarterly basis, unless and until these wildlife agencies waive or reduce this reporting requirement.

I. Stormwater: Design and implement stormwater drainage systems in consultation with a professional engineer to ensure that minimal erosion will occur. After construction, monitor the site for erosion on a regular schedule as approved by the Department of Ecology or Whitman County, and after large rainfall or snowmelt events, and take corrective action as necessary.

J. Geologic and Flood Hazards: The applicant shall design structural foundations and buildings in accordance with applicable International Building Code requirements for the relevant seismic zone. Compliance with all applicable local requirements is required.

K. Water Resources: Water required for onsite use (construction phase work, restroom facilities and general maintenance) shall be obtained in accordance with state and local requirements.

L. Cultural Resources: The applicant shall complete a cultural resource survey of areas of the project site that will be disturbed temporarily or permanently. During construction, the applicant shall flag and avoid cultural resources, and monitor construction activities to ensure that flagged cultural properties are avoided. The applicant shall train construction workers on the need to avoid cultural properties and procedures to follow if previously unidentified cultural properties, including Indian graves, are encountered during construction. If any previously unidentified cultural resource properties are encountered during construction, the applicant shall cease construction activities in the immediate vicinity of the site pending evaluation by a qualified archeologist and consultation with the Department of Archaeology and

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Historic Preservation to identify appropriate mitigation measures such as avoidance or scientific data recovery.

M. Visual Resources:

1. The applicant shall prepare visual simulations of wind turbines from key view points, chosen in consultation with the Planning Office.
2. Lighting for security shall be minimized. Lighting fixtures, except those required by the FAA for safety purposes, must be shielded, hooded, and oriented towards the ground so that direct rays of light don't shine onto neighboring properties or serve as a source of light pollution. FAA lights shall be minimized to the extent practicable in consultation with the FAA.
3. The applicant shall provide a clean looking facility free of debris and unused or non-functioning equipment by: storing equipment and supplies off-site (post-construction), and removing damaged or unusable equipment from the site.
4. To the extent practicable, and subject to industry standards and requirements to meet the FAA's daytime lighting and marking standards, the applicant shall chose paint colors that are a non-obtrusive color such as white, off-white or gray.
5. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with any wind energy system visible from any public road are prohibited.

N. Decommissioning:

1. Prior to commencing construction of the project, the applicant shall prepare a decommissioning plan in a form acceptable to the County. A bond, letter of credit, or other security acceptable to the County is required to ensure proper decommissioning of each turbine and other equipment. The amount of the security shall be determined on the basis of the site-specific conditions affecting the costs of decommissioning, access, depth of foundation, terrain, etc., to include credit for salvage value of the equipment. The timing for supplying the security shall be determined in consultation with the County. If, however, the project is owned and operated by an investor-owned electric utility regulated by the Washington Utility and Transportation Commission, such security device as described in this condition may be waived and the removal and restoration obligations

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hereunder shall be a general obligation of the investor-owned utility.

2. Upon termination of operations, or if the project is abandoned, or ceases operation for more than 270 consecutive days (except in the event of man-made or natural disaster not in the control of the applicant), the applicant, or the then current owner shall, at their sole cost and expense, dismantle and remove above ground improvements including wind turbines, step-up transformers, substations, overhead transmission lines and support structures, control hardware, and meteorological towers. Foundations will be removed to a level of three (3) feet below the surface of the ground unless requested to be maintained by the landowner. At the request of the landowner, they shall also remove operations and maintenance buildings. The applicant shall repair any damage as a result of such removal, restore the property to grade, and implement erosion and control devices and procedures, restoring the site as reasonably as possible to its pre-project condition. In the event that the applicant or the then current owner does not fulfill their obligations under this section, the County may, at its sole election, dismantle and remove any wind tower or related facility. In such case, the applicant and the then current owner shall pay and be liable to the County for all costs incurred by the County to complete the decommissioning.
3. All applicable local and state regulatory requirements shall be complied with, including obtaining demolition permits and complying with permit conditions for removal of existing turbines and structures from the site.

