

Minutes for October 5, 2009

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069933 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, October 5, 2009 at 9:00 a.m.** Chairman Michael Largent, Patrick J. O'Neill and Greg Partch, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

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

Present: Eunice Coker and Joe Smillie.

069934 1. The Auditor discussed personnel change orders within her department. No action taken.

9:15 a.m. - Recess.

10:00 a.m. - Pledge of Allegiance.

Present: Kelli Campbell.

D069934A 2. Motion by Commissioner O'Neill to accept the consent agenda with the deletion of item #1E3. Motion **seconded** by Commissioner Partch and **carried**.

10:05 a.m. - Donna Poland, Bob Lothspeich and Joe Smillie.

069935 3. Claims/Payroll warrants numbered **232540-232549, 232568-232572** and **232587-232709** for **\$540,423.50** approved.

FUND	FUND NAME	AMOUNT	AMOUNT	AMOUNT
001	Current Expense	9,796.03	7,933.87	107,431.91
103	Countywide Planning			537.17
104	Developmental Services	41,679.66		231.65
108	Veterans Relief	150.00		
110	County Roads			1,571.21
111	CETC Building			34.47
112	Public Facilities Improvement			4,256.00
117	Boating Safety			1,164.96
118	Inmate Welfare			259.48
123	Paths/Trails-BCPT 123.310.001			34.37
127	Drug Enforcement-Quad City			5,313.36
135	Prosecutor's Stop Grant			9,570.26
136	Electronic Monitoring			286.47
141	Washington Housing SHB 2060			880.29

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143	Trial Court Improve	143.030.000			1,069.73
144	Emerg. Communicat.	144.260.001		19.92	14,284.69
300	CIP Asset Acquisit.	300.010.001			1,261.48
400	Solid Waste				657.85
501	Equipment Rental & Revolving				2,228.26
510	Photocopier Revolving				7,860.91
513	Communications Revolving				1,423.95
660	Whitcom-General	660.911.000	73,300.75		3,837.33
660	Whitcom-Grant	660.911.001	55,792.80		6,995.63
690	Clearing Fund	690.005.000		166,645.87	13,913.17

069936 4. Requisition on Veterans Assistance Fund.

069937 5. September 21, 2009 minutes approved.

069938-069947 6. Personnel board orders approved.

069948 7. In accordance with RCW 36.22.100, Donna Poland presented the outstanding warrants. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** to approve the cancellation of outstanding warrants.

**WHITMAN COUNTY COMMISSIONERS
CANCELING OUTSTANDING WARRANTS
RESOLUTION NO. 069948**

A resolution authorizing the Whitman County Treasurer, in accordance with Title 36.22.100 R.C.W., to cancel the following outstanding warrants:

<u>Date Issued</u>	<u>Warrant #</u>	<u>Payee</u>		<u>Amount</u>
4/24/2006	189683	Vicki Brock	\$	12.43
4/24/2006	189798	Ada Sze		10.10
5/05/2006	189998	Gar/Farm EMTs		375.00
5/19/2006	190615	Jeremy Peterson		12.00
5/19/2009	190627	Blue Ridge Medical Inc		222.00
6/05/2006	191110	WSU Dept of Teaching/Learn		44.00
6/16/2006	191761	Assoc Ind Agencies		32.00
7/14/2006	192591	AFLAC		39.10
7/14/2006	192592	Dept of Retirement Systems		68.82
7/14/2006	192593	Dept of Retirement Systems		74.63
7/14/2006	192594	Teamsters		39.00
8/16/2006	194101	Jim Broadfoot		6.00
9/05/2006	194573	Mark Janowski		3,000.00
9/05/2006	194615	Ben Tarbutton		27.54
9/13/2006	194898	Teamsters		32.00
9/18/2006	195070	Stephen Diamond		24.55
10/09/2006	195817	Britni Bohara		85.50

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10/09/2006	195913	Gail Tacket	11.36
10/30/2006	196702	Marcus Stueckle	12.23
11/13/2006	197088	Denis Tracy	71.65
11/16/2006	197206	Kelly Brown	30.08
12/08/2006	198103	Gar/Farm EMTs	234.58
12/11/2006	198152	CPR Savers & 1st Aid Sup	1,650.45
12/18/2006	198492	James Hawkes	5.26
12/22/2006	198694	Assoc Ind Agencies	400.00
1/12/2007	199242	Marvin Schmick	46.17
1/16/2007	199390	Mauro Partido	5.00
1/16/2007	199554	Morris Camp	19.00
1/16/2007	199564	Darrin Fleming	37.00
1/16/2007	199589	Steve Zimmer	8.00
1/22/2007	199739	Cindy Andrus	24.30
1/22/2007	199900	Bill Knox	12.00
1/22/2007	199918	Tom Welch	24.00
2/12/2007	200485	Donna Tripplett	68.39
3/23/2007	201713	Whitman County EMS &	200.00
4/09/2007	202195	Cathy Ensley	14.85
4/16/2007	202425	OM Design	375.00
4/16/2007	202448	Shawnee Rock	516.07
4/20/2007	202565	Arrow Machinery	517.41
5/18/2007	203393	Scott Kruse	12.00
6/04/2007	203828	Luke Baumgarten	31.79
6/04/2007	203851	First Step Internet	20.00
6/18/2007	204375	Ron Miller	200.00
6/22/2007	204576	S & S Worldwide	111.08
7/30/2007	206054	James Hawkes	3.45
8/09/2007	206369	WFS Financial	275.00
9/04/2007	207335	Mauro Partido	21.84
9/21/2007	207891	Brad Bowman	12.00
9/21/2007	207902	Jessie McCleary	6.00
9/24/2007	208075	Lexus Law Publishing	24.53
10/15/2007	208757	Mauro Partido	5.59
10/16/2007	208836	WA State Support	221.38
10/22/2007	209138	Charles Rohr	260.00
11/05/2007	209453	Whitman County EMS &	550.00
11/27/2007	210253	General Fire Apparatus	35.84
11/27/2007	210277	Amy Morrison	157.50
12/17/2007	210971	Washington APCO	88.00
12/18/2007	210996	Wayne Gregory	6.00
12/20/2007	211146	Michael Engles	122.00
12/20/2007	211161	Steve Swannack	117.00
1/25/2008	212120	Pepsi Cola Company	657.00
1/25/2008	212151	Joyce Bell	5.00
1/25/2008	212155	Dan Broeckel	5.00
1/25/2008	212156	Jeremiah Broeckel	242.50

