

## Minutes for August 2, 2010

Disclaimer: This is only a web copy of the Whitman County Commissioners' Monday Meeting Minutes. Official minutes may be obtained by contacting the Whitman County Commissioners office at (509) 397-5240.

**070978 THE BOARD OF WHITMAN COUNTY COMMISSIONERS** met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, August 2, 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, Esther Wilson, Chris Nelson, Bob Lothspeich, Kelsey Samuels and Evan Ellis.

**D070978A 1.** Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to approve the consent agenda less item #1C1.

**070979 2.** July 19, 2010 minutes approved.

**070980-070990 3.** Personnel board orders approved.

**9:10 a.m. - Joe Smillie and Sarah Mason.**

**070991 4.** Chairman Partch gave a brief update on the Finance Committee meeting held the previous week.

Kelli Campbell pointed out that the position description for the Commissioners' Administrator is very similar to the previous Administrative Services Director position that was considered a department head and supervised the office specialist (receptionist). The Board would basically just be recreating a previous position.

Based on the duties of this position and the Auditor's position, Chairman Partch felt both positions should work "hand-in-glove" with each other. Some points still need to be ironed out and others may resolve themselves with New World.

Commissioner Largent indicated he would like to move forward with this position as well as a second position in the Auditor's office. Chairman Partch didn't disagree but was only asking to move forward with the commissioners' position today.

Commissioner O'Neill read the following prepared statement:

**BOCC MINUTES-08/02/10**

**070992** "20100802 Commissioners Meeting: Mr. Chairman I make a motion to add a position called Commissioners Administrator that will report directly to the Commissioners Reference RCW 36.32.120 Powers of Legislative Authorities. I have researched the following counties talking to the Commissioners, clerks of the boards, and all the County Administrative folks that report to the board of County Commissioners. The counties are:

1. Okanogan County POP: 39,564
2. Klickitat County POP: 19,161
3. Franklin County POP: 72,700
4. Jefferson County POP: 25,953

When I asked the question about the County Administrator and how it was working in their county. The answer was very straight forward: Commissioners are the Legislative board and they must have the full authority of the county budget referencing RCW 36.32.120. I have passed on the job descriptions referencing the four counties on how they do business in terms of budget. Everyone indicated that the budgeting authority does not go to the Auditor. They all reference her duties per the RCW 36.22.010 in reference to the financial matters of the county and doing the county budget. As one individual said our commissioners are adamant about controlling the budget process. It's really the only way they can accomplish any sort of strategic plan.

Reviewing other information regarding the Auditor duties, RCW 36.22.010 can be as follows: call for the budget, compile the preliminary budget, key budget into county financial software, document and report final budget and enforce budget adherence. I would be willing to adopt the above duties as indicated.

The Whitman County Gazette dated July 22, 2010 looking back 25 years ago. On July 25, 1985 that funding cuts to be made or quote "bite the bullet" moves suggested to the county commissioners Monday by Al Hudson who was hired into the newly created finance director post last fall following an adverse audit of the county books. "Part of his job is to keep the county books in line with state requirements and part is to take an objective look at the budget and come up with ways to save dollars". Upon further research by talking to a commissioner from that era of time it was indicated to me the county's financial house was so bad that the State Auditor himself met with a commissioner and said that you can't continue doing business. You must get your financial house in order now not later, you have no other choice. The commissioners advertised for a finance director that would be reporting to the commissioners. They hired Alan Hudson to fix the finance department by direct orders from the State Auditor. It is amazing to me to see how history has repeated itself. It has already been stated in public record under the old finance department under the leadership of Beverly Devine and her assistant Sharron

**BOCC MINUTES-08/02/10**

Cunningham that financial decisions were made without going to the commissioners for their approval. These were major decisions that the commissioners knew nothing about. We have the final authority when it comes to financial matters. I believe this happen in the first quarter of 2009. It is this kind of actions that will get the county in trouble with State Auditors every time. So this is not the first time that this county has been faced with the same problems regarding our financial side of the county doing business. We need to follow the RCW's to uphold the law in the State of Washington. I believe that our State Auditors Debbie Pennick and Joe Gilrein have given us every chance available to them to get the job done. So we have real opportunity to come together, work as a team having the same goal of getting our financial house in order. If you look at other counties throughout the state many counties have this type of council - manager type style of government.

Reviewing all the information that was presented from the four counties and other paperwork that I have received, I'm in full support of the Commissioners Administrator draft of duties and responsibilities regarding the position to be in compliance with state law reference RCW 36.32.120. Let it be noted for the record Jefferson County was the first county in 2000 to adopt ordinance No. 09-1002-00 establishing the position in county law. This action by the Commissioners made Jefferson County the first county in the State of Washington to establish a "Council-Manager" form of government by local ordinance. This will be added to the minutes of today's meeting."

Chairman Partch said obviously the budget is one piece of this, albeit a very important piece, but we are talking about a much bigger picture than just the budget. There being no further discussion, the motion passed **unanimously**.

**D070992A** Commissioner Largent said he must excuse himself from the remainder of today's meeting and will be absent for the butte protection areas consideration. In the event the issue comes to a vote he wanted it to be known that he supports removing the elevation restriction on the buttes. Even with that change there will still be protection for horizons and the prairie issue could be better handled in the Critical Areas ordinance. There are some self-limiting issues with the buttes as it stands with legal and constitutional grounds. Recognizing that the owners of those buttes are in fact private landowners, their rights deserve protection. Therefore, he would be in support of the proposed revisions.

**070993** 5. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to enter into a professional services contract with Brandon Birch for mainframe system support and the conversion process to New World.

**9:55 a.m.** - Commissioner Largent excused himself.

**BOCC MINUTES-08/02/10**

**070994** 6. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to enter into a professional services agreement between David Byrnes and the Public Health Department.

