

Minutes for October 17, 2011

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072314 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, October 17, 2011 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/Board Business/Workshop.

Present: Kelli Campbell, Kelli Hadley (9:00 a.m.) and Joe Smillie (9:30 a.m.).

072315 1. Items discussed included 2012 county employee medical insurance, public records requests, Palouse Conservation District meeting, Regional Detention facility and county budget history. No action taken.

9:35 a.m. – Recess.

10:00 a.m. – Board Business Continued/Pledge of Allegiance.

Present: Joe Smillie and Kelli Hadley.

D072315A 2. Motion by Commissioner Largent to accept the consent agenda. Motion **seconded** by Commissioner O'Neill and **carried**.

072316 3. Claims/Payroll warrants numbered **258629-258656** and **258659-258855** for **\$534,066.35** approved.

072317 4. October 3, 2011 minutes approved.

072318-072322 5. Personnel change orders approved.

072323 6. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to sign the amended 2011 CDBG-PS subrecipient agreement (9/30/11).

072323A 7. Commissioners' pending list reviewed.

10:10 a.m. – Recess.

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

Present: Joe Smillie and Kelli Hadley.

ACTION ITEMS

Engineering Division:

072324 8. Chairman Partch convened the hearing for the Palouse Wind franchise application and requested a staff report. Mr. Storey recommended the franchise be granted as required by law for a term of 40 years. The Chairman opened the hearing to public comments. There being none, the hearing was adjourned. Commissioner O’Neill **moved** Commissioner Largent **seconded** the motion and it **carried** that the franchise agreement between Palouse Wind, LLC (First Wind Energy, LLC) and Whitman County be signed as presented.

072325 9. Commissioner O’Neill **moved** Commissioner Largent **seconded** the motion and it **carried** that the haul route agreement between Whitman County and Palouse wind, LLC (First Wind Energy, LLC) be signed as presented.

10:40 a.m. – Paul Kimmell.

Administrative Division:

072326 10. At 10:45 a.m. Chairman Partch convened the hearing for the proposed sale of surplus county property and requested a staff report. Mark Storey reviewed the list of items proposed for sale and recommended approval. The Chairman opened the hearing to public comment. There being none, the hearing was adjourned. Commissioner O’Neill **moved** Commissioner Largent **seconded** the motion and it **carried** that the resolution to sell surplus property be signed as presented.

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

IN THE MATTER OF RESALE) RESOLUTION NO. 072326
OF COUNTY SURPLUS PROPERTY)

WHEREAS, the Whitman County Commissioners have advertised and held a public hearing on October 17, 2011, to hear arguments for or against the declaration of the items listed below, and

WHEREAS, the Board of County Commissioners, after due deliberation, have declared the attached list of items as surplus to the County’s needs.

ER&R Vehicles and Equipment:

Year	Type	Vin #	Miles/Hours
1976	JD 401-C Tractor/Loader	401CD251863T	4000 hrs.
1990	Chevrolet 2500/4wd Pickup	1GCGK24K6LE202090	200137
1996	Chevrolet S-10 2wd Pickup	1GCCS19X4T8168663	100475
2002	Ford Crown Vic	2FAFP71W62X157575	139769
1989	Viking Snow Plow	R63389	N/A

ER&R Misc.

- 5 11.00/20 used Akuret wheels and used highway tires.
- 1 12.00/20 Military wheel and tire.
- 1 Blackhawk dual tire dolly/shop tool
- 1 Star/Brake shoe riveter and sander.
- 2 Full size gull wing pickup tool boxes.

Emergency Management

BOCC MINUTES-10/17/11

1971 Dodge Van B11AB2U526897 220025

Parks Department

1990 Chevrolet 2500/4wd Pickup 1GCGK24K6LE204065 284590
1993 Chevrolet 2500/4wd Pickup 1GCGK24K6PE192294 257340

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THIS BOARD OF COUNTY COMMISSIONERS, that the Whitman County Treasurer advertise and sell, according to law, the attached described surplus items, by public auction on November 5, 2011. The sale will be held at the Booker Auction site at the junction of US Highway 395 and Eltopia Road West. Booker Auction will act as the Treasurer’s agent.

Dated this 17th day of October, 2011.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Chairman

ATTEST:

Commissioner

Maribeth Becker, CMC
Clerk of the Board

Commissioner

072327 11. Commissioner O’Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to publish the notice to sale of surplus property.

Maintenance Division:

072328 12. Commissioner O’Neill **moved** Commissioner Largent **seconded** the motion and it **carried** that the resolution to close the dirt portion of certain county roads from November 15, 2011 through March 15, 2012 be signed as presented.

RESOLUTION NO. 072328

BEFORE THE BOARD OF COUNTY COMMISSIONERS of Whitman County, Washington, in the matter of closing certain county roads for the period from November 15, 2011 through March 15, 2012 pursuant to R.C.W. 47.48.010;

IT IS HEREBY RESOLVED that the **dirt portion** of the following roads be closed to vehicular traffic from November 15, 2011 through March 15, 2012; provided, however, that a special permit may be obtained by contacting the Office of the Whitman County Engineer prior to traveling on any hereinafter listed road:

<u>ROAD NO.</u>	<u>NAME</u>	<u>ROAD NO.</u>	<u>NAME</u>
0015	Waterman Road	3710	Cordell Road
0030	Merritt Road	3890	McGuire Road

BOCC MINUTES-10/17/11

0050	St. John Road	3920	Miller Home Place
0060	Wilhelm Road	4290	Stubbes Road
0100	Russell Road	4365	Rattlesnake Road
0115	Carter Road	4375	Manning Road
0190	Bourne Road	4460	Bixler Road
0310	Catholic Cemetery Rd	4470	Rogers Road
0410	Fairbanks North Road	4480	Blackwell Road
1140	Bancroft Road	4560	Ballaine Road
1180	I.N. Balthis Road	4600	L Anderson Road
1420	Faught Road	5010	Enos Road
1540	Bunny Road	5160	McKenzie Road
1550	B. Howard Road	5170	Mader Road
2020	File Road	5210	L West Road
2030	Sheahan Road	5220	Lawson Road
2050	Finch Road	5280	Mick Parvin Road
2060	Tuttle Alexander Road	5370	McGreevy Road
2070	J.F. McCroskey Road	5390	R. Zakarison Road
2080	Kilpatrick Road	5430	Bidle Road
2220	Shahan Road	5520	Kitzmilller Road
2230	Tennessee Flat Road	5525	Orville Boyd Road
2310	Peringer Road	5560	Wexler Road
2320	Huggins Road	5580	Gray Road
2330	Hubner Road	5590	Reaney Road
2350	J.W. Baylor Road	6120	Guske Road
2430	Westacott Road	6190	C.J. Ochs Road
2440	Sunrise Road	8050	Hofer Road
2520	Hilty Road	8080	Musgrove Road
2560	Mike Johnson Road	8090	Klaus Road
2670	Baird Road	8200	Getz-A E Seavers Road
3200	Harwood Hill Road	8250	Nauert Road
3390	Gene Nelson Road	8310	Pat O Neil Road
3400	Jim Davis Road	8330	Kincaid Road
3430	Howard West Road	8350	Evans Road
3440	Dickerson Road	8450	Babbitt Road
3450	Greenbox Road	8460	Enman-Kincaid Road
3460	Trunkey Road	8470	Carothers Road
3510	Tiegs Road	8500	Benedict Road
3550	Hitchings Road	9040	County Club Road
3760	Mack Lloyd Road	9120	Gimlin Road
3700	Jim Henning Road	9130	Snow Road

ADOPTED this 17th day of October, 2011.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Chairman

ATTEST:

Commissioner

Maribeth Becker, CMC
Clerk of the Board

Commissioner

10:55 a.m. – Dan Gladwill and Alan Thomson.

072329 **13.** Commissioner O’Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to publish the notice of closure for the dirt portion of certain county roads from November 15, 2011 through March 15, 2012.

Planning Division:

072330 **14.** Chairman Partch convened the hearing for proposed revisions to the zoning ordinance as it relates to Electric Vehicle Infrastructure (EVI) and requested a staff report. Alan Thomson recommended approval of the ordinance amendment as presented. The Chairman opened the hearing to public comments. Paul Kimmell, Regional Business Manager for Avista felt the proposed revisions were consistent with other jurisdictions and thought perhaps the state might begin installing these facilities at rest areas or possibly even Pullman. There being no additional comments, the hearing was adjourned. Commissioner O’Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to approve the amendment of the Whitman County Zoning Ordinance to create a new zoning chapter for electric vehicle infrastructure and associated amendments to existing ordinances to allow electric vehicle infrastructure as a use in Whitman County.

ORDINANCE NO. 072330

AN ORDINANCE ADDING CHAPTER 19.45 – ELECTRIC VEHICLE INFRASTRUCTURE (EVI) TO THE WHITMAN COUNTY ZONING ORDINANCES along with associated changes to Chapters 19.10, 19.12, 19.15, 19.16, 19.20, 19.21, 19.22, 19.30, 19.31, 19.40, 19.41 and 19.42. This new ordinance is a mandate handed down by the State Legislature through RCW 36.70.695 which requires Whitman County to allow electric vehicle infrastructure as a use in our jurisdiction.

This change is consistent with the Whitman County Comprehensive Plan and Zoning Ordinance.

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

PASSED AND APPROVED by the Board of Whitman County Commissioners of Whitman County, Washington on the 17th day of October 2011.

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 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 # 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 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.

10. Level 1 and level 2 Electric Vehicle Charging Stations.

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 meteorological towers, the front setback shall be thirty-five (35) feet from the right-of-way of any State or County road; side and rear setbacks shall be twenty (20) feet. Small wind energy generators are subject to the setback requirements in Chapter 19.62 – Small Wind Energy Generators. (Revised 10/20/08, Ordinance #068810) (Revised 11/16/09, Ordinance # 070081)

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.

- a. 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, Ordinance #45331)
 - a. Utility substations or commercial wind generating facilities. (Revised 11/16/09, Ordinance # 070081)
 - b. Small wind energy generators greater than 125 feet in height and greater than 100 Kw. cumulative generating capacity. (Revised 10/20/08, Ordinance #068810)
 - 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. 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, Ordinance #045331)
 - 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, Ordinance #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." (Revised 2/7/11, Ordinance #071612).
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.
 - d. Support structure facilities, (towers and accessories) for antennae and other similar uses greater than forty (40) feet in height subject to the requirements of Section 19.58 - Communication and Utility Facilities. (Revised 2/7/11, Ordinance #071612).
 - e. **Level 3 Electric Vehicle Charging Stations.**

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
(Amended October 31, 2005. Ordinance # 064692; amended July 7, 2008, Ordinance 068376)

CHAPTER 19.12 – CLUSTER RESIDENTIAL DISTRICT

(Adopted 12/22/2003; Ordinance #0061970)

Section 19.12.010 - Declaration of Intent.