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1/25/2008	212179	Scooter Lyle	10.00
1/25/2008	212183	Mark McKay	75.00
1/25/2008	212205	Steve Zimmer	5.00
1/25/2008	212230	Milton Groom	120.00
1/25/2008	212288	Marvin Schmick	46.17
3/17/2008	213649	Shawnee Rock	661.51
3/24/2008	213985	Main Street Smoothie & Nutrition	2.25
		Total	\$12,497.90

Passed and approved this 5th day of October 2009 by the Whitman County Commissioners.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Michael Largent, Chairman

Greg Partch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Patrick J. O'Neill, Commiss.

069949-069953 8. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to accept the proposal for employee medical insurance as presented (Options 4-tier rate and composite pool rates.)

069954 9. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** to authorize the Chairman to sign the Harrison Building roof contract with All Surface Roofing and Waterproofing.

069955 10. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to sign a resolution adopting the 2010 Martin Hall budget.

RESOLUTION NO. 069955
BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS
WHITMAN COUNTY, WASHINGTON

IN THE MATTER OF APPROVING AND AUTHORIZING THE 2009 MAINTENANCE AND OPERATIONS BUDGET PURSUANT TO THE AMENDED AND RESTATED INTERLOCAL JUVENILE DETENTION FACILITY AGREEMENT (MARTIN HALL), AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

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WHEREAS, Whitman County, Washington (the "County") is a political subdivision duly organized and existing under and by virtue of the constitution and laws of the State of Washington; and,

WHEREAS, the County is required by Chapter 13.16 RCW to acquire, construct and maintain juvenile detention facilities for dependent, wayward and delinquent children; and,

WHEREAS, the County and eight other counties entered into an Amended and Restated Interlocal Juvenile Detention Facility Agreement (Martin Hall) ("the Amended and Restated Agreement") executed by each County on the following dates:

Douglas County - August 26, 1996
Stevens County - August 20, 1996
Pend Oreille County - July 22, 1996
Spokane County - August 13, 1996
Adams County - July 22, 1996
Asotin County - August 19, 1996
Lincoln County - July 15, 1996
Whitman County - July 15, 1996
Ferry County - July 15, 1996

under the authority granted by Chapter 39.34 RCW, Chapter 300, Laws of 1995 and Chapter 20, Laws of 1995, 2nd sp. sess., to provide for the joint operation and maintenance of Martin Hall for use as "juvenile rehabilitation center" as amended from time to time; and,

WHEREAS, Section 12 of the Amended and Restated Agreement requires the Whitman County Board of Commissioners ("the Board") to approve the Operating Budget for the operation and Maintenance of Martin Hall, which has been prepared by the Martin Hall Juvenile Facility Board:

NOW THEREFORE IT IS HEREBY FOUND, DETERMINED AND ORDERED as follows:

Section 1: The Board hereby approves the Operating Budget (as defined in Section 12 of the Amended and Restated Agreement), in substantially the form attached hereto as Exhibit "A". The county shall pay its proportionate amount of costs incurred pursuant to this approved Operating Budget in accordance with Section 5 of the Amended and Restated Agreement.

Section 2: All other resolutions of the Board that are inconsistent with the provisions of this Resolution are hereby repealed to the extent of such inconsistency.

Section 3: This resolution shall take effect immediately upon its adoption.

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ADOPTED by the Board of County Commissioners of Whitman County Washington, at a regular meeting thereof held on October 5, 2009.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Michael Largent, Chairman

Greg Partch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Patrick J. O'Neill, Commiss.

**MARTIN HALL JUVENILE FACILITY
2010 Operating Budget**

Bed Users	<u>Beds/Year</u>	<u>Cost/Day</u>	<u>Total Cost/Year</u>
Adams County	730	\$135.00	\$ 98,550.00
Asotin County	912.5	135.00	98,550.00
Douglas County	1,825	135.00	271,012.50
Ferry County	182.5	135.00	24,637.50
Lincoln County	182.5	135.00	24,637.50
Pend Oreille County	730	135.00	98,550.00
Spokane County	1,825	135.00	246,375.00
Stevens County	2,555	135.00	344,925.00
Whitman County	912.5	135.00	123,187.50
Member Overage	<u>1,000</u>	135.00	<u>324,000.00</u>
Sub-Total	10,855		\$ 1,465,425.00
Other Users			
Coeur d'Alene Tribe	0	\$175.00	\$ 0.00
Nez Perce Tribe	0	175.00	0.00
Kalispel Tribe	200	175.00	35,000.00
Spokane Tribe	530	175.00	92,750.00
Yakima Tribe	1,100	175.00	192,500.00
	<u>670</u>		<u>132,000.00</u>
	<u>1,830</u>		\$ 320,250.00
Sub-Total	12,685		\$ 1,785,675.00
Other Income			
Food Program			\$ 36,000.00
Interest Income			2,500.00
Utility Refund			<u>60,000.00</u>

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received from the Information Technology department, signed by the Board and forwarded to the Auditor's office. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** to approve the delegation order(s).

069963 17. Official award notification for Local Revitalization Financing (SB 5045) was received from the Department of Revenue.