**9:55 a.m.** - Bob Reynolds, Terry Davis, Taylor Bemus and Stan Shell.

**070994A** 7. Due to a good bidding climate, Mr. Reynolds indicated funds are available within the Capital Improvement Program budget for several small projects including: Public Service Building parking lot chip seal, restriping the county parking lot next to City Hall, Courthouse parapet roof repairs by section and additional security enhancement for the Public Service Building for a total of \$18,574.00 leaving a fund balance of \$22,801.33.

Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to approve the proposed revisions to the 2010 Capital Improvement Program as noted.

**070994B** 8. The following bids were received for renovation of the Harrison Building for elections.

<b>BIDDER</b>	<b>BASE BID (W/O TAX)</b>
Western States Construction, Inc., Valleyford, WA	\$514,000.00
ME Uphus Construction, Inc., Spokane, WA	\$522,161.00
Brown Contracting, Spokane Valley, WA	\$557,400.00
James W. Elmer Construction Co., Spokane, WA	\$453,655.00

The bids will be reviewed in concert by Bob Reynolds and the architect. A recommendation for award will be made to the commissioners within 30 days.

**070995** 9. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to add RCW 36.32.120 Powers of Legislative Authority to the commissioners' webpage under their pictures (summarized version similar to the Okanogan County Commissioners' webpage).

**D070995A** 10. Chairman Partch said the State Examiners are due to be on-site this week to begin the 2009 audit. He also noted 4-5 of the 2008 findings have been resolved and will not appear on the 2009 audit report.

**D070995B** 11. Chairman Partch advised he will be accompanying the CGI Communications videographer August 10-12 for the "Showcasing Whitman County" program at no cost to the county.

**070996** 12. The Chairman explained the 2010 legislature passed a bill requiring counties to impose a higher E911 tax if they want to continue receiving state E911 funding. Commissioner O'Neill emphasized this is critical for Whitcom. According to the Chairman a revised ordinance must be adopted by October. This issue will be further discussed August 16<sup>th</sup>.

**BOCC MINUTES-08/02/10**

**D070996A 13.** The third quarter roundtable will be held August 16<sup>th</sup> and finance is the topic of discussion.

**070997 14.** A letter was noted as received from Roger Whitten titled, "Turbine Setback is Aesthetic Zoning".

**070998 15.** A letter from Washington State Department of Transportation (WSDOT) announced Whitman County Unincorporated Public Transportation Authority will be awarded \$41,600 in Vanpool Investment Program grant funds for 2010-2011 for the purchase of two expansion vehicles. The Information was forwarded to Karl Johanson.

**070999 16.** Two arbitrage rebate computations for the 2002 Limited Tax General Obligation Bonds were received from Amtek.

**071000 17.** An executed copy of the Lamont tower site property purchase received.

**071001 18.** An executed copy of the FY2011 DSHS consolidated contract #1063-94092 for the Juvenile Division received (06/30/11).

**071002 19.** Commissioners' pending list reviewed.

**10:30 a.m. - Recess.**

**11:00 a.m. - Phil Meyer, Public Works Department.**

Present: Denis Tracy, Alan Thomson, Iris Mayes, Dan Gladwill, Walt Lunsford, Kelsey Samuels, Joe Smillie and Sarah Mason.

**ACTION ITEMS**

**Engineering Division:**

**071003 1.** Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** that the resolution of intent to vacate a portion of File Road and Directive to County Engineer for report be signed as presented.

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

In the Matter of the Intent to	)	<b>RESOLUTION NO. <u>071003</u></b>
And Abandon a Portion of the	)	
File Road, County Road No. 2020	)	
In the SE ¼ and SW ¼ of Section	)	
5 and NE ¼ and NW ¼ of Section	)	<b>INTENT TO VACATE AND DIRECTIVE</b>
8 all in Township 19 North,	)	<b>TO COUNTY ENGINEER FOR REPORT</b>
Range 44 East, W.M., Whitman	)	

**BOCC MINUTES-08/02/10**

**County, WA**

)

WHEREAS, the Whitman County Board of County Commissioners considers useless, for the public, a portion of the File Road, County Road No. 2020 located in the SE  $\frac{1}{4}$  and SW  $\frac{1}{4}$  of Section 5 and the NE  $\frac{1}{4}$  and NW  $\frac{1}{4}$  of Section 8 all in Township 19 North, Range 44 East W.M. Whitman County, Washington, and based on RCW 36.87.010 it is hereby declared the intention of the Board of County Commissioners of Whitman County, Washington, to vacate and abandon said File Road, County Road No. 2020.

WHEREAS, pursuant to RCW 36.87.040, before a final decision can be reached on said vacation, the Whitman County Engineer shall investigate and prepare a report on the proposed vacation.

NOW, THEREFORE, BE IT RESOLVED that the portion of the File Road, County Road No. 2020 located in the SE  $\frac{1}{4}$  and SW  $\frac{1}{4}$  of Section 5 and the NE  $\frac{1}{4}$  and NW  $\frac{1}{4}$  of Section 8 all in Township 19 North, Range 44 East, W.M., in Whitman County, Washington, more particularly described as follows: All that portion of the File Road, County Road No. 2020 lying east of the west section line of said Sections 5 and 8 and lying west of the westerly right of way of SR 271, is preliminarily found to be of no use to Whitman County and that the vacation of said road may be in the best interest of Whitman County.

IT IS FURTHER RESOLVED that pursuant to RCW 36.87.040 the Whitman County Engineer shall investigate and prepare a report on the issue of vacating said portion of the File Road.

IT IS FURTHER RESOLVED that this resolution be entered upon the minutes of this Board.

DATED at Colfax, Washington, this 2nd day of August, 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

**BOCC MINUTES-08/02/10**

**071004** 2. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to publish the notice of hearing of intent to vacate a portion of File Road.

**071005** 3. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** that the resolution of intent to vacate a portion of Crow Road and Directive to County Engineer for report be signed as presented.