~~The Cluster Residential District provides minimum standards for specified areas in order to allow more non-farm rural residential places while at the same time protecting the ability of other, neighboring agricultural producers to continue farming and raising livestock.~~

Section 19.12.020 - Permitted Uses.

1. One single-family dwelling per buildable lot;
2. Accessory structures to a permitted use;

3. Temporary stands for sale of agricultural non-livestock products produced on the premises;
4. 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)
5. Agricultural activities including but not limited to cropping and grazing of livestock.
- 6. Level 1 and level 2 Electric Vehicle Charging Stations.**

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

1. The minimum zone size for a short plat consisting of four buildable lots shall be 20 acres. The minimum zone size for a long plat consisting of at least six buildable lots shall be 60 acres.
2. This zone must be capable of creating at least four lots that are suitable for building a single-family residence.
3. Lots may be as small as ½ acre as long as the short plat ratio of at least 5 acres per residence is maintained, or the long plat ratio of at least 10 acres per residence is maintained.

Section 19.12.040 - Yard Requirements.

- a) The minimum setback for all principal and accessory uses and structures shall be twenty feet on all sides, provided that a minimum setback of thirty-five feet shall be required for any yard adjacent to the right-of-way of any state or easement. Applicants for any residential building permit shall sign and file a form that indicates they are aware of the deed restrictions and/or easements. Documents that in the future convey the land to new owners shall also acknowledge the existence of these filed documents. The deed restriction and/or easement sample is attached to the last part of this chapter.
- b) Once an area has been successfully zoned Cluster Residential, the process of platting may be initiated and completed. Upon successful completion of platting, the lots may be conveyed and building permits sought.

Section 19.12.080 - Conditional Uses **and Administrative Uses.**

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

1. 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)
- 2. An Administrative Use Permit is required for a Level 3 Electric Vehicle Charging Station.**

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

A. PURPOSE: This section establishes potential locations for and allows for the creation of Cluster Residential Districts, (CRD), designed to foster creative, efficient, and comprehensive site development, intended for special site locations, conditions and circumstances, in concert with WCO Chapter 18.50, Subdivision Ordinance, and:

1. Produce a non-farm rural residential development which would be better than traditional, scattered houses, through variety in design, placement of buildings, and use of undeveloped natural areas, in order to capitalize on the special features of the individual site;
2. Permit flexibility that will encourage a more creative approach in the development of land and will result in a more efficient, aesthetic, and desirable use of undeveloped areas, while at the same time harmonizing with adjoining development;
3. Ensure preservation of important natural habitat, and important ecosystems;

CHAPTER 19.15 NORTH PULLMAN MOSCOW CORRIDOR DISTRICT

SECTION 19.15.010 PURPOSE.

The purpose of this ordinance is to establish the North-Pullman-Moscow Corridor District (N-PMC) in compliance with the Whitman County Comprehensive Plan Amendment of 2005 which divided the existing Pullman-Moscow Corridor (PMC) into separate north and south zones. A 1988-amendment to the Comprehensive Plan identified and distinguished the Pullman-Moscow Corridor Enterprise Area for special zoning consideration.

The intent in establishing the N-PMC is to recognize the primary purposes of the location as a transportation /commercial economic corridor and implement the measures necessary to promote safe access to and movement throughout the N-PMC. It will create opportunities for attractive, orderly development which will be of long-term benefit to the community as a whole, while protecting and enhancing the environmental and aesthetic characteristics of the N-PMC which make it representative of this region

The Washington State Department of Transportation (WSDOT) is planning to reconstruct SR 270 into a five-lane highway anticipated to begin construction in May or June of 2006 and be completed by late 2007 or early 2008.

SECTION 19.15.015 ELIMINATION OF PRE-EXISTING ZONING DISTRICT DESIGNATIONS

This Chapter supersedes all previous zoning within the boundary of the N-PMC and does hereby eliminate within the N-PMC all pre-existing zoning district designations.

SECTION 19.15.020 DESCRIPTION.

19.15.020(1) Purpose.

The purpose of this section is to define the location of the N-PMC to encompass an area accessible from SR 270.

19.15.020(2) Boundary.

The N-PMC comprises the following sections:

The south half of Section 36, Township 15 North, Range 45 East W.M.; east half of Section 3, Township 14 North, Range 45 East W. M.; all of Section 2, Township 14 North, Range 45 East W. M.; all of Section 1, Township 14 North, Range 45 East W. M.; the south half of Section 31, Township 15 North, Range 46 East W. M.; the south half of Section 32, Township 15 North, Range 46 East W. M.; the north half of Section 5, Township 14 North, Range 46 East W. M.; the north half of Section 6, Township 14 North, Range 46 East W. M., situated in the County of Whitman, State of Washington, except:

Those properties lying within the boundary of the City of Pullman and lying south of SR 270 as shown on SR 270/Pullman to Idaho State Line Right-of-Way Plans, Additional Lanes Project, approved and adopted September and October, 2004.

19.15.020(3) Map

SECTION 19.15.025 SITE PLAN REVIEW PROCESS.

19.15.025(1) Purpose.

The purpose of the Site Plan Review Process is to bring multi-disciplinary knowledge and judgment to bear on development proposals in the N-PMC, through the establishment of a Site Plan Review Committee (hereafter referred to as SPRC).

19.15.025(2) Applicability.

All applicants for a permitted use or conditional use shall submit a development proposal, as set forth herein, to the Planning Office for SPRC review. The Planning Director may waive certain requirements of the site plan submittals for expansion or modification of existing non-conforming uses or structures as defined in Section 19.15.050(5)(Z). Antenna support structures and their accessory structures shall be exempt from the requirements of this Chapter, but are subject to all of the requirements in Chapter 19.58 of this ordinance. (Revised 5/14/01, Ordinance # 058050)

19.15.025(3) Composition of the Site Plan Review Committee.

(A) The Site Plan Review Committee, (SPRC), shall consist of representatives from the following County Departments or Divisions: Planning, Building, Engineering, Parks and Recreation, and Environmental Health. In addition, the SPRC shall be assisted by a representative from the Sheriff's Office and the applicable fire district. Although not members of the SPRC, all utilities which provide service to the area shall be asked to review the plans.

(B) No development proposal shall be unduly delayed for want of a SPRC meeting or quorum and nothing within the SPRC function shall be deemed to prohibit an applicant, with the approval of a member, actual or ad hoc, from meeting individually.

19.15.025(4) Authority and Responsibilities.

(A) The SPRC shall review all development proposals for compliance with this chapter and all other applicable ordinances, statutes and regulations and report its findings, conclusions and recommendations to the Board of Adjustment prior to that authority making its decision to approve or deny the proposal or modify the SPRC recommendations. Each SPRC member shall evaluate each proposal from his/her area of responsibility. SPRC members may make a positive, negative, or conditioned decision on a proposal. For a recommendation to go forward to the Board of Adjustment, any SPRC member, actual or ad hoc, who has not provided a negative or conditioned decision within a reasonable time shall be deemed to have given a positive response. If a negative or conditioned decision is made, a written reason or reasons must be cited along with any recommendations as to mitigating or correcting the disqualifying problem. The proposal cannot move to the Board of Adjustment if the proposal is unable to site an approved on or off-site sewage disposal system or connects to a city sanitary sewer system.

(B) If any permits are required, those permits must have the possibility for approval. State agencies may be represented by a SPRC member, such as County Environmental Health as being a liaison for the Department of Ecology for items such as a sewage lagoon. The following wording is suggested: "We (agency) have reviewed

this proposal and have determined that a permit for _____ can be or cannot be issued for this project.” The SPRC is authorized to invite any state agency to send a representative to participate in the SPRC process. However, the failure of a state agency to send a representative or to provide for a pre-permitting approval shall not be grounds for denial of the proposal, but obtaining a necessary permit may be a condition precedent to final authority to proceed with the proposed development.

19.15.025(5) Responsibilities of Planning Department.

The Director of Planning or his/her designee shall take the following responsibilities on behalf of the SPRC. The Director shall:

- (A) Receive information necessary for the SPRC to assess the merit or impact of a project or proposal.
- (B) Arrange for the applicant to present projects and proposals for consideration by the SPRC.
- (C) Schedule meetings of the SPRC, including pre-application conferences.
- (D) Act as a liaison between the SPRC and the Board of Adjustment.
- (E) Prepare written findings on a project proposal.
- (F) Prepare a written report to the Board of Adjustment stating the SPRC's recommendations on a project proposal, and reasons for disapproval where the application fails to comply with Federal, State, or County statutes, ordinances or regulations.
- (G) Review minor change request(s) for approval or denial pursuant to 19.15.025(9).

19.15.025(6) Responsibilities of Planning Department for Existing Businesses.

The County Planner or designated staff may administratively review and approve modifications to existing businesses as long as the proposed changes do not impair or exceed the following:

- Storm water run-off control capacity
- Adequate parking
- Adequate area for loading/unloading and vehicular circulation
- Snow storage capacity
- Landscaping
- Traffic impacts within the development and externally upon the adjoining public roads
- 25% open area
- Excessive noise or other potential impacts upon surrounding land uses
- Other compatibility issues with surrounding land uses

To achieve this Administrative Use Permit, the applicant shall submit a revised Conditional Use application along with a Conditional Use fee. The County shall publish a legal notice of the proposed modification(s) sufficient to explain to the public the proposed change(s). This legal notice shall allow for a 14-day comment period. Persons who submit comment must state a reason(s) why the modification should not be approved.

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If no comments are received, the County can make final approval of the proposed modifications. If comment(s) is received, the County will evaluate the comment(s) and make a decision as to whether the comment(s) causes need for a full Board of Adjustment Conditional Use public hearing or not.

If the County decides that the comment does not warrant a change from the announced administrative decision, then a letter shall be sent to the person who commented so stating this decision. This letter shall also announce that any appeal of this decision would go to a court of competent jurisdiction, and that such an appeal to said court would need to be filed within 24 days of the date of said letter.