0. Public Safety, Inquiries and Complaints:

1. The applicant shall comply with state occupational health and safety standards.
2. During project construction and all project welding operations, the applicant shall have a readily accessible water truck and chemical fire suppression materials available on site to allow immediate fire response.
3. The applicant shall provide project staff with cellular or on-site phones to enable timely communication with the Fire Department and other emergency services.
4. The applicant shall fence site entrances as appropriate and post signs warning of electrical dangers with emergency contact numbers e.g. phone numbers of emergency responders. The

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facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

5. The applicant shall monitor the site for evidence of unauthorized use and provide additional security as appropriate.

19.61.070 - Compliance with Project Conditions.

A. Upon proving reasonable notice to the project owner or operator, County officials shall have the right to enter the project site to verify compliance with project conditions.

B. Compliance with project conditions and code requirements is required. In addition to such other remedies available under law, any County department or other decision maker issuing any decision, environmental determination (such as a mitigated determination of non-significance), approval, authorization, or other determination, including a determination on the conditions to apply to a particular project under this chapter ("authorization"), may conduct enforcement activities in accordance with County code and Washington law.

19.61.080 - Severability.

Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence clause or phrase of the ordinance. (Adopted 11/16/09, Ordinance #070081, Revised 7/19/10 Ordinance #070974)

4:00 p.m. - Recess.

D070974A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Tuesday, July 20, 2010** at **9:30 a.m.** Chairman Greg Partch, Patrick J. O'Neill and Michael Largent, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

9:30 a.m. - Meeting Reconvened/Board Business Continued.

Present: Sarah Mason.

070975 23. Discussion concerning the possibility of authorizing a financial position (County Administrator) for the Board was held. Chairman Partch felt this position is absolutely necessary for the commissioners and 27 of 30 counties with a population over 17,000 have some type of similar position. He agreed with Commissioner Largent that the suggested salary for the Auditor's position was too low and would like

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to similarly adjust the proposed County Administrator position. Both positions would be responsible for working together to draft policies and internal controls as required by the state.

Commissioners Largent distinguished between policies and procedures stating policies are the overall direction of who is responsible for what and procedures are the mechanisms used for financial transaction, basically the nuts and bolts of the system.

The biggest problem is development of a procedures manual that would outline for any user how to accomplish a specific task. That is a large task to undertake and would be a function of the Auditor's position. Policies would be a little easier to wrap your arms around and the commissioners would assign that task.

Commissioner O'Neill agreed with Commissioner Largent regarding separation of duties for developing policies and procedures. He also thought the two positions should work as a team adding that he thought the county was headed down the right path.

All concurred the Board has internal control oversight but the reports for those internal controls will be obtained from the Auditor.

Commissioner Largent thought it was important to get the day-to-day functions in order and thought the other commissioners would find that one position in the Auditor's office to fulfill the tasks required wouldn't be enough and strongly supported a second position.

Chairman Partch agreed but preferred to wait get the first position in place and hopefully the Auditor would bring them information to show what is needed. He agreed to bring up a second position for the Auditor at the upcoming Finance Committee meeting. Also, the Finance Committee will be conducting a series of meetings and he preferred to wait until conclusion of that process.

10:20 a.m. - Joe Smillie.

Commissioner O'Neill wasn't in favor of a second position in the Auditor's office until the Board's position was in place. Then the County Administrator could assist the Auditor with her second position. He also thought they would not be able to maintain budget neutral if the Auditor was given a second position. Chairman Partch reminded Commissioner O'Neill of the unexpended wages in the various departments. It is their intent to remain 2010 budget neutral, but they may have to work around that somewhat.

D070975A 24. The commissioners were in agreement to upgrade all FTR systems for approximately \$6,600 to be deducted from Asset Acquisition.

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D070975B 25. The Chairman passed on a verbal request by the IT Director for utilization of the entire Information Services building space. Commissioner Largent suggested the Chairman visit with the Auditor about her needs first, otherwise he had no objections and Commissioner O'Neill concurred.

10:40 a.m. - Recess.

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

Present: Michael Baker, Bruce Koliba, Cinnamon Brown and Jeslyn Lemke.

D070975C 1. Michael Baker reported two schools have chosen not to renew their school nurse contracts, Tekoa and Oakesdale. The department as a whole will revisit this program.

D070975D 2. Whitman County confirmed its first TB case in 5 years involving an 18-month old child. The child is under treatment with a health care provider. Their investigation reveals no connection with WSU and no unusual trigger had been identified.