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

<b>In the Matter of the Intent to</b>	)	<b>RESOLUTION NO. <u>071005</u></b>
<b>Vacate and Abandon all of the</b>	)	
<b>Crow Road, County Road No. 2090</b>	)	
<b>and Trestle Creek Bridge No. 2090-</b>	)	
<b>00.41 in the South ½ of Section 21</b>	)	<b>INTENT TO VACATE AND DIRECTIVE</b>
<b>and the North ½ of Section 28 all</b>	)	<b>TO COUNTY ENGINEER FOR REPORT</b>
<b>in Township 19 North, Range 44</b>	)	
<b>East, W.M., in Whitman County, WA</b>	)	

WHEREAS, the Whitman County Board of County Commissioners considers useless, for the public, the Crow Road, County Road No. 2090 and Trestle Creek Bridge No. 2090-00.41 located in the South ½ of Section 21 and the North ½ of Section 28, Township 19 North, Range 44 East, W.M., in Whitman County, Washington, and based on RCW 36.87.010 it is hereby declared the intention of the Board of County Commissioners of Whitman County, Washington, to vacate and abandon said Crow Road, County Road No. 2090 including Trestle Creek Bridge.

WHEREAS, pursuant to RCW 36.87.040, before a final decision can be reached on said vacation, the Whitman County Engineer shall investigate and prepare a report on the proposed vacation.

NOW, THEREFORE, BE IT RESOLVED that the Crow Road, County Road No. 2090 and Trestle Creek Bridge No. 2090-00.41 located in the South ½ of Section 21 and the North ½ of Section 28, Township 19 North, Range 44 East, W.M., in Whitman County, Washington, more particularly described as follows: All that portion of the Crow Road, County Road No. 2090 and Trestle Creek Bridge No. 2090-00.41 lying east of the Eckhart Road, County Road No. 2110 and south of the Trestle Creek Road, County Road No. 2100, is preliminarily found to be of no use to Whitman County and that the vacation of said road may be in the best interest of Whitman County.

IT IS FURTHER RESOLVED that pursuant to RCW 36.87.040 the Whitman County Engineer shall investigate and prepare a report on the issue of vacating said Crow Road and Trestle Creek Bridge.

IT IS FURTHER RESOLVED that this resolution be entered upon the minutes of this Board.

DATED at Colfax, Washington, this 2nd day of August, 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

**071006** 4. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to publish the notice of hearing of intent to vacate a portion of File Road.

**Planning Division:**

**071007** 5. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to sign a resolution authorizing the correction of scrivener's errors to Whitman County Code Chapter 19.61.

**RESOLUTION NO. 071007**

BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS of Whitman County, Washington, in the matter of reformatting Chapter 19.61 to match all other county codes.

WHEREAS, it is proposed that Chapter 19.61- Commercial Wind Energy Facilities be reformatted through the scrivener's errors allowance as per Whitman County Code Chapter 19.04.100 and,

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

THEREFORE, IT IS HEREBY RESOLVED that Chapter 19.61 of the Whitman County Code be reformatted to match the rest of the zoning codes.

ADOPTED this 2nd day of August, 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

**Section 19.61.010 - Declaration of Intent**

1. 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.
2. 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.

- A. Purpose.** The following standards and regulations are necessary for the health, safety, general welfare and convenience of the inhabitants of the County.
- B. 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.
- C. 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.
- D. 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.
- E. 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.

**F. 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.

**G. 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.

**H. 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**

1. Project applicants will need to comply with other applicable County requirements, such as critical area ordinances, environmental review regulations, and building code requirements.
2. 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:
  - a. 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

## **BOCC MINUTES-08/02/10**

other such equipment need not obtain a permit through this chapter. However, all other applicable code requirements apply.

3. 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 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

## **BOCC MINUTES-08/02/10**

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**

1. 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.
  - a. 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.
  - b. 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 of the zoning districts deemed to be suitable for commercial wind energy facilities, the minimum occupied building structure visual and

## BOCC MINUTES-08/02/10

aesthetic standard shall be considered sufficient to address any visual and aesthetic impacts.

- c. 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.
- d. 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.
- e. 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.

### 2. Height Limits

- a. 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.
- b. Building structure height limitations shall be in accordance with the standards established for the applicable zoning district.

### 3. 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:

- a. 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 agreement for the repair of damage to public roads resulting from project activities.
- b. Ingress and egress points shall be located and improved (if needed) in order to assure adequate structural and operational capacity for

**BOCC MINUTES-08/02/10**

existing and projected traffic volumes and to provide efficient movement of traffic, including existing and anticipated agricultural traffic and projected construction traffic.

- c. 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.
  - d. 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.
  - e. 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.
  - f. Engineering studies, plans, reports necessary to substantiate any engineering related elements of the plan.
  - g. Planned phasing requirements of the traffic management plan (if required) to accommodate multi-phase or multi-year construction plans.
4. Noise: State noise standard compliance: During construction and operations, the project shall comply with applicable state noise standards.
5. Air quality: All applicable air emission permits shall be obtained and all conditions complied with. The applicant shall re-vegetate 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.
6. 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 reseedling/restoration and weed management plan in consultation with the Whitman County Weed Control Board.
7. Overhead electrical transmission and collector lines: Overhead electrical transmission and collector lines should be constructed consistently with the existing Avian Power Line Interaction Committee

## BOCC MINUTES-08/02/10

(APLlC) recommendations for raptor protection on power lines and such other commonly accepted industry or regulatory standards.

8. 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:
  - a. 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.
  - b. The facility shall use bird flight deflectors on guy supported permanent meteorological towers or use un-guyed permanent meteorological towers.
  - c. 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.
  - d. 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 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.

**BOCC MINUTES-08/02/10**

- e. 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.
  - f. 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.
9. 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.
10. 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.
11. 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.
12. 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 Historic Preservation to identify appropriate mitigation measures such as avoidance or scientific data recovery.
13. Visual Resources:
- a. The applicant shall prepare visual simulations of wind turbines from key view points, chosen in consultation with the Planning Office.

**BOCC MINUTES-08/02/10**

- b. 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.
- c. 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.
- d. 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.
- e. 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.

14. Decommissioning:

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

- c. 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.