Proposed modifications that may be decided administratively in this matter include:

- expansion of structures
- replacement of structures
- increase in height
- placement or modification of signs

19.15.025(7) Procedures.

The SPRC shall take action on a proposal within 45 calendar days of receipt of the applicant's complete and accepted submittal. If more time is necessary, the applicant shall be notified of the reasons for the delay.

19.15.025(8) Conformance with Approved Site Plan.

Conformance with the conditions of any approved site plan shall be determined at the time of final inspection of the last structure to be inspected and prior to issuance of a final Certificate of Occupancy (C.O.). A final C.O. shall be issued by the Whitman County Building Inspector only when all conditions of the approved site plan have been satisfied.

19.15.025(9) Minor Changes in Site Plans.

Written requests for minor changes shall be submitted to the Planning Office. No minor changes shall be allowed without prior Planning Office approval. Minor changes are those which do not require a plan amendment as set forth in 19.15.025(10).

19.15.025(10) Amendment of Site Plan.

Any change to an approved site plan affecting the basic character or arrangement of buildings, density of the development, open areas, environmentally sensitive areas or critical areas shall be submitted to the SPRC. Review and consideration of the proposed amendment shall then follow the procedures as set forth in 19.15.025(4), (5) and (7).

19.15.025(11) Length Of Time Of Board of Adjustment Approval.

(A) Board of Adjustment approval shall be valid for two years from the date of issuance and shall remain valid if construction has begun within the allotted time. Extensions to this approval can be applied for in two-year increments to be administered by the Planning Department. A minor change in site plan, under 19.15.025(9), shall not extend this time. If the applicant fails to begin construction within the specified time period any and all approval is automatically withdrawn and void, and any vesting rights terminated. Any construction begun after that time shall be without approval and shall be a violation of the Whitman County Code.

(B) To begin construction within the above period, the applicant must have proceeded past grading and excavation and have installed a portion of an approved permanent building, such as pad or foundation.

(C) Additionally, if any break in construction exceeding 180 days occurs or if there is any other indication that the project has otherwise been abandoned, approval may be withdrawn and voided by the Board of Adjustment upon written notice mailed to the applicant at the address last provided. Failure of the applicant to respond in writing within 60 days from the date of mailing of the Notice of Intent shall result in any and all prior approval being withdrawn and voided. Any construction begun after that time shall be without approval and shall be a violation of the Whitman County Code. It shall be the burden of the applicant to establish to the satisfaction of a majority of the Board of Adjustment that the project has not been abandoned and to establish when the project will be completed. The Board of Adjustment may delay or condition its decision to withdraw and void its prior approval upon the applicant's subsequent performance.

19.15.025(12) Variances.

A variance may be granted if it is determined that practical difficulties, unnecessary hardships, and/or results inconsistent with the general purposes of this chapter may result from the strict application of the provisions of this chapter. Financial considerations shall not be a basis for a variance. An application for a variance shall follow procedures set forth in the Whitman County Zoning Ordinance Sections 19.06.020 (Variance) and 19.06.030 (Flood Management Variance), for determination by the Board of Adjustment.

SECTION 19.15.027 NON-STRUCTURAL FILL PLACEMENT PERMIT

19.15.027(1) Purpose. The purpose of the Non-Structural Fill Placement Permit is to allow the transport of waste soil fill material from permitted or grandfathered construction, grading or earthwork operations to an off-site location for disposal. It is the intent to dispose of excess material in an area currently used for agricultural purposes, then rendering the property in a condition for continued and ongoing agricultural use after filling. It is not the intent to allow for the construction of building pads or locations without going through a conditional use process.

19.15.027(2) Applicability.

The Non-Structural Fill Placement Permit is a permit granted through an administrative process. The County Building Official (in conjunction with the County Planner), or designated staff, may administratively review and approve of a filling operation designed to allow for disposal of excess soil materials from a construction, grading or earthwork operation. Fill placement will be strictly limited to areas in agricultural production that will be filled in a manner to allow for future continued agricultural use. It is not applicable to long term "dumping" of earth materials in a loose state, such as at a commercial fill site or landfill facility. The permit shall only apply to fill materials that originate from a site within the N-PMC or S-PMC, and are placed on a fill site situated within either the N-PMC or S-PMC.

19.15.027(3) Responsibilities of Project Proponent.

The project proponent shall complete an application and pay the appropriate fees for the Non-Structural Fill Placement Permit with the County Building Department. The permit application shall be accompanied by a plan indicating the source location of the fill material, the destination for the fill material, details pertinent to the haul route, type of equipment to be used, proposed hours of operation, duration of project or other pertinent information required by the Building Official. The project proponent shall also provide written evidence of permission to cross any private property, other than his/her own, in order to transport the fill to the fill site. The project proponent shall also provide written permission from the owner of the fill site, if other than him/herself, to place the material on the site.

Failure of the project proponent to complete the filling and reclamation of the fill site back to agricultural use shall result in either a building or zoning code infraction, or both. Daily fees or fines will be assessed in

accordance with existing ordinance for failure to comply with the permit. The only exception permitted will be if the proponent can present well documented information that the violation results from conditions that are clearly beyond the control of the proponent.

19.15.027(4) Responsibilities of Building and Planning Departments.

The Building Official (in conjunction with the County Planner) will be responsible to:

- collect and surmise information pertinent to the application
- assess any impacts to private property owners in the vicinity of the proposal
- set acceptable hours and days of operation in accordance with other similar earth moving operations in the N-PMC
- Set conditions of operation to protect the rights of adjacent landowners, such as dust abatement requirements

19.15.027(5) Permit Duration.

The Non-Structural Fill Placement Permit shall be granted for a maximum duration of six (6) months, or through the end of the summer construction season, typically the end of October. The permit may be extended for a period of 30 days at a time, at the sole discretion of the Building Official, upon written request of the applicant. Reasons for extension may include excessive rain/poor weather or unanticipated delay of the project from which the excess fill is coming.

19.15.027(6) General Permit Conditions.

The following shall apply to all fills placed under the Non-Structural Fill Placement Permit:

- Topsoil shall be stripped from the fill area, and replaced after fill, to allow for continued agricultural use.
- Fills shall be placed to at least 90% compaction, as determined by ASTM D-1557, Modified Proctor. The Building Official will likely require testing to verify the level of compaction is achieved.
- Fills shall be placed no thicker than 15 feet without providing a geotechnical engineer's report outlining conditions under which the 15 feet may be safely exceeded.
- Final fill slopes shall not exceed 4:1 (horizontal to vertical) without providing a geotechnical engineer's report outlining conditions under which steeper slopes can be safely constructed.
- Final contours shall be completed in a way that eliminates ponding of water and preserves the natural drainage of the land.
- Fill cannot be placed on slopes steeper than 4:1 without constructing a basal key and benching the fill to improve slope stability.
- Fill that is placed and compacted in this manner will not be deemed suitable for installation of gravity septic drainfields in the future.
- Any future development of the area filled will require a full geotechnical engineering evaluation prior to permitting for construction.
- Fill placed within four (4) feet of the completed final ground surface need only be lightly compacted to allow for ongoing agricultural use.
- Erosion and sediment control devices (approved by Whitman County) will be required for exposed soil surfaces during winter months, typically November through April.

SECTION 19.15.030 SITE PLAN SUBMITTALS.

19.15.030(1) Purpose.

The site plan submittal initiates the process by which a development proposal is reviewed for compliance with Whitman County land use regulations.

19.15.030(2) Pre-Application Conference.

Prior to applying for site plan review, the applicant may, and is encouraged to, submit preliminary plans to the Planning Office, so the comments and advice of the Planning Office may be incorporated in the final plans submitted for an application.

19.15.030(3) Initiating Site Plan Review.

The applicant shall submit two copies of a site plan, an environmental checklist, and a review fee to the Planning Department to initiate formal review of a proposed project. The Planning Director shall determine if an application is complete and initiate review by the SPRC.

19.15.030(4) Site Plan Submittals.

The following information shall be included on a site plan. Certain requirements of this section may be waived by the Planning Director for existing non-conforming uses and structures as defined in Section 19.15.060(5)(Z).

(A) Administration - Site plans must include:

1. Name, address and phone number of the applicant and property owner(s).
2. Names and addresses of adjacent property owners within 300 feet. The applicant shall obtain these from the County Assessor's Office.
3. Name of proposed action or development.
4. Description of the proposed land use.
5. Legal description of subject property.
6. Vicinity map showing location of subject property.
7. North arrow and graphic scale.
8. Any easements and/or dedications on the site.
9. Soil and surface geological conditions.
10. A statement prepared by a registered architect or engineer licensed in the state of Washington stating how the provisions of this chapter with regard to erosion control, stormwater management, protection of designated environmentally sensitive areas and on-site sewage disposal will be accommodated.
11. The applicant may be required to provide a transportation impact study. This study shall be required at the sole discretion of the County Engineer. The County Engineer may also elect to require concurrence from WSDOT engineering staff. This study shall determine the impacts of proposed developments on State and County roads, and shall be submitted to the Whitman County Engineer who may then require mitigation for County roads or State highways or intersections.

(B) Site preparation - Site plans must show:

1. Area of subject property.
2. Property boundary and all existing and proposed parcels and easements.
3. Dimensions of existing and proposed parcels and easements.
4. Boundaries of adjacent properties, as applicable.
5. Right-of-way of all existing and proposed public roads.
6. Existing topography and preliminary grading.
7. Proposed final grades and/or elevations.
8. Preliminary and final grading plans, prepared by a licensed engineer or architect.
9. Major drainage ways and proposed protection measures for drainages.
10. Site features such as water bodies, drainage ditches and wetlands.
11. Dimensions of setbacks from designated environmentally sensitive areas, critical areas, including the

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floodplain and buffer areas.

12. Location and area of any dedicated open area.

(C) Circulation - Site plans must show, if applicable:

1. Proposed bicycle access route.
2. Interior circulation, showing routes for large delivery trucks, passenger cars, bicycles, and expected pedestrian corridors.
3. Pedestrian facilities including crosswalks, curb cuts, vehicle barriers, warning signs and design features intended to connect parking areas with the accessible entrances.

(D) Infrastructure - Site plans must indicate:

1. The location and capacity of existing and proposed wells or other water sources.
2. The location and design of existing and proposed septic systems and drainfields, sewage lagoons or other sewage disposal systems.
3. The location, design and capacity of existing and proposed water retention systems.
4. The location of existing and proposed utilities or utility easements on the site.