069964 18. A letter was received from Garfield Mayor Jarrod Pfaff indicating that the town is unfortunately unable to complete the waterline extension project and therefore would not be using the 2008 .09 grant funds the town was awarded.

069965 19. A letter of appreciation for Whitman County's Public Facilities (.09) grants in 2008/2009 to the City of Pullman was received from Mayor Johnson.

069966 20. An email was received from Linda Peppel concerning the residential wind energy generator ordinance setbacks.

069967 21. The CETC Building damage assessment report was received from Bob Reynolds/Mark Storey.

069968 22. Commissioners' pending list reviewed.

10:40 a.m. - Recess.

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

Present: Phil Meyer, Alan Thomson, Greg & Gwen Nolan, Evan Ellis and Joe Smillie.

ACTION ITEMS

Planning Division:

069969 1. The issue of Small Wind Energy Generators was before the Board. Mr. Thomson recapped proposed suggestions as a result of the feedback received at the hearing:

- 1) Revise the setback requirement to be at least 1.2 times the height of the turbine; and,
- 2) Revise the measurement of sound - it is state law but in the Washington Administrative Code (WAC) there are 3 different ways of measuring the minimum noise depending on the use of the land.
 - a) residential
 - b) commercial
 - c) agricultural

A choice must be made as to what category houses in the county should be in. They are not strictly residential because the houses are not located within city limits nor are they in a residential subdivision. The houses are located in an agricultural district but are not used for agricultural purposes. Houses fall between the A and C category.

The noise level for residential is 50 decibels and for agricultural it is 70 decibels during the day. The choice is the commissioners to make, to determine which portion of the WAC they will apply to residences in the agricultural district. Mr. Thomson suggested category A as a good clarification of the proposed code.

Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion to adopt the Small Wind Energy Generators ordinance as revised.

Greg Nolan asked if the distance would be measured from the "occupied" neighbors/property line or "occupied building" and Mr. Thomson said "occupied building", from the point source (turbine) to a non-participating, adjacent, occupied structure.

Under #6, Commissioner Partch suggested clarification of fencing to six feet in "height".

Motion **carried**.

ORDINANCE NO. 069969

AN ORDINANCE CREATING A NEW CHAPTER, CHAPTER 19.62 - SMALL WIND ENERGY GENERATORS, AND AMENDING CHAPTER 19.03 - DEFINITIONS; CHAPTER 19.10 - AGRICULTURAL DISTRICT; AND CHAPTER 19.58 - COMMUNICATION AND UTILITY FACILITIES, OF THE WHITMAN COUNTY ZONING ORDINANCE. These changes are consistent with the Whitman County Comprehensive Plan and Zoning Ordinance.

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

PASSED AND APPROVED by the Board of Whitman County Commissioners of Whitman County, Washington, on the 21st day of September, 2009.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Michael Largent, Chairman

ATTEST:

Greg Partch, Commissioner

Maribeth Becker, CMC
Clerk of the Board

Patrick J. O'Neill, Commiss.

CHAPTER 19.03 – DEFINITIONS

Section 19.03.480 - Sign

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

19.03.485 – Site

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

Section 19.03.490 - Small Business Providing Retail Sales or Professional Services

A business serving local residents and travelers consisting of a building with a floor area of no greater than 1,500 square feet.

Section 19.03.491 - Small Wind Energy Generator

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

Section 19.03.492 – SPRC (Site Plan Review Committee)

See 19.15.025 (3) and (4).

Section 19.03.495 - Start of Construction

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

Section 19.03.500 - Structure

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

Section 19.03.508 – Substantial Damage

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

Section 19.03.510 - Substantial Improvement

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

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 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. 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 any 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.
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 wind energy research and/or commercial wind generating facilities up to forty (40) feet in height ~~in~~ and small wind energy generators up to 125 feet height in conformance with the requirements of Chapter 19.58 – Communication and Utility Facilities and Chapter 19.62 – Small Wind Energy Generators. (Revised 12/10/01, Ordinance # 058999.) (Revised 10/20/08, Ordinance #068810).
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

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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 commercial wind 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. Small wind energy generators are subject to the setback requirements in Chapter 19.62 – Small Wind Energy Generators. (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.
2. Antenna support structures shall not exceed 350 feet in height.
3. 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. 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 an existing residence, except that such new parcel with an existing residence, 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 owner 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).
 - 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 cannot 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

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- 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
 - (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

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- (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.
 - (2) Construction of residences on unusual and highly visible geological features is not allowed within what shall be known as the Butte Protection areas. This restriction shall apply to areas above specified elevations above sea level, or within 750 horizontal feet of the centerline of improved roads, whichever is least restrictive, as follows:
 - (a) Angel Butte elevation 2,660 feet;
 - (b) Parker Butte elevation 2,660 feet;
 - (c) Bald Butte elevation 2,800 feet;
 - (d) Granite Butte elevation 2,600 feet;
 - (e) Kamiak Butte elevation 2,600 feet;
 - (f) Ladow Butte elevation 2,660 feet;
 - (g) Naff Ridge elevation 2,600 feet;
 - (h) Ringo Butte elevation 2,660 feet;

- (i) Smoot Hill elevation 2,500 feet;
- (j) Steam Shovel Hill elevation 2,600 feet;
- (k) Steptoe Butte elevation 2,600 feet;
- (l) Stratton Butte elevation 2,700 feet;
- (m) Tekoa Mountain elevation 2,700 feet;
- (n) Unnamed butte, east-northeast of Naff Ridge, the summit of which is within the N ½ of Section 4, Township 19 N., Range 44 E., W.M., elevation 2,600 feet;
- (o) Unnamed butte southeast of Seltice, the summit of which is within the NE ¼ of Section 24, Township 19 N., Range 45 E., W.M., elevation 2,700 feet.

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.