15. Public Safety, Inquiries and Complaints:

- a. The applicant shall comply with state occupational health and safety standards.
- b. 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.
- c. The applicant shall provide project staff with cellular or on-site phones to enable timely communication with the Fire Department and other emergency services.
- d. 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 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.
- e. The applicant shall monitor the site for evidence of unauthorized use and provide additional security as appropriate.

**19.61.070 - Compliance with Project Conditions**

- 1. 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.

**BOCC MINUTES-08/02/10**

2. 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).

**071007A** 6. The proposed removal of the butte protection area from the Rural Residential ordinance was before the Board. Chairman Partch noted comments received by the deadline of July 23, 2010 at 5:00 p.m. as follows:

- 071007B** Scotty Cornelius
- 071007C** David Hall
- 071007D** Brock Hill
- 071007E** Peter Holland
- 071007F** Carolyn Kiesz
- 071007G** Justine Rupp
- 071007H** Rick Kiesz
- 071007I** Joan McDougall
- 071007J** Kirk Suess
- 071007K** Julie Titone
- 071007L** Carla Wesson
- 071007M** Roger Whitten
- 071007N** David E. Bakken, Ph.D.

Comments received after the deadline will be noted in general correspondence.

Before Commissioner Largent excused himself from today's meeting he left a verbal comment of support for removing the butte protection areas from the Rural Residential ordinance.

Alan Thomson indicated the Planning Department is recommending removal of the butte protection section from Chapter 19.10.

**BOCC MINUTES-08/02/10**

**071008** Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to remove the butte protection area section from Chapter 19.10 of the Whitman County Code.

**ORDINANCE NO. 07100**

AN ORDINANCE AMENDING SECTION 19.10 (AGRICULTURAL DISTRICT) OF THE WHITMAN COUNTY ZONING ORDINANCE to eliminate the butte protection component, Section 19.10.060(2)(b)(ix)(2), from the rural residential code. This change will allow any landowner owning land on these buttes to apply for a rural housing certificate to build a home. 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 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 2<sup>nd</sup> day of August 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 19.10 - AGRICULTURAL DISTRICT**

**Section 19.10.010 - Declaration of Intent.**

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

**Section 19.10.020 - Permitted Uses.**

1. 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

## BOCC MINUTES-08/02/10

governed, or regulated by the provisions related to home-based businesses. (Revised April 21, 2008; Resolution No. 068024)

2. 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 No. 070610)

3. Temporary stands for the sale of agricultural non-livestock products produced on the premises.

4. 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.

5. 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)

6. 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

## **BOCC MINUTES-08/02/10**

12/10/01, Ordinance # 058999.) (Revised 10/20/08, Ordinance #068810)  
(Revised 11/16/09, Ordinance # 070081)

7. Inert fill (earth only) of under 2,000 cubic yards of material removed from ditch cleaning may be placed in active quarries and/or mines in compliance with approved reclamation or placed on adjacent land. Under 2,000 cubic yards of aggregate stockpile materials may be placed on a separate parcel from the mining operation. Agencies must provide a courtesy notice to landowners within 300 feet of the fill site.

8. Private quarries under three (3) acres for uses related to agricultural activities by the land owner, for example farm access construction and maintenance.

9. Accessory Dwelling Units conforming to provisions of Section 19.10.065.

### **Section 19.10.030 - Lot Size Requirements.**

1. There shall be no minimum lot size for non-residential permitted uses in this district.

2. The minimum lot size for residential uses permitted in this district shall be as determined per Section 19.10.060(2)(b)(ii).

### **Section 19.10.040 - Setback Requirements.**

1. 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.

2. In the case of antenna support structures or wind energy research and/or generating facilities, 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. (Revised 10/20/08, Ordinance #068810)

3. 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)

4. To facilitate road setback location, measurement may be made from the centerline of the adjacent road. The front setback shall be half the distance of that specific right-of-way width, plus the required setback, as measured from the road centerline.

### **Section 19.10.050 - Height of Buildings.**

1. The maximum height of non-residential buildings and related accessory structures in this district shall be fifty (50) feet.

2. The maximum height of rural residences and related accessory structures in this district shall be thirty-five (35) feet.
3. Antenna support structures shall not exceed 350 feet in height.
4. Maximum height for research and wind energy generating facilities shall be 350 feet. (Revised 5/14/01, Ordinance #058050, Revised 12/10/01, Ordinance #058999)

**Section 19.10.060 - Rural Residential Use.**

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

1. Development requiring Certification

a. Issuance of a Rural Housing Certificate shall be required for:

- i) Creation of a new residential parcel
  - (1) 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 (2) (a) (ii) viewshed, (2) (b) (vi) development buffer where the available land to be used as a buffer is not owned by the applicant, (2) (b) (vii) setbacks where the available land to be used as a buffer is not owned by the applicant, and (2) (b) (ix) highly visible locations; or
- ii) Alteration of an existing residential parcel via a boundary line adjustment except when additional land is added to a parcel for which a CZC, RRSR or RHC has been filed; or
- iii) 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; Revised April 19, 2010; Ordinance No. 070610).

- b. 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 an existing residence and/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. 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).

2. Certification Approval - Issuance of a Rural Housing Certificate shall be granted when a proposal meets all of the following conditions:
  - a. Approval of Residence Location
    - i) New rural residences may be sited in locations which meet requirements for a viewshed site or meet requirements for a residential group.
    - ii) Viewshed Site
      - (1) 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.
        - (a) 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 can not see any part of an existing residence or the footprint of another proposed residence due to the interposition of natural landforms.
        - (b) 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.
    - iii) Residential Group
      - (1) 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.)