(E) Structures - Site plans must describe:

1. The location and area (percentage) of proposed parcel coverage.
2. Existing structures on site and any proposed demolition.
3. Location and footprint (see Section 19.03.312).
4. Height of all proposed structures.
5. Proposed outdoor storage areas, screening, fences, any other accessory features and vehicle loading, parking and driveway areas.
6. Primary building materials, colors and any other relevant design information.
7. Dimensions between buildings or structures.
8. Setbacks from property lines, rights-of-way, easements and water bodies.
9. Buildings and other structures within 100 feet of the site shall be indicated.

(F) Landscaping - Site plans must show:

1. Existing trees and significant shrubs to be retained and/or removed.
2. Proposed landscaped areas, including dimensions of planting areas and height of berms, if applicable.
3. Proposed plant materials, both type and mature size (planting plan).
4. Proposed irrigation method.
5. Erosion control measures to be used after construction.
6. Proposed run-off control measures such as grass swales, retention ponds, etc., with dimensions and proposed plant materials or other treatment.
7. Any proposed site fixtures and associated equipment or furnishings.

(G) Signs and lighting - Site plans must show:

1. Location and dimensions of all proposed signs visible from public rights-of-way.
2. Design of proposed signs, including illumination, color, typefaces and illustrations or logos.
3. Design, location and times of display for any temporary displays.

4. Design and location of exterior lighting.

SECTION 19.15.040 PERMITTED USES.

The following are the permitted uses within the N-PMC:

19.15.040(1) Agriculture, including but not limited to, cropping, grazing of livestock, horticulture and floriculture. Feedlots, farrowing operations and dairying shall not be allowed.

19.15.040(2) Temporary stands for the sale of agricultural non-livestock products produced on the premises.

19.15.040(3) Accessory uses and structures common or incidental to agricultural and presently existing 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.

19.15.040(4) In presently existing residences, 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)

19.15.040(5) Temporary mining, rock crushing, asphalt and concrete processing plants in the right-of-way of State Route 270, or contiguous property for stockpile purposes only, as it now or hereafter exists for its road construction. Temporary is defined for this purpose as two years with a two year extension granted at the sole discretion of the County Engineer. (Revised 6/1/09, Animal Density Struck, Ordinance #069589)

19.15.040(6) Level 1 and Level 2 Electric Vehicle Charging Stations.

SECTION 19.15.050 CONDITIONAL USES.

19.15.050(1) A development proposal or a change-in-use proposal for a listed conditional use shall be subject to compliance with the requirements of this chapter and the provisions of Whitman County Code 19.06, as applicable to conditional uses.

19.15.050(2) All uses must demonstrate compliance or it will be denied.

19.15.050(3) All conditional uses shall require SEPA review.

19.15.050(4) Conditional uses in the N-PMC are based upon their probable impact upon transportation, and whether or not the use requires linkage to urban services for water and sewer facilities.

19.15.050(5) Authorized Conditional Uses and Mandatory Conditions:

(Amended July 7, 2008, Ordinance 068376)

(A) Campgrounds.

(B) Carpet dealer and floor coverings.

(C) Child care.

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(D) Communications towers and facilities. (Antenna support structures reference Applicability [19.15.025(2)] and Chapter 19.58). (Revised 5/14/01, Ordinance # 058050)

(E) Assisted Care facilities, nursing homes and similar uses.

(F) Hospitals (if urban-level water, sewer and fire services are utilized).

(G) Hotels/Motels/Inns (if urban-level water, sewer and fire services are utilized).

(H) Light manufacturing and assembly operations.

(I) Manufactured homes sales and services.

(J) Moving and storage.

(K) Office buildings.

(L) Plumbing, heating and electrical supplies.

(M) Professional services as listed:

1. accounting
2. advertising
3. architects, engineers, surveyors and planners
4. attorneys
5. banks, savings & loans
6. consultants
7. counseling
8. employment services and human resources
9. government offices
10. home health services
11. insurance
12. interior design
13. Internet services
14. investment brokering and securities
15. mail order services
16. market research
17. medical, doctors, dentists and emergency healthcare
18. pharmacies
19. real estate agencies
20. title companies
21. travel agencies
22. veterinarians and veterinary clinics

(N) Recreational non-motorized trails, paths, bikeways and parks.

(O) Recreational vehicle dealers for:

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1. bicycles
2. boats/water craft
3. campers
4. motorcycles
5. recreational vehicles (RVs)
6. snowmobiles and winter sports equipment

(P) Recreational vehicle parks.

(Q) Research and development.

(R) Retail uses as listed:

1. automotive general merchandise, parts and service
2. automobile renting (secondary sales as an accessory use)
3. books, recorded music, sheet music and videos/compact disks (excluding those selling merchandise restricted from sales to minors)
4. building material supplies
5. cabinet shop
6. clothing and accessories
7. computers and electronics – sales/installation and repair
8. contractors equipment and supplies (dealers & service)
9. crafts, such as craft supplies and finished craft goods, ceramic supplies and finished ceramic goods, art works and art supplies
10. department stores selling any products listed in this chapter
11. discount stores selling any products listed in this chapter
12. fabric stores and sewing supplies
13. farm equipment sales and/or service
14. florists
15. food and grocery stores
16. franchised automobile and truck dealerships sales and service
17. furniture sales
18. garden centers, nurseries, landscaping, lawn & garden equipment and supplies
19. gift stores
20. hardware
21. hobby stores
22. houseware stores
23. import stores selling home décor, furniture, housewares, holiday decorations
24. jewelry stores
25. lumber yards
26. motion-picture theatres (indoor)
27. not-for-profit (non-profit) re-use organizations
28. office furniture and supplies
29. pet stores including sale of pet food, pets, associated supplies, and offering temporary pet accommodations and grooming
30. rental service store
31. restaurants with inside seating and excluding those defined as bars or taverns
32. shoe store

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- 33. specialty stores specializing in a single category of products listed in this chapter
- 34. sporting goods
- 35. stationery
- 36. tire sales and service
- 37. toy and game store
- 38. Multi-use retail business of any or all of the above
- 39. Level 3 electric vehicle charging stations**

(S) Warehousing and distribution.

(T) Wholesale trade.

(U) Utilities (secondary to another primary use).

(V) Utility maintenance center.

(W) Utility substation.

(X) Utility transmission lines.

(Y) Temporary mining, rock crushing, concrete and asphalt batch plants may be allowed in the North-PMC District providing that a conditional use for a specific business development on a specific site has been granted by the Board of Adjustment, or for SR 270 construction; and said conditional use shall include conditions for any temporary mining, rock crushing, concrete and asphalt batch plant. Other than these described temporary mining uses, and existing active, grandfathered mining operations, no mining shall be allowed in this zone. Mining in the North-PMC District is limited to business site preparation and SR 270 construction because long-term mining and crushing, asphalt and concrete batch plants, are seen as not compatible with the intended business use on the north side of the highway. Mining sites cannot be mined below existing road grade without written consent from the County Engineer.

(Z) Existing uses. Existing land uses, except as limited by this Chapter, as of the date of adoption of this amendment, may continue. These uses and structures may be expanded if they meet the requirements of 19.15.025(6). If the proposed expansion does not meet the requirements of 19.15.025(6), a Conditional Use Permit is needed. Mining operations currently permitted, including asphalt processing and concrete ready mix operations, existing prior to the adoption of these amendments may continue and expansion of the mining area is permissible if the rock resource is contiguous to that presently being mined.

(AA) 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.) (Amended April 21, 2008; Ordinance No. 068024)

SECTION 19.15.060 NONCONFORMING USES.

19.15.060(1) Uses, land uses and structures which become nonconforming uses and structures by adoption of this chapter are subject to the provisions of Chapter 19.54, Nonconforming Uses and Special Exceptions, as now or hereafter amended.

19.15.060(2) Special Provisions for Nonconforming Uses Within the N-PMC.

(A) Any state or federal government environmental improvement mandate for an established use is exempt from the minimum requirements of this chapter.

(B) Presently existing farm structures and rural residences within the N-PMC are exempt from the requirements of this chapter unless a change in use is proposed. No new residential sites shall be allowed or created in the N-PMC.

(C) Freestanding billboards are prohibited. No new non-conforming signs or billboards will be allowed.

SECTION 19.15.070 SITE REQUIREMENTS.

19.15.070(1) Purpose.

The purpose of this section is to establish minimum standards which must be met for parcels in the N-PMC to be considered for development.

19.15.070(2) Minimum parcel size.

The minimum parcel size for development in the N-PMC is three (3) acres. For clustered developments, parcels must be of sufficient size to meet all other provisions of this and other applicable codes. Additional subdivision of land shall be through a preliminary and final plat process or allowed for the sole purpose of highway expansion.

19.15.070(3) Front setbacks.

(A) Front setbacks from the north side of SR 270 as it is at the time of adoption of this ordinance, a two-lane highway, shall be 250 feet from the north-side right-of-way at the time of adoption of this ordinance amendment. After the highway has been expanded, the SR 270 setback shall be 35 feet from the north right-of-way line.

(B) Front setbacks for structures and outdoor storage areas along other public and private roads shall be 35 feet; setbacks for temporary displays, signs, and parking areas shall be ten (10) feet, (see 19.15.080(8)(B)(4)). Where a public or private road is located within the State right-of-way, the most restrictive front setback requirement will apply.

(C) Utility lines underground and overhead shall be exempt from this setback requirement, but shall be subject to any right-of-way requirements of the State or County.

19.15.070(4) Side and rear setbacks.

Side and rear setbacks for structures and outdoor storage areas shall be 20 feet; side and rear setbacks for temporary displays, signs, utility facilities and parking areas shall be ten (10) feet.

19.15.070(5) Maximum parcel coverage.

Maximum parcel coverage in the N-PMC shall be 75% (percent). All areas with impervious surfaces and the space occupied by structures shall be considered "covered" areas for the purpose of parcel coverage calculations. For this chapter impervious surface shall mean an oiled, asphalt or concrete covered surface such as a sidewalk, road, circulation area, outdoor storage area, parking lot and/or loading area. All other areas shall be considered "not covered" for the purpose of parcel coverage calculations. Designated open areas shall remain open areas, subject only to the uses approved by the SPRC on the approved site plan.

SECTION 19.15.080 DEVELOPMENT REQUIREMENTS.