- a. Upon receipt of fees and a complete application, the Planning Director shall grant to the applicant a temporary development right. The Planning Office shall not accept any additional Rural Housing Certificate applications for residences within the viewshed of the proposed residence until the Planning Director has either granted or denied a Rural Housing Certificate for the proposed residence.
- b. If granted a Rural Housing Certificate, the applicant shall have 270 days during which to complete construction of an approved well and to file a short plat. Failure to complete these steps within this time period shall result in voiding of the Rural Housing Certificate except when an approved water supply has been established and a building permit for a residence has been issued, a short plat is not required.

Section 19.10.065 – Accessory Dwelling Units

1. Purpose.
 - a. An Accessory Dwelling Unit (ADU) is an additional smaller, subordinate dwelling unit on a lot with, or in, an existing or new house. These units are intended to provide for a greater range of choices of housing types in the Agricultural District. Accessory Dwelling Units are intended to enhance options for families by providing opportunities for older or younger relatives to live in proximity while maintaining a degree of privacy.
2. Applicability.
 - a. 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. 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.
 - c. 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.
 - d. 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.
 - e. 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.

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- f. 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.
 - g. 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.
 - h. An Accessory Dwelling Unit shall not contain more than two (2) bedrooms.
 - i. 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.
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 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

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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. Commercial wind energy generating facilities greater than forty (40) feet in height are subject to the requirements of Section 19.58 – Communication and Utility Facilities. Commercial 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 ½ mile from any incorporated city or town or Rural Community District (Revised 12/10/01, Ordinance # 058999).
 - b. Small wind energy generators greater than 125 feet in height and greater than 100 Kw. cumulative generating capacity.
 - c. Utility storage and transportation facilities.
 - d. Private and public recreational facilities such as campgrounds, golf courses, rifle ranges, and similar uses.
 - e. Churches.
 - f. Airstrips.
 - g. Solid waste site or transfer station.
 - h. Feedlots.
 - i. Commercial grain elevators.
 - j. Veterinary clinics, boarding kennels, and similar uses.
 - k. Surface mining and crushing subject to the minimum standards listed in Sections 19.59 and 19.60.
 - l. 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).
 - m. Gun clubs and fraternal organizations.
 - n. 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~~200 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).
 - o. 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.
 - p. 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).
 - q. 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

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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).

- r. Temporary asphalt and/or concrete batch plant.
 - s. 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).
 - t. 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.
 - u. 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;
 - 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.

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1. The general areas within the Agricultural District in which a special conditional use for Planned Residential Developments shall be allowed are as follows:
 - Township 20 N. Ranges E. 39, 40, 41, 42, and 43;
 - Township 19 N. Ranges E. 39, 40 and 41;
 - Township 18 N. Ranges E. 39 and 40;
 - Township 17 N. Ranges E. 39 and 40;
 - Township 16 N. Ranges E. 38, 39 and 40;
 - Township 15 N. Ranges E. 37, 38, 39 (except sections 24, 25 and 36), 41, 42, and 43;
 - Township 14 N. Ranges E. 36, 37, 38, 39, 40, 41, 42 and 43;
 - Township 13 N. Ranges E. 37, 38,39, 40, 43 and 44;
 - Township 12 N. Ranges E. 44, 45 and 46; or,
 - Township 11 N. Ranges E. 45 and 46.
 2. Within the above described general areas only a proposed PRD parcel meeting the following criteria shall be allowed a special conditional use permit.
 - a. Not more than 25% of the proposed PRD parcel, shall contain prime farm land, defined as land used for the production of a crop on which the average yield for the preceding three years exceeded the Whitman County average by 20%.
 - b. The proposed PRD parcel contains at least 51% of any, or any combination, of the following soil associations: Ander-Benge-Kuhl Association; Bakeoven Tucannon-Cheney Association; Kuhl-Alpowa Association; Starbuck-Alpowa Association, or, land that can be described as non-tillable.
 - c. The "General Soil Map, Whitman County, Washington" published by the U.S. Department of Agriculture, Soil Conservation Service, edition 1979, as now or hereafter amended, shall be recognized as illustrative of the general locations of the designated soil associations and aid in determining non-tillable land. A copy of this map or its current version shall be retained in the Planning Department office for public access.
 - d. Should a question occur during the Conceptual Plan Review for a PRD, as set forth in WCO Chapter 18.50, the applicant shall, by proof acceptable to the County Planner, establish compliance with this section.
 3. No special conditional use for a PRD shall be granted, for any reason without exception, to any PRD proposed parcel wherein any portion of the proposed PRD parcel is within two miles of the boundary of any state park.
- C. Except for the provisions of this section, an applicant for a special conditional use for a PRD shall not be required to meet any other provisions of WCO 19.10 or any section of WCO Chapter 19 which is inconsistent with the provisions of WCO Chapter 18.50, Subdivision Ordinance - Planned Residential Development, as now or hereafter amended.
- D. The Planning Commission shall be the sole agency to review and approve, modify or deny a special conditional use for a PRD. A denial by the Planning Commission may be appealed to the Board of County Commissioners within 30 days of the denial.
- E. A special conditional use for a PRD shall be granted by the Planning Commission with at least the following minimum conditions.
 1. Full compliance with the provisions of WCO Chapter 18.50, Subdivision Ordinance- Planned Residential Development; 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).

CHAPTER 19.58 – COMMUNICATION AND UTILITY FACILITIES

Section 19.58.010 - Purpose

In addition to the general purposes of the Comprehensive Plan and the Zoning Ordinance, this section provides for a wide range of locations and options for communication providers while minimizing impacts and encouraging creative approaches in locating said facilities that will blend in with the surroundings.