- (2) 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.
  - (3) An existing residential group may be expanded to a maximum of nine houses.
- iv) 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.

b. Approval of Parcel Configuration

- i) 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.
  - ii) 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.
  - iii) Access to an improved road: All residential parcels shall be accessible from an improved County road or State highway.
  - iv) 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.
- v) Driveways
- (1) 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.
  - (2) Driveways shall be designed to fit existing land contours.
  - (3) 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.
- vi) Development Buffers

**BOCC MINUTES-08/02/10**

- (1) Residential development other than of the types listed in (4) (a) through (k), below, shall not be allowed within 200 feet of property being used for commercial agricultural production at the time of development, or within 100 feet if written permission of the owner of property in production is secured. This area between residential development and commercial agricultural production shall be referred to as the "development buffer."
- (2) Development buffers shall appear on the short plat of the parcel and any other surveys subsequently produced.
- (3) The width of an adjacent road's right-of-way may be included as part of the development buffer.
- (4) Structures and activities related to residential living shall not be allowed within the development. Such structures and activity areas include residences, decks, play areas, home occupation areas, greenhouse, garden, orchard, ornamental trees and so forth. Structures and uses that shall be allowed within the development buffer include, but are not limited to:
  - (a) Garages
  - (b) Storage sheds
  - (c) Equipment sheds
  - (d) Driveways
  - (e) Wells, if not part of a Group A or B water system
  - (f) Septic system drain fields
  - (g) Stables
  - (h) Livestock pens and corrals
  - (i) Hay storage
  - (j) Vegetation compatible with adjacent agricultural uses, including pasture, wildlife areas, hay land and native plants.
  - (k) Windbreaks and shelterbelts
- (5) The residential owner may lease the development buffer for agricultural uses such as farming, grazing and so forth.

vii) Setbacks

- (1) The minimum setback for all non-residential structures shall be twenty (20) feet on all sides, provided that a minimum setback of thirty-five (35) feet shall be required adjacent to the right-of-way of any State or County improved road.
- (2) 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.

viii) Water and Sanitation

- (1) 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.

ix) Highly visible locations

(1) 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:

(a) 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.

c. 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.

- (1) New lighting fixtures must be shielded, hooded and oriented towards the ground;
- (2) Use of motion-sensing devices and/or timers is encouraged;
- (3) No new lighting shall blink, flash or be of an usually high intensity or brightness; and
- (4) All new lighting fixtures shall be appropriate in scale, intensity and height to their use.

d. Weed Control

- i) It is the responsibility of the owner(s) of rural land to control weeds.
- ii) 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.

e. Receipt of Affidavit of Acknowledgement of Agricultural Practices

The deed restriction and/or easement sample as stated below shall be used when rural residential parcels are created, and when there is a

residential building permit and/or conveyance of a rural residential property:

COUNTY OF WHITMAN  
STATE OF WASHINGTON  
CERTIFICATION OF ADJACENT AGRICULTURAL USE

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

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

Legal description of land: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

A certification by the property owner is necessary to obtain a Rural Housing Certificate, and prior to all building permits issued for this property. Whitman County Zoning Ordinance Section 19.12.080 (1)(f) and (2)(f)

I certify that I am / we are the owner(s) of the land described hereon.

**BOCC MINUTES-08/02/10**

Printed name of land owner: \_\_\_\_\_  
Land owner signature: \_\_\_\_\_ Date: \_\_\_\_\_



## BOCC MINUTES-08/02/10

house. These units are intended to provide for a greater range of choices of housing types in the Agricultural District. Accessory Dwelling Units are intended to enhance options for families by providing opportunities for older or younger relatives to live in proximity while maintaining a degree of privacy.

### 2. Applicability.

- a. A property with a primary residence and an Accessory Dwelling Unit is different from a property with two residences because the intensity of use is less due to the limitations of size and number of bedrooms. An Accessory Dwelling Unit that meets the requirements of this subsection may be allowed on any lot developed with an existing single-family dwelling, except as noted herein.

### 3. Development Standards.

- a. No more than one Accessory Dwelling Unit per legal lot is permitted and it must be accessory to a single-family residence. If a short plat is approved, an Accessory Dwelling Unit for each lot is permitted only if all other provisions of this Chapter are met.
- b. No Accessory Dwelling Unit is allowed if there are two primary residences on one parcel of land.
- c. Whenever the requirements of this Section are at variance with the requirements of any of the lawfully-adopted ordinances, the most restrictive, or that imposing the higher standards to be met prior to a land use being permitted, shall govern.
- d. 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.
- e. An Accessory Dwelling Unit may be created through:
  - i) Internal conversion within an existing dwelling;
  - ii) The addition of new square footage to the existing house or to a garage and any addition thereto;
  - iii) Conversion of an existing structure;
  - iv) Inclusion in the development plans for, or as part of, the construction of a new single-family detached dwelling unit; or
  - v) A separate detached dwelling unit on the same lot as the primary dwelling unit.
- f. 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.

**BOCC MINUTES-08/02/10**

- g. 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.
  - h. The total gross floor area of an Accessory Dwelling Unit shall not exceed either 1,100 square feet or 50% of the total gross floor area of the primary residence, whichever is less.
  - i. An Accessory Dwelling Unit shall not contain more than two (2) bedrooms.
  - j. 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. (Revised April 19, 2010; Ordinance No. 070610)
4. Historic Structures.
- a. 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:
  - b. Exterior materials should be of the same type, size and placement as those of the primary dwelling structure.
  - c. 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.
  - d. 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).
  - e. Pediments and Dormers. Each Accessory Dwelling Unit over twenty (20) feet in height should have either a roof pediment or dormer if one or the other of these architectural features are present on the primary dwelling.

**Section 19.10.080 - Short Plat and Subdivision.**

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

- 1. No short plat creating more than three (3) lots, including the remainder of the original parcel of land, shall be approved within the Agricultural District.
- 2. No long subdivision plat shall be approved within the Agricultural District.
- 3. A short plat may be used to separate out a parcel on which is located a residence in existence prior to the adoption of this ordinance. This

## BOCC MINUTES-08/02/10

home site must meet the requirements of Section 19.10.060. It will then be considered a conforming rural residential use, and shall be issued a Rural Housing Certificate.