D070975E 3. The Women & Infant Children (WIC) program has been authorized to issue checks at the Pullman Farmers Market. As of last month, \$1,000 was expended at the market.

D070975F 4. Mr. Baker said there has been a drastic increase in the number of Campylobacter bacteria cases. This is a food borne environmental illness associated with cattle and poultry. It is very contagious but not typically deadly. In July alone, 6 cases were confirmed and seemed to be isolated incidents. There is more of a concern when they see Salmonella associated with Campylobacter bacteria.

D070975G 5. There has also been one isolated case of Chitoxin confirmed and an increase number of dog bites.

D070975H 6. Bruce Koliba reported on the on-site sewage program and noted he is working on the next Sewage Committee meeting.

D070975I 7. Cinnamon Brown said she is busy with temporary food events on the weekends as well as the establishment of a Food Safety Advisory Committee required as a condition of funding. She has sent out 190 letters concerning the committee. The state is looking into changing the food code and if so, she would like the committee's support.

D070975J 8. Mr. Baker is working with Wal-Mart on plans and regulations for a mid-October grand opening.

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D070975K 9. On June 29th Public Health and Emergency Communications staff participated in a mock drill table top exercise. As a result of that exercise, plans are being updated.

D070975L 10. The next Board of Health meeting is Monday, August 16th.

2:15 p.m. - Recess.

3:00 p.m. - Board Business Continued.

Present: Dick Watters and Cinnamon Brown. Commissioner Largent was unavailable.

070976 26. Discussion ensued regarding the showcasing of Whitman County by CGI Communications. Draft scripts were revised and suggestions for possible narrators held. All revisions will be forwarded to CGI Communications by Chairman Partch. Whitman County's videography will take place August 10-12.

3:45 p.m. - Recess.

D070976A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, July 26, 2010** at **9:00 a.m.** Chairman Greg Partch, Patrick J. O'Neill and Michael Largent Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

9:00 a.m. - Meeting Reconvened/Board Business Continued.

Present: Valerie Robinson, Kelsey Samuels and Sarah Mason.

Commissioner Largent was temporarily absent from the meeting.

D070976B 27. Due to the savings for the Correctional Facility roof, there is funding remaining to do some other CIP projects; chip sealing the Public Service Building parking lot and restriping the parking lot next to City Hall. Official action will be considered August 2nd.

9:10 a.m. - Commissioner Largent arrived.

070976C 28. CETC Building cost estimate for repairs dealing with only the snow load issue was received from Bob Reynolds for \$100,500 plus \$15,000 for contingencies. Mr. Reynolds is awaiting a response the county's insurance company on the amount they will cover for the damages.

9:15 a.m. - Joe Smillie arrived.

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D070976D 29. Commissioner O'Neill reported on his tour with Commissioner Boone last Friday.

070977 30. Chairman Partch reported on the July 22nd Finance Committee meeting with the Finance Committee and reviewed all the information presented at that meeting. Specific items prompting more discussion by the commissioners included the various financial position duties, budgets/amendments, annual reporting, BARS Codes, chart of accounts/data entry, policies, procedures, software, small attractive items (SAI), capital assets, grants, month-end closures, risk management, internal auditing, JV's, a second position for the Auditor and job descriptions.

Commissioners Largent and O'Neill disagreed which position should be authorized next, a County Administrator or second position in the Auditor's office. The Chairman agreed with comments made by both the other members.

The Chairman will report on the next Finance Committee meeting scheduled for July 28th.

D070977A 31. Upon inquiry, the Auditor informed the Chairman she would not be using any space in the Information Services Building for financial staff. Those employee(s) will be housed in her Courthouse office space. Therefore, the entire Information Services Building space will be available to IT and an area reserved for the State Examiners. The commissioners concurred.

D070977B 32. The Chairman noted a number of comments were received by 5 p.m. on July 3rd regarding Butte Protection.

10:50 a.m. - Recess.

3:00 p.m. - There being no further business to transact, the meeting was adjourned.

D070977A Commissioner O'Neill **moved** to adjourn the **July 19, 20 and 26, 2010** meeting. Motion **seconded** by Chairman Partch and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **August 2, 2010**. The foregoing action made this **26th** day of **July 2010**.

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

MARIBETH BECKER, CMC
Clerk of the Board

GREG PARTCH, CHAIRMAN
Board of County Commissioners