Section 19.58.020 - Special Definitions

1. Antenna. A device used in the sending and receiving of electromagnetic waves.
2. Antenna Height. The overall vertical length of the antenna and antenna support structure above grade.
3. Antenna Support Structures. Any structure, mast pole, tripod, or tower utilized for the purpose of supporting an antenna or antennas.
4. Pole Structure. One or more poles placed in the ground or attached to a building or other structure.
5. Guyed Tower. A structure placed on a cement base engineered for the overall height, weight, and ground conditions, with guy wires and anchors.
6. Self Support Tower. A non-guy wire structure placed on a cement base engineered for the overall height, weight, and ground conditions.
7. Microwave Antenna. Any antenna used in the reception of and or transmission of frequency signals on a point to point path.
8. Microwave Systems. Any point to point licensed or unlicensed transmitting and receiving system used for the purpose of data transfer.
9. Small-Antenna Facility. An attached wireless communication device that consists of an antenna equal to or less than 25 feet in height or a parabolic antenna up to twelve feet in diameter.
10. Wireless Communications Facility. A facility for the transmission and or reception of radio frequency signals usually composed of an equipment structure, a support structure, transmission and or reception devices consisting of linear or parabolic antennas, and related equipment.
11. Commercial Wind Energy Generating Facility. A facility for the generation of electrical power usually composed of a support structure, blades and or angular mechanisms which are powered by the wind, a turbine, which produces the electricity, and other related equipment. Setbacks for wind energy generating facilities will be measured from the furthest extreme point of the vertical plain of the blades.
12. Communication and Utility Accessory Structure (cabinet, shed, shelter or platform). A structure used to house radio electronic equipment, wireless communication equipment and its associated connecting cables.
13. Maximum Build-Out: In reference to antenna support structures built for cellular A & B or PCS communication that are greater than 40 feet in height, this means that an application for a conditional use must show a site plan size and capacity for a minimum of three cellular carriers and all of their accessory structures. An applicant may show a greater capacity. The conditional use permit thus issued will allow future addition of carriers and accessory structures up to that permitted maximum. Changes in carriers or structures within that approved site will be permitted without another conditional use permit hearing, so as to encourage co-location. This requirement for maximum build-out does not apply to other towers such as, radio, private two-way radio, TV and so forth. A maximum build-out plan, in reference to commercial wind energy generating facilities, must contain a complete site plan showing all the proposed wind towers and known future development.

Section 19.58.030 - Development standards for Small-Antenna Facilities

1. Small-antenna facilities are permitted in all zoning districts.

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2. Small-antenna facilities shall be located on existing and/or primary use buildings, poles or other existing support structures. Placement of an antenna on a non-conforming structure shall not be considered as an expansion of the non-conforming structure.
3. The shelter or cabinet used to house radio electronic equipment and its associated connecting cables shall preferably be contained wholly within an existing building or structure, or otherwise appropriately concealed or screened. If one shelter or cabinet less than ~~120~~ 200 square feet of base area is required, it shall be placed as close to the principal structure as possible, without interfering with the principal structure's primary function. It must be compatible with the surrounding environment. Color compatibility means earth-tone colors or a color matching that of the principal structure.
4. Small-antenna facilities shall be exempt from zoning district height limitations when co-located.

Section 19.58.040 - Development Standards for Antenna Support Structures and Commercial Wind Energy Generating Facilities Less Than 40 Feet in Height

1. Antenna support structures up to 40 feet in height are a permitted use within all zoning districts. Commercial wind energy generating facilities up to 40 feet are a permitted use within the Agricultural District.
2. Antennas which extend above the support structure shall be calculated as part of the height of the structure.
3. Co-location on existing support structures shall be encouraged. Co-location on an existing grandfathered non-conforming support structure shall be permitted. Co-location facilities shall be exempt from zoning district height limitations. Small-antenna facilities are the largest wireless communication facilities allowed on these antenna support structures.
4. The shelter or cabinet used to house radio electronic equipment and its associate connecting cables shall preferably be contained wholly within the existing building or structure, or otherwise appropriately concealed or screened. If one shelter or cabinet less than 200 square feet of base area is required, it shall be placed as close to the principal structure as possible, without interfering with the principal structure's primary function. It must be compatible with the surrounding environment. Color compatibility means earth-tone colors or a color matching that of the principal structure. A structure with more than a 200-square-foot base, or more than one shelter or cabinet shall require a conditional use, except within HC, AC, LI and HI Districts. Placement of the radio electronic equipment within an existing structure or one outside structure (with a base of 200 square feet or less) shall not be considered an expansion of use.
5. Poles under 40 feet are exempt from all zoning district setbacks. Accessory structures (equipment cabinets/shelters) shall conform to zoning district setbacks.

Section 19.58.050 - Development Standards for Antenna Support Structures and Commercial Wind Energy Generating Facilities 40 to 130 feet and Greater Than 130 Feet in Height

- 1a. Antenna support structure facilities from 40 to a maximum of 130 feet in height shall be allowed as a conditional use within the Agricultural, Heavy Commercial, Airport Commercial, Light Industrial, and Heavy Industrial Districts. Commercial wind energy generating facilities from 40 to a maximum of 130 feet in height shall be allowed as a conditional use within the Agricultural District.
- 1b. Antenna support structure facilities greater than 130 feet shall be allowed as a conditional use in the Agricultural, Heavy Commercial, Airport Commercial, Light Industrial, and Heavy Industrial Districts as long as the site is located more than 1/2 mile from any incorporated city or town or Rural Community District. Commercial wind energy generating facilities greater than 130 feet shall be allowed as a conditional use within the Agricultural District as long as the site is located more than 1/2 mile from any incorporated city or town or Rural Community District.
2. Co-location on an existing support structure shall be strongly encouraged.
 - a. The applicant for this kind of conditional use permit must provide a signed notarized statement agreeing to accommodate co-location of additional antennas on the tower by agreeing to enter into leases with other providers allowing use of the tower at a monthly lease rate mutually agreed upon. If no lease agreement can be reached, current market lease terms should apply, if no lease agreement can be negotiated between the existing tower owner and the interested potential renter both parties shall

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submit to arbitration. The arbitration process shall be governed by the laws of the then current arbitration code in the state of Washington. The cost of the arbitration shall be shared equally between the two parties.