4. The creation of parcels of less than twenty (20) acres in area is permitted for agricultural, conservation and/or habitat purposes.
  - a. No structures other than fences, a well, and livestock watering and feeding containers are allowed on parcels created for this purpose.
  - b. Language describing the use limitations shall be placed on the plat.
  - c. If, in the future, there is a desire to change the use of this parcel, such as enlarging it to be part of a future residential or other use, the properties will have to be reviewed again to see if such proposed use can comply with land use regulations. If such approvals can be obtained, a revised plat containing language reflecting changes must be filed with the County Auditor.

### **Section 19.10.090 - Conditional Uses and Administrative Permits.**

1. 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, Ord. #45331)
  - a. Utility substations or generating facilities. Wind Energy Generating Facilities greater than forty (40) feet in height are subject to the requirements of Section 19.58 - Communication and Utility Facilities. Wind Energy Generating Facilities greater than 130 feet are allowed in this District by Conditional Use as long as the site is located more than 1/2 mile from any incorporated city or town or Rural Community District (Revised 12/10/01, Ordinance # 058999).
  - b. Utility storage and transportation facilities.
  - c. Private and public recreational facilities such as campgrounds, golf courses, rifle ranges, and similar uses.
  - d. Churches.
  - e. Airstrips.
  - f. Solid waste site or transfer station.
  - g. Feedlots.
  - h. Commercial grain elevators.
  - i. Veterinary clinics, boarding kennels, and similar uses.

**BOCC MINUTES-08/02/10**

- j. Surface mining and crushing subject to the minimum standards listed in Sections 19.59 and 19.60.
- k. 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)
- l. Gun clubs and fraternal organizations.
- m. Support Structure facilities, (towers and accessories) for antennae, meteorological (anemometer) research and other similar uses greater than forty (40) feet in height subject to the requirements of Section 19.58 - Communication and Utility Facilities. Such Support Structures greater than 130 feet are allowed in this District by Conditional Use as long as the site is located more than 1/2 mile from any incorporated city or town or Rural Community District. A shelter or cabinet used to house radio electronic equipment and its associated connecting cables greater than 120 square feet of base area, or more than one shelter or cabinet applies also to Small-Antenna facilities and Antenna Support Structures up to forty (40) feet in height. (Revised 10/20/08, Ordinance #068810)
- n. 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.
- o. Landfill for inert materials (earth, concrete and asphalt) of more than 2,000 cubic yards of material (including over 2,000 cubic yards of aggregate stockpile materials on a separate parcel from the mining operation) [For earth fills less than 2,000 cubic yards, see Section 19.05.020(4)].
- p. 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, Ord. #45331 )
- q. Temporary asphalt and/or concrete batch plant.
- r. 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, Ord. #048077).
- s. 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.

t. Accessory structures necessary for farm or ranch production that are or should be separated from the agricultural production land or farmsteads on their own parcel, including shops, machine sheds, grain bins and similar agricultural production structures that are intended to continue to be used in conjunction with agricultural operations. The short plat survey shall include the following statement: "This parcel and its structures are limited to agricultural use only. This parcel has not been evaluated as a building site for any other use. If there is a future intent to try to use this parcel and its structures for any uses other than agriculture, further review for compliance with Whitman County code is required, and it is possible that this parcel will not be able to comply and be approved for different uses."

2. An Administrative Use Permit shall be required for:

- a. Surface mining and crushing subject to the minimum standards listed in Section 19.59 and Section 19.60.
- b. Mining located more than one mile from an incorporated community or designated unincorporated rural community.
- c. Landfill for inert materials (earth, concrete and asphalt) of less than 2,000 cubic yards of materials.

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

A. PURPOSE: This section establishes a location for and allows for the creation of a Planned Residential Development, (PRD), designed to foster creative, efficient, and comprehensive site development, intended for special site locations, conditions and circumstances, in concert with WCO Chapter 18.50, Subdivision Ordinance - Planned Residential Development, and:

1. Create a development form which allows for preservation of important sites within the County, containing significant natural shoreline areas, geology, habitat and/or ecosystems, and the goals of which are compatible with Whitman County's Comprehensive Plan;
2. Produce a development which would be better than traditional lot-by-lot development, on either consolidated lots or unsubdivided property, through variety in design, placement of buildings, and use of undeveloped natural areas, in order to capitalize on the special features of the individual site;
3. Permit flexibility that will encourage a more creative approach in the development of land and will result in a more efficient, aesthetic, and desirable use of undeveloped areas, while at the same time harmonizing with adjoining development;

**BOCC MINUTES-08/02/10**

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

**BOCC MINUTES-08/02/10**

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; and,

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)*

**D071008A 7.** Mr. Thomson said on July 27<sup>th</sup> the Planning Department has officially received an application from First Wind to build a wind farm in the Oakesdale area on Naff Ridge. Whitman County departments have 20 days to review the application for completeness/code followed by the SEPA process.

**D071008B 8.** According to Mr. Thomson the Planning Commission is working on updating the Critical Areas ordinances as required by the Growth Management Act every 7 years.

**Maintenance Division:**

**BOCC MINUTES-08/02/10**

**D071008C 9.** Mr. Meyer reported sealcoating is completed for the year; crews are working on a few asphalt jobs today and will then go into ditching mode. Many staffers will be gone for harvest.

**071009 10.** Grader blades for 2010 was awarded through the small works roster process to Hardfacing, Inc. of Colville for a total bid of \$14,664.00.

**Building Division:**

**071010 11.** The 2<sup>nd</sup> quarter building activity report was received from and reviewed by Dan Gladwill.

**11:40 a.m. - Recess.**

**D071010A THE BOARD OF WHITMAN COUNTY COMMISSIONERS** met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, August 9, 2010 at 9:05 a.m.** Chairman Greg Partch, Patrick J. O'Neill and Michael Largent Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

**9:05 a.m. - Meeting Reconvened/Board Business Continued.**

Present: Sarah Mason and Kelsey Samuels.

**071011 20.** Commissioner Largent brought up the email from the FSA office regarding continuous CRP limits which he had some concerns. Commissioner Largent said this has nothing to do with the general sign up for CRP, only the continuous sign up portion which he supports.