19.15.080(1) Purpose.

The purpose of this section is to provide standards for site development. The overall goal of providing attractive, orderly development will promote safe traffic conditions and protect and enhance desirable environmental and aesthetic qualities in the N-PMC.

19.15.080(2) Site Preparation.

(A) Required grading practices are:

1. All graded areas shall be protected from wind and water erosion through acceptable slope stabilization methods both during and after construction, according to plans approved by a professional engineer or licensed landscape architect.
2. Grading shall not create an erosion hazard or be a source of sedimentation to any adjacent land or water course.
3. Topsoil shall, to the extent possible, be retained on-site and reused after grading.
4. The amount of land exposed at any one time during development shall be kept to a minimum and exposure shall be scheduled during seasons of minimum precipitation whenever possible. Permanent perennial vegetation shall be installed on the site as soon as practical after development.

(B) Drainage and storm water control requirements apply to projects both during and after construction:

1. Site drainage shall not endanger designated environmentally sensitive areas.
2. Site drainage shall comply with all other provisions of this chapter, as well as environmental regulations controlling surface and ground water quality.
3. Existing natural drainages shall be identified on the grading plan and shall be retained wherever feasible.
4. Drainage shall be designed by a professional engineer to control run-off from a 50-year storm event. Discharges from storm water and drainage conveyance facilities shall be routed through swales, vegetated buffer strips, storm water basins and other facilities designed to decrease runoff velocity and volume, allow for natural infiltration, allow suspended solids to settle, and reduce pollutants through the use of active separators or passive filtering before being discharged.

(C) Fill - Fill operations are governed by the following requirements:

1. Filling may occur within designated environmentally sensitive areas at the discretion of the SPRC, subject to Whitman County Flood Management Overlay District requirements and all relevant State regulations. Inert and/or demolition waste fills must comply with WAC 173-350 Minimum Functional Standards for Solid Waste Handling, (as now or hereafter amended), which includes permitting by the local Health jurisdiction.
2. Fill must consist of clean materials that will not result in the leaching of harmful chemical or solid contaminants into surface or ground water.
3. Fill shall be protected against erosion with vegetation or other means stipulated by the SPRC, recommended by the local Soil Conservation District or Washington State Department of Natural Resources.

19.15.080(3) Infrastructure.

(A) Water use:

1. An applicant will provide data on anticipated water use for a development proposal.
2. A suitable water source of appropriate quality and capacity as defined by the Whitman County Environmental Health Division shall be demonstrated prior to issuance of a building permit.
3. Uses which exceed more than 5,000 gallons of water per day or more than 1,825,000 gallons per year shall provide a water conservation plan in their development proposal. The plan shall consist of, but not be limited to:
 - (a) Water conservation measures which will demonstrably decrease typical water consumption patterns for the proposed use.
 - (b) Plans to utilize treated effluent or water rights from Paradise Creek as a secondary water source.

(B) Sewage disposal –

1. An applicant shall provide for on-site sewage disposal through an on-site septic system, sewage lagoon system or alternative system approved by the Washington State Department of Ecology, the Washington State Department of Health and/or the Whitman County Environmental Health Division.
2. A sewage system design of appropriate quality and capacity must be approved by the permitting authority prior to issuance of a building permit.

(C) Utilities -

1. Utilities within a site shall be placed underground. It is the intent that whenever feasible, there shall be a consolidation of utilities into one trench in a common easement.
2. Utilities shall be located underground where possible, with the following exceptions:
 - (a) Existing overhead electrical utilities may be maintained, replaced or upgraded.
 - (b) One overhead heavy feeder tie will be allowed between Sunshine Road and Airport Road in order to connect the Pullman and Moscow feeder. Three route options shall be prepared and submitted to the SPRC and the Board of Adjustment for their decision.
 - (c) Other new electrical utility connections of less than 115 kV, such as feeder lines at 13 kV, if technically and economically feasible to be placed underground, shall be underground.
 - (d) As road improvements are made within the N-PMC, it is recommended that utility companies (electrical, telephone, television cable, natural gas) work with the road agency to lay conduit in anticipation of future needs.
 - (e) At the time of adoption of this ordinance, there are 115 kV electrical lines running east and west, both north and south and outside of the north corridor boundaries. There may be slight encroachment of the northern line in sections 36, 31 and 32. In the event that future electrical demand proposes further encroachment into the N-PMC, or a proposal to cross the N-PMC with these lines for which underground transmission is not practical, this proposal must be submitted to the SPRC for technical review and then brought to the Planning Commission and the Board of County Commissioners as a special amendment to this chapter. Said proposal must have three options for comparison judgments. This option also applies to any applicants who wish an exception from the requirement for underground transmission for an overhead feeder line.

(f) Temporary overhead service is allowed for construction purposes. A Certificate of Occupancy will not be issued until the temporary overhead service is removed.

(g) In the situation where on-going mining exists, overhead distribution of electrical facilities is allowed.

19.15.080(4) Traffic Access and Flow.

(A) State Route 270 access:

1. Development projects requiring access to SR 270 shall be required to comply with the WSDOT rules and regulations for utilizing access points and to consolidate access points within a site, negotiate for the use of an alternative access point along SR 270, utilize a frontage road or propose an alternative means.
2. Approach permits to SR 270 shall be required from the WSDOT prior to project approval.
3. Level of Service: An index of the operational performance of traffic on a given traffic lane, carriageway, road or intersection, based on service measures such as delay, degree of saturation, density and speed during a given flow period. Six levels are defined as "A" through "F" with "A" being the best operating conditions and "F" being the worst.

(a) Developments which reduce the Level of Service (LOS) on nearby streets, roads or highways, may be required to make provisions for remediation. LOS standards will be assessed in accordance with WSDOT standards and the current edition of the TRB "Highway Capacity Manual." The developer may be required to bear all expenses to make provisions, such as additional lanes, turn lanes or traffic control devices to offset the impacts of the development on the LOS. Improvements will be required to be completed before occupancy of structures is granted. Bonding for improvements or receipt of the required improvement fees may be accepted in lieu of completing the required improvements.

(b) The County Engineer will establish acceptable LOS for traffic at Whitman County intersections. LOS will be used to determine the impacts on the road system by land development proposals. The minimum acceptable LOS is "C" for paved rural county roads.

(c) WSDOT will establish acceptable LOS for traffic at State Route intersections. LOS will be used to determine the impacts on the road system by land development proposals.

(B) Frontage roads:

1. Privately constructed frontage roads intended to be dedicated shall meet Whitman County road design standards as set forth by Whitman County Codes or as required by the County Engineer.
2. Service roads, private roads, connector roads and service drives should be at right angles to the frontage road.
3. Maximum grade for public access roads is twelve percent.
4. All frontage roads that access land development from either a county road or SR 270 are to be constructed as private roads. Roads shall not revert to any public agency without the express written consent of the agency, through its ordinary legal process. The decision to establish any road as an agency road shall rest solely with the agency. Whitman County may require that a road be upgraded to current County standards, as set by the County Engineer, prior to adoption as a county road. Private roads to or within the development are the sole responsibility of the owner.

(C) On-site Traffic:

Roadways within a project shall comply with the current edition of the International Building Code (IBC) as adopted by the Board of County Commissioners and the requirements of the County Engineer.

(D) Parking and pedestrian access:

1. Parking

- (a) The approach, number and design of parking spaces shall meet the standards of the Whitman County Zoning Ordinance and requirements of the Americans with Disabilities Act (ADA).
- (b) Parking areas should be broken up into units of no more than 60 spaces, separated by interior landscaping, buildings, walkways and/or berms.
- (c) Smaller, distinct islands of parking may be scattered around the site to access dispersed destination points.
- (d) Parking islands shall channel traffic through the site in a logical manner. Designs which permit vehicles to crisscross the intended direction of travel shall be avoided.
- (e) Parking and loading areas must provide for snow removal access and drainage with a grade of at least two percent (2%).

2. Loading Zones: Service entrances, such as loading docks and garbage pick-up areas, shall be screened from view, in accordance with Section 19.15.080(6).

3. Pedestrian facilities:

- (a) All pedestrian routes shall address avenues of approach for people who are physically challenged. Emphasis shall be on barrier-free access throughout, with grade limitations between the handicap parking and any public building entrance.

- (b) Pedestrian walkways shall be separated from vehicle traffic by curbing, landscaping, and/or other physical barriers.

[1] Rolled curbs or other means shall be used to define the pedestrian zone without obstructing emergency access.

[2] Crosswalks and other areas where pedestrians are channeled into a vehicle right-of-way shall be well lighted and clearly marked with painted lines, elevated crosswalks or varying materials such as a concrete crosswalk that contrasts with the surrounding asphalt.

[3] Pedestrian walkways should be integrated with parking island design to provide landscaped avenues to and from parking areas. Preferred designs keep pedestrians from walking in traffic.

19.15.080(5) Structures.

(A) Site design and design of structure:

- 1. Siting of structures and outdoor storage areas shall minimize disturbance to existing natural topography.
- 2. Preference will be given to development proposals in which structures and related facilities are clustered within a site and/or between sites.
- 3. The design of structures on the site shall meet all applicable provisions of the Whitman County Zoning Ordinance and the current edition of the International Building Code (IBC) as adopted by the Board of County Commissioners, as now or hereafter amended.
- 4. Structures shall be no higher than 35 feet, excepting Antenna Support Structures as approved by the

Board of Adjustment via the conditional use process, as defined in section 19.03.140 of the Whitman County Zoning Ordinance. Accessory structures may exceed these height restrictions at the discretion of the SPRC. (Revised 5/14/01, Ordinance # 058050)

5. Buildings shall be separated by twelve (12) feet or more, measured from the most far-reaching projection from the subject structure at the point closest to the neighboring structure.

19.15.080(6) Landscaping.

Landscaping requirements in the N-PMC are for the purpose of providing a filtered view of developed sites; providing a buffer to protect environmentally sensitive areas; providing a natural means to prevent erosion, slow storm water run-off and prevent sedimentation of surface waters; providing a natural means to shield properties from sun and wind and air-borne pollutants; and for aesthetic enhancement. A landscape plan and management schedule is required as part of the zoning approval process. The plan should explain the objective of the design such as to screen, to block, to frame or so forth.