- b. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Adjustment that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Board related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
 - (i) No existing towers or structures are located within the geographic area, which meet applicant's engineering requirements.
 - (ii) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable. (The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
3. The application site plan shall include: legal description, type of tower (lattice or mono-pole, self-supporting, guyed or in the case of a wind tower, specific type and design), list of property owners within 1,500 feet of the telecommunication parcel or lease lines or commercial wind energy generating facility and all property owners in municipal jurisdictions within 300 feet of the telecommunication parcel or lease line or commercial wind energy generating facility, existing and proposed overhead and underground utility lines prior to any site disturbance, rock outcroppings, vegetation that will be removed, any trenching that will be done from source power, phone lines, etc... to location on-site, existing fence-lines or tree-lines, existing and proposed driveways or roads on property, distance of property lines from existing and proposed structures, and widths of the roadway and right-of-way. In the case of antenna support structures built for cellular A & B or PCS communication, a maximum build-out plan for at least three carriers is required (increases flexibility and co-location options).
4. These antenna support structure facilities shall be landscaped in conformance with provisions set by the Board of Adjustment.
5. Antenna support structures and commercial wind energy generating facilities shall be set back 20 feet from the lease or parcel line. Accessories to the antenna support structures shall be setback 5 feet from the lease or parcel line.
6. Antenna support structures and commercial wind energy generating facilities shall be sited no closer than 1,500 feet from any residence (except the residence[s] of the land owner on whose property the structure is to be placed), unless the other residence owner(s) signs a waiver to allow the structure to be closer. Such waivers would be valid for the current residence owner and for all future owners, unless the antenna support structure or commercial wind energy generating facility is dismantled and removed.
7. No guy wires shall cross the Bill Chipman Palouse Trail, or a county park.
8. Antenna support structures and their accessory structures shall be fenced sufficient to prevent unauthorized access. Fencing is also required around each guyed wire anchor on those towers that use guy wires. At a minimum, a six-foot high fence shall obscure the base of the tower and the accessory structures. Building a solid fence or using slats within woven-wire fence, and so forth may accomplish this screening. This fenced screening must be maintained throughout the existence of the facility. In lieu of solid fencing or slats, the facility may be screened by landscaping (See N-PMC 19.15.0890(6) A (1&5) for requirements).

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Section 19.58.060 - Additional Conditional Use Criteria.

In addition to the conditional use permit criteria specified in section 19.06.010, the following specific criteria shall be met before a conditional use permit can be granted:

1. Application and conditional use criteria - FCC preemption. In any proceeding regarding the issuance of a conditional use permit under the terms of this section, federal law prohibits consideration of environmental effects of radio frequency emissions to the extent that the proposed facilities comply with the Federal Communications Commission regulations concerning such emissions.
2. Community communication access to the proposed facilities (to ensure that there are adequate connections and capacity for the residences and governmental entities within the county):
 - a. Within the County right-of-way, (R-O-W), or County property, negotiations for location and capabilities of the service connections and service fees may be required prior to approval for construction.
 - b. The Board of Adjustment shall set conditions as they deem necessary including possible franchise and or access lease agreements with common carriers that increase local access for the benefit of the public.
3. Prior to construction of new facilities in proximity of existing facilities, letters explaining the reasons for the inability to co-locate must be on file with Whitman County Planning.
4. Site lease or option-to-buy agreements are required as part of the conditional use application.
5. Disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area. Safety considerations may include, but are not limited to: non-reflective surfaces; fire resistant barriers; security fencing; and grounding.
6. Antenna support structures including any guy wire anchors, accessory structures and any other buildings shall be fenced applicable to prevent unauthorized access.

Section 19.58.065 Height Limitations

The maximum height of towers shall not exceed 350 feet, and the height of accessory structures (equipment sheds, cabinets, shelters or platforms) shall not exceed 12 feet in height. Antennas or blades, which extend above the support structure, shall be calculated as part of the height of the structure.

Section 19.58.070 – Obsolescence

Construction of an antenna support structure must be completed within 2 years of the date of conditional use approval, with possible administrative extension of one year. Commercial wind energy generating facilities must be constructed within five years of the date of conditional use approval, no administrative extensions will be granted. An antenna support structure and/or accessory structures or commercial wind energy generating facility shall be removed by the facility owner within two years of the date the facility ceases to be operational or if it falls into disrepair. An appeal may be made to the Board of Adjustment.

Section 19.58.080 – Communication and Utility Facilities within County Right-of-Way and or Properties Owned by the County.

Refer to Accommodation of Utilities on County Road Right-of-Way and Lands for Whitman County (WAC 136.40, RCW 36.55 and Resolution #046041). This chapter was revised 5/14/01, Ordinance # 058050 and revised 12/10/01, Ordinance # 058999.

CHAPTER 19.62 – SMALL WIND ENERGY GENERATORS

Section 19.62.010 - Declaration of Intent

To promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

Section 19.62.020 – Findings

Whitman County finds that wind energy is a renewable and non-polluting energy resource and its conversion to electricity will reduce our nation's dependence on non-renewable energy resources and decrease air and water pollution that results from the use of conventional energy sources. In Washington State, small wind energy systems, designed and installed for onsite home, farm and small commercial use are an excellent technology to help achieve the goal of increased local electricity generation, increase consumer energy independence and create non-polluting energy.

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Therefore, it is necessary to standardize and streamline the proper issuance of building permits for small wind energy systems so that this clean, renewable energy source can be utilized in a cost-effective and timely manner.