**9:10 a.m. - Kellie Campbell, Joe Smillie, Esther Wilson and Chris Nelson.**

Chairman Partch said the way it was explained to him Whitman County is at 18% of a 25% limit. The request is for support to exceed the 25% limit and that is his concern.

The commissioners will be speaking with other individuals as well as newly appointed Colfax FSA Director, Kathy Wolfe on August 16<sup>th</sup>.

**D071011A 21.** The Chairman felt it was important to move forward with budget amendment #3 and suggested the Commissioners/IT handle this amendment taking it off the Auditor's plate. The Chairman will coordinate the amendment with the Auditor. (On August 10<sup>th</sup>, the Auditor called for budget amendment #3.)

**D071011B 22.** Chairman Partch indicated the videographer will be in Whitman County tomorrow to begin filming the "Showcasing Whitman County" project.

**BOCC MINUTES-08/02/10**

**D071011C 23.** Commissioner O'Neill talked about an email from Justus Mahan regarding the condition of the Kamiak Butte ranger residence. Commissioner Largent suggested there be no course of action until the Board has an opportunity to meet with the Parks Director.

**071012 24.** The Commissioners' Administrator position was again before the Board. The Board agreed another meeting of the Finance Committee should be held to resolve some of the Committee's pending issues and that there needs to be a consensus from the Finance Committee regarding the duties/responsibilities for the various financial positions.

Commissioner O'Neill asked the other members if they agreed with the duties as outlined in the Team chart for the 4 financial positions.

Commissioner Largent thought the chart was well done but with respect to checks and balances, some of those points previously discussed need further elaboration and conversation with the Finance Committee. With respect to internal controls, he felt that is an accounting function.

Commissioner O'Neill said actual authority has to be divided per RCW 36.32.120, Power of Legislative Authorities. That pretty much spells it out that the commissioners must sign off therefore the authority must be under their purview. Commissioner Largent asked Commissioner O'Neill for some specifics or examples and he proceeded to read the following prepared statement:

"Our County is in need of better structure to manage the financial challenges that we have not successfully manage in many years. I believe that, while we still have some vitally important tasks to address. One of these is reorganizing the infrastructure of our financial operations.

I've given much research and consideration toward this purpose. One important item I've studied has been the statement by Judge C. James of Yakima County. He studied a case presented by Klickitat County Auditor wherein the Auditor alleged that the Klickitat County Chief Financial Officer improperly infringed on the statutory duties of the Klickitat County Auditor as per RCW 26.32,33 and 40.

I believe that this judge finding clearly stated that the Klickitat County CFO's duties did not infringe upon the Auditor and none of the Auditors duties "were being usurped by the CFO acting on behalf of the legislative authority".

Further the judge's clearly stated: "it would be inappropriate to allow the Auditor complete control of the entire system."

Reading this document, it is clear to me that the judge upheld the Klickitat County Legislative authority's action to provide the

## BOCC MINUTES-08/02/10

infrastructure and other duties necessary for a successful financial management system." The judge document reads: "It is not clear to the court to what extent the Auditor has access to the system, but she must be given the access necessary to enable her to perform all of her statutory duties".

I believe our system supports this finding using the counsel/management type of government I am proposing to put into place. The question now comes up as to "who owns the data" in the system. I will argue that the legislative authority manages the system's infrastructure and that we all own the data entered into the system. I believe Chris Nelson our IT Director; can help guide us in our view and management of data."

Discussion about various duties/responsibilities of the various financial positions continued.

Chairman Partch noted Treasurer Lothspeich didn't disagree with the duties as outlined in the Team chart but preferred they be expanded.

Commissioner O'Neill then read an excerpt from a July 16<sup>th</sup> email from the Auditor as follows: "A fine example of her misinterpretation is as you have highlighted below-a portion of RCW 36.32.120-Item #5. The officers "having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit" are the Treasurer and the Auditor. Treasurer-collection, Auditor-disbursement. Care and management-both Treasurer and Auditor. The BOCC's auditing of the account of these two officers is already accomplished in part by your perusal and approval of the Voucher Approval Registers that come through to you each meeting date." In summary, Commissioner O'Neill was in favor of operating as proposed in the Team chart.

Commissioner Largent suggested Esther Wilson sit in on the discussions with the Finance Committee. Chris Nelson interjected she had no objection to Esther sitting in on the meetings but also offered to do a presentation on the accounting information to help facilitate the discussion between the Finance Committee and the Board with respect to the New World system. Commissioner O'Neill thought it would be helpful if Ms. Nelson was included in the Finance Committee meetings and Chairman Partch concurred.

After much discussion, it was agreed the Chairman would ask the Treasurer to schedule another Finance Committee meeting with possibly Esther Wilson and Chris Nelson also in attendance.

**071013**     **25.** Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to authorize the publishing of a notice of call for bids for the Aune Bridge.

071014 26. Commissioner O'Neill moved Commissioner Largent seconded the motion and it carried to approve a sole source resolution for David Byrne's services for Emergency Management.

RESOLUTION NO. 071014

BEFORE THE BOARD OF COUNTY COMMISSIONERS of Whitman County, Washington in the matter of contracting with David Byrnes specific services to plan, review, assess, critique, and insure the readiness of Whitman County Public Health to respond to various public health, medical, and other emergencies.

WHEREAS, the Board of Whitman County Commissioners recognizes the Public Health Department needs to update the Public Health Emergency Response Plans; and,

WHEREAS, David Byrnes is the only feasible provider because of his seven year history of working with us and has successfully demonstrated his expertise as related to planning, coordination, and writing the Whitman County Public Health Plan. He has the proficiencies and knowledge about Whitman County, Whitman County Public Health, and Emergency Planning; no other contractor has the experience, history, and is deemed a sole source provider.

IT IS HEREBY RESOLVED that the Whitman County Public Health Department may enter into sole source agreement with David Byrnes to provide the subject matter expertise as related to planning, coordination and writing the Whitman County Public Health Plans.