(A) Landscape requirements - Screening can mean a filtered or blocked view:

1. Perimeter screening is to provide an all-season visual separation between adjacent land uses and to screen views of industrial and commercial land uses from SR 270. Perimeter landscaping shall be provided at the front (as viewed from SR 270) and the sides of sites. Screening shall be provided at the rear of sites when they are adjacent to non-agricultural uses.
2. Additional screening may be required between dissimilar land uses, at the discretion of the SPRC.
3. Additional buffer areas may be required to shield designated environmentally sensitive areas from incompatible land uses, at the discretion of the SPRC.
4. Internal landscaping shall shield views of outdoor storage, service, parking and loading areas from the road and from adjacent uses.
5. Screening may be provided by existing vegetation, landscaped areas, a combination of berms and landscaping, or a combination of fencing and landscaping. The use of trees and vertical growing shrubs for screening is encouraged.
6. When planted to meet perimeter screening objectives, trees and vertical growing shrubs shall be a minimum of four feet in height at the time of planting and of a species hardy to the area.

(B) Landscape requirements - Materials and design:

1. The use of landscape materials which are planted to achieve a variety of heights, shapes and/or textures at maturity is encouraged; for example, a combination of evergreen and deciduous trees, shrubs and ground cover.
2. Existing trees shall be retained when possible.
3. Fencing materials shall be attractive and durable and should compliment or blend with the natural colors of the surrounding environment.
4. Screening achieved solely with landscape materials shall consist of a landscaped strip at least 10 feet wide and an overall average of 20 feet. Screening achieved with a combination of berms and landscape materials shall be a minimum of 35 feet wide.
5. Landscaping for surfaced parking lots shall, at minimum, equal ten percent (10%) of parking areas on interior planting and include one tree for every 10/20 (single/double row) parking spaces.
 - (a) Choice of tree types should address drought tolerance. Evergreens should be mixed with deciduous trees to provide year-round visual relief. Interior trees should provide shade for the parking lot in summer.

- (b) Interior lot screening should include shrubbery chosen to be maintained at a height of three feet (3'). The intent is to screen the reflective lower portion of parked cars, yet provide an unobstructed view for pedestrians and other moving vehicles.
- (c) It should avoid obstructing views of crosswalks, intersections and streetlights.
- (d) The minimum size of shrubs at planting shall be one foot in height.
- (e) Trees shall be set back a minimum of three feet (3') from curbs and shall be a minimum of four feet tall at planting.

(C) Landscape requirements – Maintenance

1. Provisions shall be made for the on-going maintenance, including irrigation of landscaped areas as necessary.
2. Trees and shrubs which die within twelve months of planting must be replaced no later than the next growing season.

19.15.080(7) Cluster Development.

Landscaping, screening and parcel frontage requirements may be relaxed at the discretion of the SPRC, if two or more of the following conditions are met by a development which is planned contiguous to an existing development:

- (A) Shared parking.
- (B) Shared private access roads and/or service drives.
- (C) Clustering of structures so as to provide significant, dedicated open areas.

19.15.080(8) Signs and lighting.

The purpose of signs and lighting standards in the N-PMC is to promote safe driving conditions in addition to business identification, personal safety and vehicle safety in an aesthetic way. Sign standards must be met for all project proposals for new construction. In addition, existing signs in the N-PMC shall meet these standards within five years of the adoption of this chapter. Marking and lighting of safety hazards and directional signs shall be exempt from this chapter when installed by or at the request of a public entity having jurisdiction.

(A) Sign requirements - Type, design and content:

1. All permanent signs must be of a durable nature; the on-going use of temporary and/or portable signs is prohibited.
2. The display of one temporary sign for a maximum of 60 days shall be allowed. Temporary signs include signs such as For Sale, For Rent, Auction, Grand Opening signs and contractor's signs during construction.
3. Sign content shall be restricted to the business name, primary business purpose and business address of the operation.
4. Business identification signs, if illuminated, shall be so constructed as to not create glare on adjacent parcels and shall not pose a hazard to motorists.
5. No blinking, flashing or similar intermittent lighting or revolving signs are allowed. Electronic changeable copy signs are allowed.

6. Freestanding billboards are prohibited. Those billboards and other non-conforming signs which were legally constructed or installed prior to the enactment of the 1979 Zoning Ordinance will be grandfathered as a non-conforming use; these signs may not be enlarged or relocated, and if their use is discontinued for six months or more, these signs must be removed. Other signs which were constructed or installed after the enactment of the 1979 ordinance, must be removed no later than one year after the adoption of this ordinance amendment. No new non-conforming signs or billboards will be allowed.
7. Signs which are abandoned, unsafe, damaged, or obsolete must be removed by the owner or will be removed at the owner's expense by Whitman County Department of Public Works.

(B) Sign requirements - Quantities, dimensions and location:

1. Wall signs, wall-mounted signs and roof signs shall not exceed 120 square feet in size, per side.
2. No business shall have more than one free-standing business identification sign and one sign attached to the primary business structure, except certain franchise or other business sign requirements may be allowed at the sole discretion of the County Planner. An exception exists for identification, directional or safety signs within a site which are not visible from a public road.
3. Business identification signs attached to a structure shall not exceed the height of the highest roof ridge line on the structure or in the case of free-standing signs, the bottom of the sign shall be no higher than 15 feet above adjacent road grade elevation and the top of the sign shall be no higher than 30 feet above the same adjacent road grade elevation.
4. Signs must meet setback requirements of ten feet.

(C) Lighting requirements - Location and design:

1. Lighted signs are subject to the requirements listed above.
2. Exterior site lighting may be required for surveillance purposes, at the discretion of the SPRC.
3. Exterior site lighting shall be arranged so it is deflected away from adjacent properties.
4. Exterior lighting shall not create glare which would interfere with safe transportation in the N-PMC.
5. Exterior lighting shall be of a "full-cut-off" design in order to minimize light pollution.

19.15.090 SEVERABILITY

If any provision of this chapter or its application to any person or circumstance is held invalid for any reason, the remainder of the chapter or the application of the chapter to other persons or circumstances shall not be affected.

CHAPTER 19.16 SOUTH-PULLMAN-MOSCOW CORRIDOR (S-PMC)

(Adopted by Ordinance on October 31, 2005. Ordinance # 064692)

SECTION 19.16.010 PURPOSE.

The purpose of this ordinance is to establish the South-Pullman-Moscow Corridor District (S-PMC) in compliance with the Whitman County Comprehensive Plan Amendment of 2005 which divided the existing Pullman-Moscow Corridor (PMC) into separate north and south zones. A 1988-amendment to the Comprehensive Plan identified and distinguished the Pullman-Moscow Corridor Enterprise Area for special zoning consideration.

The intent in establishing the S-PMC is to recognize the primary purposes of the location as a transportation /commercial economic corridor and implement the measures necessary to promote safe access to and movement throughout the S-PMC. It will create opportunities for attractive, orderly development which will be of long-term benefit to the community as a whole, while protecting and enhancing the environmental and aesthetic characteristics of the S-PMC which make it representative of this region. An additional purpose is to allow for recreational opportunities in the S-PMC, increasing its benefit to the community and providing alternative ways to enjoy this "gateway" to the Palouse.

The Washington State Department of Transportation (WSDOT) is planning to reconstruct SR 270 into a five-lane highway anticipated to begin construction in May or June of 2006 and be completed by late 2007 or early 2008.

SECTION 19.16.015 ELIMINATION OF PRE-EXISTING ZONING DISTRICT DESIGNATIONS

This Chapter supersedes all previous zoning within the boundary of the S-PMC and does hereby eliminate within the S-PMC all pre-existing zoning district designations.

SECTION 19.16.020 DESCRIPTION.

19.16.020(1) Purpose.

The purpose of this section is to define the location of the S-PMC to encompass an area accessible from SR 270.

19.16.020(2) Boundary.

The S-PMC comprises the following sections:

The south half and the northeast quarter of Section 3, Township 14 North, Range 45 East W.M.; the south half of Section 4, Township 14 North, Range 45 East W. M.; the south half of Section 36, Township 15 North, Range 45 East W. M.; all of Section 2, Township 14 North, Range 45 East W. M.; all of Section 1, Township 14 North, Range 45 East W. M.; the south half of Section 31, Township 15 North, Range 46 East W. M.; the south half of Section 32, Township 15 North, Range 46 East W. M.; the north half of Section 5, Township 14 North, Range 46 East W. M.; the north half of Section 6, Township 14 North, Range 46 East W. M., situated in the County of Whitman, State of Washington, except:

Those properties lying within the boundary of the City of Pullman and lying north of SR 270 as shown on SR 270/Pullman to Idaho State Line Right-of-Way Plans, Additional Lanes Project, approved and adopted September and October, 2004.

A parcel of land situate within the SE ¼ of Section 2, T 14 N, R 45 E, W. M., Whitman County, State of Washington and is further described as follows: beginning at the S ¼ corner of said Section 2 (and being the N ¼ corner of Section 11); thence N 00°11'19" E 1089.89 feet, along the N-S subdivision line of said Section 2, to a point 231.00 feet (14 rods) southerly of the NW corner of the SW ¼ of the SE ¼ of said Section 2; thence N 89°08'08" E 1328.49 feet, along a line parallel to and 231.00 feet southerly of the northerly boundary of the SW ¼ of the SE ¼, to the N-S subdivision line of the SE ¼ of said Section 2; thence N 00°12' 55" E 231.03 feet, along said N-S subdivision, to the NE corner of the SW ¼ of the SE ¼ of said Section 2; thence N 89°08'08" E 385.91 feet, along the northerly boundary of the SE ¼ of the SE ¼ of Section 2, to the westerly boundary of a parcel of land shown on a map filed under 608490, Whitman County Auditor's Microfilm No.; thence S 24°04'28" E 287.28 feet, along said westerly boundary; thence S 45°42'13" E 825.63 feet, along said westerly boundary, to the northerly

right-of-way (R.O.W.) boundary of Sunshine Road/CO. RD. No. 9080, and a point on a curve; thence the following two (2) courses along said northerly R.O.W. boundary:

- 01) 693.31 feet along a curve concave to the SE (central angle = 10°05'01", radius = 3939.48 feet) with its long chord bearing S 57°12'58" W 692.42 feet, to a point of tangency,
- 02) S 52°10'28" W 174.66 feet, returning to the southerly boundary of the SE ¼ of said Section 2; thence S 89°07'56" W 1706.88 feet, along the southerly boundary of the SE ¼ of said Section 2, to the point of beginning. Area of said described parcel of land is 54.4 acres;

19.16.020(3) Map

SECTION 19.16.025 SITE PLAN REVIEW PROCESS.