Section 19.62.030 – Definitions

Small Wind Energy System: A wind energy conversion system consisting of a wind turbine(s), a tower(s), and associated control or conversion electronics, which has a rated capacity of not more than 100 kw., a turbine height no greater than 125 feet, and which is intended to primarily reduce on-site consumption of utility power.

Turbine Height: The distance measured from grade level of the tower foundation to the highest point of the turbine rotor plane.

Section 19.62.040 – Regulatory Framework

Small wind energy systems shall be a permitted use in all zoning classifications in Whitman County subject to the following requirements outlined in Table 4.1:

Lot Size Acres	Number of Towers Allowed	Tower Type	Maximum Total Height in Feet	Maximum KW per Unit	Maximum KW per Site
0-1/2	0	--	--	--	--
Greater than ½ - 1½	1	Monopole	60 (a)	5	5
Greater than 1½ - 2	2	Monopole	75	10	20
Greater than 2 – 5	2	Monopole, Guyed, Lattice	100	10	20
5+	2 or plus 1 per acre in excess of 5 acres	Monopole, Guyed, Lattice	125	100	100

- a) Total height may be increased to 75 ft., but must not exceed 60 ft. above the highest elevation on the parcel.
Note: Compliance with Table 4.1 does not relieve owner from other restrictions established in this ordinance.

Section 19.62.050 – General Requirements for Small Wind Energy Systems

- 1. Setbacks:
 - a. For parcels greater than ½ acre to 1½ acres in size, no part of the wind system structure, including guy wire anchors, may extend closer than 10 feet to the side and rear property lines if adjacent land is open farmland. If there is an adjacent occupied structure to the side or rear, the small wind energy system must be set back a minimum of 1.2 times the turbine height to that occupied structure. If the owner of the adjacent occupied structure has no objection to the small wind system being placed closer to his/her occupied structure, a waiver may be signed and filed with the County Auditor. The front setback to the public road shall be a minimum of 1.2 times the turbine height.
 - b. For parcels greater than 1½ acres to 2 acres in size, no part of the wind system structure, including guy wire anchors, may extend closer than 10 feet to the side and rear property lines if adjacent land is open farmland. If there is an adjacent occupied structure to the side or rear, the small wind energy system must be set back a minimum of 1.2 times the turbine height to that occupied structure. If the owner of the adjacent occupied structure has no objection to the small wind system being placed closer to his/her occupied structure, a waiver may be signed and filed with the County Auditor. The front setback to the public road shall be a minimum of 1.2 times the turbine height.

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- c. For parcels greater than 2 acres to 5 acres in size, a small wind energy system shall be set back a minimum of 1.2 times the turbine height from all property lines unless an appropriate waiver or easement is obtained from the adjacent landowner. This waiver or easement shall be filed with the County Auditor.
 - d. For parcels greater than 5 acres in size, each small wind energy system shall be set back a minimum of 1.2 times the turbine height from all property lines unless an appropriate waiver or easement is obtained from the adjacent landowner. This waiver or easement shall be filed with the County Auditor.
 - e. Each small wind energy system shall be set back from the nearest above-ground public or private non-participating electric power line or telephone line a distance no less than 1.2 times the turbine height, determined from the existing power line or telephone line.
2. Tower Height: The total height of a small wind energy system shall not exceed the maximum heights established in Table 4.1 without a conditional use permit.
 3. Visual Appearance: Lighting; Power Lines:
 - a. Wind turbines shall be painted a non-reflective, non-obtrusive color. Small wind energy towers shall maintain galvanized steel, brushed aluminum, white or grey finish, unless FAA standards require otherwise.
 - b. No small wind energy system shall be artificially lighted, except to the extent required by the FAA or other applicable authority.
 - c. No small wind energy system shall be used for displaying any advertising except for reasonable identification of the manufacturer.
 - d. Electrical controls, control wiring and power lines shall be wireless or underground after reaching grade from the turbine and extending away from the base of the tower. Wiring may be exposed vertically from the turbine to the base of the tower.
 4. Tower Type: Guyed, lattice and monopole towers are allowed to support wind turbines per the limitations as outlined in Table 4.1.
 5. Sound Levels and Measurement: During construction and operations, a small wind energy system shall comply with applicable state noise standards. Whitman County will apply the residential Class A environmental designation for noise abatement (EDNA) requirement in WAC 173-60-030 when measuring noise at receiving occupied structures from small wind turbines.
 6. Minimum Ground Clearance: The rotor blade tip of any small wind generating system shall, at its lowest point, have ground clearance of no less than 15 feet as measured at the lowest point of the arc of the rotor blade.
 7. Safety:
 - a. Monopole towers shall not be climbable up to 15 feet above ground level. A lattice type tower shall have a fence around it that is a minimum of six feet in height.
 - b. All electrical equipment shall be safely and appropriately enclosed from unauthorized access by means such as barrier fencing, equipment cabinetry or similar means. All access doors to electrical equipment shall remain locked when not attended.
 - c. Appropriate warning signage (e.g. electrical hazards) shall be placed on all small wind energy systems.
 - d. All small wind energy systems shall be equipped with manual and automatic over speed controls to limit rotation of the rotor blades to a speed below the designed limits of the system.
 8. Compliance with International Building Codes: All small wind energy systems shall comply with the Washington State Building Code and adopted International Building Code.