ADOPTED this the 9<sup>th</sup> day of August 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

071015 27. Commissioner O'Neill moved Commissioner Largent seconded the motion and it carried to approve a sole source resolution for David Byrne's services for Public Health.

RESOLUTION NO. 071015

BEFORE THE BOARD OF COUNTY COMMISSIONERS of Whitman County, Washington in the matter of contracting with David Byrnes specifically to plan a county wide functionally exercise. He will plan, design, conduct, evaluate, and recommend improvements. This exercise will test the Whitman County Comprehensive Emergency Management Plan. The plan will be reviewed, assessed, critiqued, and updated to insure the readiness of the Department of County Emergency Management to respond to various public health, medical, and other emergencies.

WHEREAS, the Board of Whitman County Commissioners recognizes the Department of Emergency Management needs to evaluate, update, and test the Comprehensive Emergency Management Plan; and,

WHEREAS, we have a seven years history of working with David Byrnes and he is completely knowledgeable of state, federal, and Homeland Security requirements. He has successfully demonstrated his expertise as related to planning, coordination, and exercise planning. He has the proficiencies and knowledge about Whitman County, Whitman County Department of Emergency Management and Public Health; no other contractor has the experience, history, and is deemed a sole source provider.

IT IS HEREBY RESOLVED that the Whitman County Department of Emergency Management may enter into sole source agreement with David Byrnes to provide the subject matter expertise as related to planning, coordination and writing of Whitman County plans and exercises.

ADOPTED this the 9<sup>th</sup> day of August 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

**071016 28. Motion** by Commissioner Largent to approve the claims as presented. Motion **seconded** by Commissioner O'Neill and **carried**. Claims/Payroll warrants numbered **241980-241999, 242063-242093, 242233-242258, 242261-242264, 2422735-242325, 242405-242446, 242473-242496** and **242558-242645** for **\$2,327,758.38** approved.

**BOCC MINUTES-08/02/10**

FUND	FUND NAME	AMOUNT	AMOUNT	AMOUNT	AMOUNT
001	Current Expense	2,290.00	18,703.80	8,827.34	3,809.50
102	Building & Development		141.49	264.39	
103	Countywide Planning		50.50	1,255.95	
104	Developmental Services		43,085.88	87.00	
110	County Roads	2,889.80	1,320.01	1,171.56	
127	Drug Enforcement-Quad City			87.76	37.25
144	Emerg. Communicat. 144.260.001		34.52		
400	Solid Waste		139,176.42	2,354.09	
501	Equipment Rental & Revolving	350.00	223,585.31	50,298.99	
513	Communications Revolving				222.11
658	Rural Library				1,962.96
660	Whitcom-General 660.911.000		1,066.54		
660	Whitcom-Grant 660.911.001		80,648.20		
690	Clearing Fund 690.004.000			60,550.88	
690	Clearing Fund 690.050.001				800.00
ET	Electronic Transfer	438,365.85	77,521.23		

FUND	FUND NAME	AMOUNT	AMOUNT	AMOUNT
001	Current Expense	2,918.83	55,510.63	58,794.41
102	Building & Development		1,709.20	
103	Countywide Planning		1,838.60	45.00
104	Developmental Services			141.79
108	Veterans Relief			50.00
110	County Roads	491.96	16,995.20	444,441.86
117	Boating Safety			669.21
118	Inmate Welfare			405.99
121	County Bulk Purchasing			1,551.89
122	Sheriff's K-9 Unit			86.94
123	Paths/Trails-Park 123.310.000			99.91
127	Drug Enforcement-Quad City		400.00	9,164.68
128	Crime Victims/Witness-Pros. 000		350.00	
135	Prosecutor's Stop Grant		150.00	1,171.28
141	Washington Housing SHB 2060			5,750.30
144	Emerg. Communicat. 144.260.001		250.00	20,246.73
400	Solid Waste	656.63	800.00	4,098.28
410	Solid Waste Reserve			5,915.22
501	Equipment Rental & Revolving	26,109.37	5,047.40	91,052.00
511	Unemployment Insurance			654.09
660	Whitcom-General 660.911.000		42,789.21	
660	Whitcom-Grant 660.911.001		11,840.25	
690	Clearing Fund 690.005.000		186,541.71	
690	690.300.002			574.53

**D071016A 29.** Chris Nelson spoke about entering into a professional services agreement with Sharon Roberts to key the Chart of Accounts into the New World system. Ms. Nelson noted funds are available within the Information Technology budget and she will forward the agreement to the Board for authorization August 16<sup>th</sup>.

**D071016B 30.** Chris Nelson advised the Board if the Asset Acquisition fund paid for the \$7,200 upgrade for 5 FTR recording systems it would pretty much deplete the funds for the remainder of the year. This was not a budgeted request, but is a viable request because the county's current FTR version will not operate with Windows 7. She has made a request to the Auditor for the use of Auditor's Document Preservation funds. Another option would be a budget amendment to the Asset Acquisition fund. It was the consensus of the Board to use Auditor's Document Preservation funds if

**BOCC MINUTES-08/02/10**

available. Otherwise they will consider a budget amendment for the difference or full amount.

**071017 31.** The Director lastly gave the commissioners an update on the New World financial system.

Go live on financial management modules mid February 2011  
Go live on Human Resources payroll April 2011  
Cost approved per contract in 2005 \$331,600  
Cost of actual New World expenses paid to date \$437,522  
Additional costs not yet billed \$106,500  
Total New World \$684,252  
Software maintenance for 2009 \$ 00

Business Analytics module was provided at no cost, but does not include the maintenance component.

Since the county will not be using the Community Development module Ms. Nelson is looking into using that credit for additional software licenses and/or other modules.

**10:40 a.m. - Adjournment.**

**D071017A** Commissioner O'Neill **moved** to adjourn the **August 2 and 9, 2010** 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 **August 16, 2010**. The foregoing action made this **9th** day of **August 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