19.16.025(1) Purpose.

The purpose of the Site Plan Review Process is to bring multi-disciplinary knowledge and judgment to bear on development proposals in the S-PMC, through the establishment of a Site Plan Review Committee (hereafter referred to as SPRC).

19.16.025(2) Applicability.

All applicants for a permitted use or conditional use shall submit a development proposal, as set forth herein, to the Planning Office for SPRC review. The Planning Director may waive certain requirements of the site plan submittals for expansion or modification of existing non-conforming uses or structures as defined in Section 19.16.060(5)(Z). Antenna support structures and their accessory structures shall be exempt from the requirements of this Chapter, but are subject to all of the requirements in Chapter 19.58 of this ordinance. (Revised 5/14/01, Ordinance # 058050)

19.16.025(3) Composition of the Site Plan Review Committee.

(A) The Site Plan Review Committee, (SPRC), shall consist of representatives from the following County Departments or Divisions: Planning, Building, Engineering, Parks and Recreation, and Environmental Health. In addition, the SPRC shall be assisted by a representative from the Sheriff's Office and the applicable fire district. Although not members of the SPRC, all utilities which provide service to the area shall be asked to review the plans.

(B) No development proposal shall be unduly delayed for want of a SPRC meeting or quorum and nothing within the SPRC function shall be deemed to prohibit an applicant, with the approval of a member, actual or ad hoc, from meeting individually.

19.16.025(4) Authority and Responsibilities.

(A) The SPRC shall review all development proposals for compliance with this chapter and all other applicable ordinances, statutes and regulations and report its findings, conclusions and recommendations to the Board of Adjustment prior to that authority making its decision to approve or deny the proposal or modify the SPRC recommendations. Each SPRC member shall evaluate each proposal from his/her area of responsibility. SPRC members may make a positive, negative, or conditioned decision on a proposal. For a recommendation to go forward to the Board of Adjustment, any SPRC member, actual or ad hoc, who has not provided a negative or conditioned decision within a reasonable time shall be deemed to have given a positive response. If a negative or conditioned decision is made, a written reason or reasons must be cited along with any recommendations as to mitigating or correcting the disqualifying problem. The proposal cannot move to the Board of Adjustment if

the proposal is unable to site an approved on or off-site sewage disposal system or connects to a city sanitary sewer system.

(B) If any permits are required, those permits must have the possibility for approval. State agencies may be represented by a SPRC member, such as County Environmental Health as being a liaison for the Department of Ecology for items such as a sewage lagoon. The following wording is suggested: "We (agency) have reviewed this proposal and have determined that a permit for _____ can be or cannot be issued for this project." The SPRC is authorized to invite any state agency to send a representative to participate in the SPRC process. However, the failure of a state agency to send a representative or to provide for a pre-permitting approval shall not be grounds for denial of the proposal, but obtaining a necessary permit may be a condition precedent to final authority to proceed with the proposed development.

19.16.025(5) Responsibilities of Planning Department.

The Director of Planning or his/her designee shall take the following responsibilities on behalf of the SPRC. The Director shall:

- (A) Receive information necessary for the SPRC to assess the merit or impact of a project or proposal.
- (B) Arrange for the applicant to present projects and proposals for consideration by the SPRC.
- (C) Schedule meetings of the SPRC, including pre-application conferences.
- (D) Act as a liaison between the SPRC and the Board of Adjustment.
- (E) Prepare written findings on a project proposal.
- (F) Prepare a written report to the Board of Adjustment stating the SPRC's recommendations on a project proposal, and reasons for disapproval where the application fails to comply with Federal, State, or County statutes, ordinances or regulations.
- (G) Review minor change request(s) for approval or denial pursuant to 19.16.025(9).

19.16.025(6) Responsibilities of Planning Department for Existing Businesses.

The County Planner or designated staff may administratively review and approve modifications to existing businesses as long as the proposed changes do not impair or exceed the following:

- Storm water run-off control capacity
- Adequate parking
- Adequate area for loading/unloading and vehicular circulation
- Snow storage capacity
- Landscaping
- Traffic impacts within the development and externally upon the adjoining public roads
- 25% open area
- Excessive noise or other potential impacts upon surrounding land uses
- Other compatibility issues with surrounding land uses

To achieve this Administrative Use Permit, the applicant shall submit a revised Conditional Use application along with a Conditional Use fee. The County shall publish a legal notice of the proposed modification(s)

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sufficient to explain to the public the proposed change(s). This legal notice shall allow for a 14-day comment period. Persons who submit comment must state a reason(s) why the modification should not be approved.

If no comments are received, the County can make final approval of the proposed modifications. If comment(s) is received, the County will evaluate the comment(s) and make a decision as to whether the comment(s) causes need for a full Board of Adjustment Conditional Use public hearing or not.

If the County decides that the comment does not warrant a change from the announced administrative decision, then a letter shall be sent to the person who commented so stating this decision. This letter shall also announce that any appeal of this decision would go to a court of competent jurisdiction, and that such an appeal to said court would need to be filed within 24 days of the date of said letter.

Proposed modifications that may be decided administratively in this matter include:

- expansion of structures
- replacement of structures
- increase in height
- placement or modification of signs

19.16.025(7) Procedures.

The SPRC shall take action on a proposal within 45 calendar days of receipt of the applicant's complete and accepted submittal. If more time is necessary, the applicant shall be notified of the reasons for the delay.

19.16.025(8) Conformance with Approved Site Plan.

Conformance with the conditions of any approved site plan shall be determined at the time of final inspection of the last structure to be inspected and prior to issuance of a final Certificate of Occupancy (C.O.). A final C.O. shall be issued by the Whitman County Building Inspector only when all conditions of the approved site plan have been satisfied.

19.16.025(9) Minor Changes in Site Plans.

Written requests for minor changes shall be submitted to the Planning Office. No minor changes shall be allowed without prior Planning Office approval. Minor changes are those which do not require a plan amendment as set forth in 19.16.025(10).

19.16.025(10) Amendment of Site Plan.

Any change to an approved site plan affecting the basic character or arrangement of buildings, density of the development, open areas, environmentally sensitive areas or critical areas shall be submitted to the SPRC. Review and consideration of the proposed amendment shall then follow the procedures as set forth in 19.16.025(4), (5) and (7).

19.16.025(11) Length Of Time Of Board of Adjustment Approval.

(A) Board of Adjustment approval shall be valid for two years from the date of issuance and shall remain valid if construction has begun within the allotted time. Extensions to this approval can be applied for in two-year increments to be administered by the Planning Department. A minor change in site plan, under 19.16.025(9), shall not extend this time. If the applicant fails to begin construction within the specified time period any and all approval is automatically withdrawn and void, and any vesting rights terminated. Any construction begun after that time shall be without approval and shall be a violation of the Whitman County Code.

(B) To begin construction within the above period, the applicant must have proceeded past grading and excavation and have installed a portion of an approved permanent building, such as pad or foundation.

(C) Additionally, if any break in construction exceeding 180 days occurs or if there is any other indication that the project has otherwise been abandoned, approval may be withdrawn and voided by the Board of Adjustment upon written notice mailed to the applicant at the address last provided. Failure of the applicant to respond in writing within 60 days from the date of mailing of the Notice of Intent shall result in any and all prior approval being withdrawn and voided. Any construction begun after that time shall be without approval and shall be a violation of the Whitman County Code. It shall be the burden of the applicant to establish to the satisfaction of a majority of the Board of Adjustment that the project has not been abandoned and to establish when the project will be completed. The Board of Adjustment may delay or condition its decision to withdraw and void its prior approval upon the applicant's subsequent performance.

19.16.025(12) Variances.

A variance may be granted if it is determined that practical difficulties, unnecessary hardships, and/or results inconsistent with the general purposes of this chapter may result from the strict application of the provisions of this chapter. Financial considerations shall not be a basis for a variance. An application for a variance shall follow procedures set forth in the Whitman County Zoning Ordinance Sections 19.06.020 (Variance) and 19.06.030 (Flood Management Variance), for determination by the Board of Adjustment.

SECTION 19.16.027 NON-STRUCTURAL FILL PLACEMENT PERMIT

19.16.027(1) Purpose.

The purpose of the Non-Structural Fill Placement Permit is to allow the transport of waste soil fill material from permitted or grandfathered construction, grading or earthwork operations to an off-site location for disposal. It is the intent to dispose of excess material in an area currently used for agricultural purposes, then rendering the property in a condition for continued and ongoing agricultural use after filling. It is not the intent to allow for the construction of building pads or locations without going through a conditional use process.

19.16.027(2) Applicability.

The Non-Structural Fill Placement Permit is a permit granted through an administrative process. The County Building Official (in conjunction with the County Planner), or designated staff, may administratively review and approve of a filling operation designed to allow for disposal of excess soil materials from a construction, grading or earthwork operation. Fill placement will be strictly limited to areas in agricultural production that will be filled in a manner to allow for future continued agricultural use. It is not applicable to long term "dumping" of earth materials in a loose state, such as at a commercial fill site or landfill facility. The permit shall only apply to fill materials that originate from a site within the N-PMC or S-PMC, and are placed on a fill site situated within either the N-PMC or S-PMC.

19.16.027(3) Responsibilities of Project Proponent.

The project proponent shall complete an application and pay the appropriate fees for the Non-Structural Fill Placement Permit with the County Building Department. The permit application shall be accompanied by a plan indicating the source location of the fill material, the destination for the fill material, details pertinent to the haul route, type of equipment to be used, proposed hours of operation, duration of project or other pertinent information required by the Building Official. The project proponent shall also provide written evidence of permission to cross any private property, other than his/her own, in order to transport the fill to the fill site. The project proponent shall also provide written permission from the owner of the fill site, if other than him/herself, to place the material on the site.

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Failure of the project proponent to complete the filling and reclamation of the fill site back to agricultural use shall result in either a building or zoning code infraction, or both. Daily fees or fines will be assessed in accordance with existing ordinance for failure to comply with the permit. The only exception permitted will be if the proponent can present well documented information that the violation results from conditions that are clearly beyond the control of the proponent.

19.16.027(4) Responsibilities of Building and Planning Departments.