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- a. An application for a small wind energy system shall include standard drawings and an engineering analysis of the system's tower, showing compliance with the Washington State Building Code and International Building Code. The engineering must include a complete analysis of the tower, the tower foundation and the connection of the tower to the foundation. The engineering analysis must be completed by a licensed engineer, certified to practice in the State of Washington.
9. Compliance with National Electrical Code: All small wind energy systems shall comply with requirements per the Washington State Department of Labor & Industries (L&I) and the current adopted edition of the National Electric Code (NEC).
10. Compliance with FAA Regulations: All small wind energy systems must comply with all regulations of the Federal Aviation Administration (FAA), including any necessary approvals for installations close to airports.
11. Other Federal, State and Local Requirements:
 - a. All small wind energy systems shall comply with all current adopted Federal, State and Whitman County laws, codes and policies.
 - b. All small wind energy systems that are connected to the utility grid shall comply with the requirements of Chapter 80.60 of the Revised Code of Washington, Net Metering of Electricity.
12. Removal of Defective or Abandoned Small Wind Energy Systems: Any small wind energy system found to be unsafe by the building official shall be repaired by the landowner to meet federal, state and local safety standards or removed within three (3) months. If any small wind energy system is not operational for a period of 12 consecutive months or more, the County will request by registered mail that the landowner provide corrective action. The landowner will have 45 days to respond. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the County deems the timetable for corrective action as unreasonable, it must notify the landowner and such landowner shall remove the turbine at his or her own expense within 120 days of receipt of notice from the County. The County shall have the authority to pursue legal action if necessary.

Maintenance Division:

069970 2. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** that the indirect federal grant application for Highway Planning & Construction be signed as presented.

069971 3. Tire chains were awarded through the small works roster process to Six Robblees, Inc., Spokane, WA for \$21,434.03 without tax.

069972 4. The Pleasant Valley Bridge guardrail was awarded through the small works roster process to Frank Gurney, Inc., Spokane, WA for \$17,600.00 without tax.

069973 5. Snow plow blades were awarded through the small works roster process to Rebuilding and Hardfacing, Inc., Colville, WA for \$10,102.20 without tax.

Administrative Division:

069974 6. The Public Works Department work schedule commencing November 2, 2009 was received.

D069974A 7. Mr. Storey reviewed the proposed annual winter snow and ice control letter.

Solid Waste Division:

D069974B 8. The commissioners were invited to attend the October 15th Solid Waste Advisory Committee meeting for their input on revisions to the Solid Waste Management Plan.

11:35 a.m. - Jeff Mannix.

Engineering Division:

D069974C 9. Mr. Meyer reported the railroad's contractor will be repairing the Lancaster railroad crossing on October 13th. This work will necessitate the need for a small detour. Truck traffic will be restricted this one day only.

11:40 a.m. - Recess.

1:00 p.m. - Board Business Continued/Executive Session.

Present: Denis Tracy and Mark Storey.

069975 23. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** to go into executive session with the above individuals until 1:45 p.m. in accordance with RCW 42.30.110(1)(i) for a matter relating to litigation.

1:45 p.m. - Return to Open Session/Recess.

2:00 p.m. - Mike Berney, Greater Columbia Behavioral Health (GCBH).

Present: Ann Demikis.

069976 1. Highlights from the October 1, 2009 regular Board meeting reviewed. Two policies tabled in September were on the October agenda. QMOC recommended the policies be tabled until November to allow for feedback from the EQRO Review.

D069976A 2. A final version of the amended Interlocal was reviewed at the September Board meeting. Article 6 had language clean up and Article 10 now reflects only renewal of the Interlocal. The GCBH Board voted to send this version to the member Counties and recommend that they sign. Legal Counsel reported all GCBH Counties have signed or are in the process of signing except for Yakima County who has told GCBH verbally that they will not sign until the question about Involuntary Treatment Act costs is resolved.

D069976B 3. A special GCBH Board was held on September 25th to interview candidates for the Director position. The Board voted to continue

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negotiations with one of the candidates and authorized a site visit, a salary range offer and moving expenses.

D069976C 4. Yakima County charging per involuntary detention to help cover their court costs. The court in Skagit County provided direction that the Regional Support Network in this case is responsible for court costs (except defense costs). The GCBH Board established a subcommittee to draft a policy and negotiate with Yakima County regarding certain issues (non-GCBH patients; clerk costs).

D069976D 5. The county chemical dependency program agreement has been submitted to Olympia.

D069976E 6. The mental health contracts have all been signed and returned to Olympia.

D069976F 7. There has been a change in the Chemical Dependency Regional Administrator. Now, the Region 2 Administrator will also be responsible for Region 1. The new administrator requires sub-contractor monitor/review of counties with a single provider once every biennium.

D069976G 8. Mr. Berney will be meeting with the Court System to discuss detained individuals.

2:30 p.m. - Board Business Continued/BOCC Workshop.

Present: Fran Martin and Jeslyn Lemke (2:30 p.m.).

069977-069978 24. Items discussed included emergency management related issues. No action taken.

3:00 p.m. - Recess.

D069978A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, October 7, 2009 at 10:30 a.m.** Chairman Michael Largent, Greg Partch and Patrick J. O'Neill, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

10:30 a.m. - Meeting Reconvened/Board Business Continued/Executive Session.

Present: Denis Tracy and Brett Myers.

069979 25. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** to go into executive session with the above individuals until 11:00 a.m. in accordance with RCW 42.30.140(4)(a) for a matter relating to negotiations.

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11:00 a.m. - Return to Open Session/Recess.

D069979A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, October 12, 2009** at **9:00 a.m.** Chairman Michael Largent, Greg Partch and Patrick J. O'Neill, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

2:00 p.m. - Meeting Reconvened/Board Business Continued/BOCC Workshop.

Present:

069980 26. Items discussed included New World software, I-1033, reply to SWAC, meeting schedule and WSU voter registration. No action taken.

11:00 a.m. - Adjournment.

D069980A Commissioner O'Neill **moved** to adjourn the **October 5, 7 and 12, 2009** meeting. Motion **seconded** by Commissioner Partch and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **October 19, 2009**. The foregoing action made this **12th** day of **October 2009**.

ss/ GREG PARTCH, COMMISSIONER
ss/ PATRICK J. O'NEILL, COMMISSIONER

MARIBETH BECKER, CMC
Clerk of the Board

MICHAEL LARGENT, CHAIRMAN
Board of County Commissioners