The Building Official (in conjunction with the County Planner) will be responsible to:

- collect and surmise information pertinent to the application
- assess any impacts to private property owners in the vicinity of the proposal
- set acceptable hours and days of operation in accordance with other similar earth moving operations in the N-PMC
- Set conditions of operation to protect the rights of adjacent landowners, such as dust abatement requirements

19.16.027(5) Permit Duration.

The Non-Structural Fill Placement Permit shall be granted for a maximum duration of six (6) months, or through the end of the summer construction season, typically the end of October. The permit may be extended for a period of 30 days at a time, at the sole discretion of the Building Official, upon written request of the applicant. Reasons for extension may include excessive rain/poor weather or unanticipated delay of the project from which the excess fill is coming.

19.16.027(6) General Permit Conditions.

The following shall apply to all fills placed under the Non-Structural Fill Placement Permit:

- Topsoil shall be stripped from the fill area, and replaced after fill, to allow for continued agricultural use.
- Fills shall be placed to at least 90% compaction, as determined by ASTM D-1557, Modified Proctor. The Building Official will likely require testing to verify the level of compaction is achieved.
- Fills shall be placed no thicker than 15 feet without providing a geotechnical engineer's report outlining conditions under which the 15 feet may be safely exceeded.
- Final fill slopes shall not exceed 4:1 (horizontal to vertical) without providing a geotechnical engineer's report outlining conditions under which steeper slopes can be safely constructed.
- Final contours shall be completed in a way that eliminates ponding of water and preserves the natural drainage of the land.
- Fill cannot be placed on slopes steeper than 4:1 without constructing a basal key and benching the fill to improve slope stability.
- Fill that is placed and compacted in this manner will not be deemed suitable for installation of gravity septic drainfields in the future.
- Any future development of the area filled will require a full geotechnical engineering evaluation prior to permitting for construction.
- Fill placed within four (4) feet of the completed final ground surface need only be lightly compacted to allow for ongoing agricultural use.
- Erosion and sediment control devices (approved by Whitman County) will be required for exposed soil surfaces during winter months, typically November through April.

SECTION 19.16.030 SITE PLAN SUBMITTALS.

19.16.030(1) Purpose.

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The site plan submittal initiates the process by which a development proposal is reviewed for compliance with Whitman County land use regulations.

19.16.030(2) Pre-Application Conference.

Prior to applying for site plan review, the applicant may, and is encouraged to, submit preliminary plans to the Planning Office, so the comments and advice of the Planning Office may be incorporated in the final plans submitted for an application.

19.16.030(3) Initiating Site Plan Review.

The applicant shall submit two copies of a site plan, an environmental checklist, and a review fee to the Planning Department to initiate formal review of a proposed project. The Planning Director shall determine if an application is complete and initiate review by the SPRC.

19.16.030(4) Site Plan Submittals.

The following information shall be included on a site plan. Certain requirements of this section may be waived by the Planning Director for existing non-conforming uses and structures as defined in Section 19.16.060(5)(Z).

(A) Administration - Site plans must include:

1. Name, address and phone number of the applicant and property owner(s).
2. Names and addresses of adjacent property owners within 300 feet. The applicant shall obtain these from the County Assessor's Office.
3. Name of proposed action or development.
4. Description of the proposed land use.
5. Legal description of subject property.
6. Vicinity map showing location of subject property.
7. North arrow and graphic scale.
8. Any easements and/or dedications on the site.
9. Soil and surface geological conditions.
10. A statement prepared by a registered architect or engineer licensed in the state of Washington stating how the provisions of this chapter with regard to erosion control, storm water management, protection of designated environmentally sensitive areas and on-site sewage disposal will be accommodated.
11. The applicant may be required to provide a transportation impact study. This study shall be required at the sole discretion of the County Engineer. The County Engineer may also elect to require concurrence from WSDOT engineering staff. This study shall determine the impacts of proposed developments on State and County roads, and shall be submitted to the Whitman County Engineer who may then require mitigation for County roads or State highways or intersections.

(B) Site preparation - Site plans must show:

1. Area of subject property.
2. Property boundary and all existing and proposed parcels and easements.
3. Dimensions of existing and proposed parcels and easements.
4. Boundaries of adjacent properties, as applicable.
5. Right-of-way of all existing and proposed public roads.
6. Existing topography and preliminary grading.

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7. Proposed final grades and/or elevations.
8. Preliminary and final grading plans, prepared by a licensed engineer or architect.
9. Major drainage ways and proposed protection measures for drainages.
10. Site features such as water bodies, drainage ditches and wetlands.
11. Dimensions of setbacks from designated environmentally sensitive areas, critical areas, including the floodplain and buffer areas.
12. Location and area of any dedicated open area.

(C) Circulation - Site plans must show, if applicable:

1. Proposed bicycle access route.
2. Interior circulation, showing routes for large delivery trucks, passenger cars, bicycles, and expected pedestrian corridors.
3. Pedestrian facilities including crosswalks, curb cuts, vehicle barriers, warning signs and design features intended to connect parking areas with the accessible entrances.

(D) Infrastructure - Site plans must indicate:

1. The location and capacity of existing and proposed wells or other water sources.
2. The location and design of existing and proposed septic systems and drainfields, sewage lagoons or other sewage disposal systems.
3. The location, design and capacity of existing and proposed water retention systems.
4. The location of existing and proposed utilities or utility easements on the site.

(E) Structures - Site plans must describe:

1. The location and area (percentage) of proposed parcel coverage.
2. Existing structures on site and any proposed demolition.
3. Location and footprint (see Section 19.03.312).
4. Height of all proposed structures.
5. Proposed outdoor storage areas, screening, fences, any other accessory features and vehicle loading, parking and driveway areas.
6. Primary building materials, colors and any other relevant design information.
7. Dimensions between buildings or structures.
8. Setbacks from property lines, rights-of-way, easements and water bodies.
9. Buildings and other structures within 100 feet of the site shall be indicated.

(F) Landscaping - Site plans must show:

1. Existing trees and significant shrubs to be retained and/or removed.
2. Proposed landscaped areas, including dimensions of planting areas and height of berms, if applicable.
3. Proposed plant materials, both type and mature size (planting plan).
4. Proposed irrigation method.
5. Erosion control measures to be used after construction.
6. Proposed run-off control measures such as grass swales, retention ponds, etc., with dimensions and proposed plant materials or other treatment.
7. Any proposed site fixtures and associated equipment or furnishings.

(G) Signs and lighting - Site plans must show:

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1. Location and dimensions of all proposed signs visible from public rights-of-way.
2. Design of proposed signs, including illumination, color, typefaces and illustrations or logos.
3. Design, location and times of display for any temporary displays.
4. Design and location of exterior lighting.

SECTION 19.16.040 PARADISE CREEK FLOODPLAIN.

The 100-year floodplain within the S-PMC and the wetlands contiguous to the floodplain on the south side of SR 270 are hereby designated an environmentally sensitive area. This chapter's requirement for SEPA review and compliance with the critical areas ordinances, for all developments in the S-PMC, is adequate to protect this sensitive area.

SECTION 19.16.050 PERMITTED USES.

The following are the permitted uses within the S-PMC:

19.16.050(1) Agriculture, including but not limited to, cropping, grazing of livestock, horticulture and floriculture. Feedlots, farrowing operations and dairying shall not be allowed.

19.16.050(2) Temporary stands for the sale of agricultural non-livestock products produced on the premises.

19.16.050(3) Accessory uses and structures common or incidental to agricultural and presently existing 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.

19.16.050(4) In presently existing residences, home occupations employing not more than one individual who is not a resident of the premises, and utilizing only those accessory buildings and structures permitted under this chapter. (Revised 6/1/09, Animal Density Struck, Ordinance #069589)

19.16.050(5) Level 1 and Level 2 Electric Vehicle Charging Stations.

SECTION 19.16.060 CONDITIONAL USES.

19.16.060(1) A development proposal or a change-in-use proposal for a listed conditional use shall be subject to compliance with the requirements of this chapter and the provisions of Whitman County Code 19.06, as applicable to conditional uses.

19.16.060(2) All uses must demonstrate compliance or it will be denied.

19.16.060(3) All conditional uses shall require SEPA review.

19.16.060(4) Conditional uses in the S-PMC are based upon their probable impact upon transportation, and whether or not the use requires linkage to urban services for water and sewer facilities.

19.16.060(5) Authorized Conditional Uses and Mandatory Conditions:

(A) Campgrounds.

(B) Carpet dealer and floor coverings.

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(C) Child care.

(D) Communications towers and facilities. (Antenna support structures reference Applicability [19.16.025(2)] and Chapter 19.58). (Revised 5/14/01, Ordinance # 058050)

(E) Assisted Care facilities, nursing homes and similar uses.

(F) Hospitals (if urban-level water, sewer and fire services are utilized).

(G) Hotels/Motels/Inns (if urban-level water, sewer and fire services are utilized).

(H) Light manufacturing and assembly operations.

(I) Manufactured homes sales and services.

(J) Moving and storage.

(K) Office buildings.

(L) Plumbing, heating and electrical supplies.

(M) Professional services as listed:

1. accounting
2. advertising
3. architects, engineers, surveyors and planners
4. attorneys
5. banks, savings & loans
6. consultants
7. counseling
8. employment services and human resources
9. government offices
10. home health services
11. insurance
12. interior design
13. Internet services
14. investment brokering and securities
15. mail order services
16. market research
17. medical, doctors, dentists and emergency healthcare
18. pharmacies
19. real estate agencies
20. title companies
21. travel agencies
22. veterinarians and veterinary clinics

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(N) Recreational non-motorized trails, paths, bikeways and parks.

(O) Recreational vehicle dealers for:

1. bicycles
2. boats/watercraft
3. campers
4. motorcycles
5. recreational vehicles (RVs)
6. snowmobiles and winter sports equipment

(P) Recreational vehicle parks.

(Q) Research and development.

(R) Retail uses as listed:

1. automobile renting (secondary sales as an accessory use)
2. building material supplies
3. cabinet shop
4. contractors equipment and supplies (dealers & service)
5. electronic sales/installation and repair
6. farm equipment sales and/or service
7. franchised automobile and truck dealerships sales and service
8. furniture sales
9. garden centers, nurseries, landscaping, lawn & garden equipment and supplies
10. grocery store
11. hardware
12. lumber yards
13. office furniture and supply
14. rental service store
15. sporting goods
16. tire sales and service
17. not-for-profit (non-profit) re-use organizations
18. Restaurants
19. Multi-use retail business of any or all of the above
- 20. Level 3 electric vehicle charging stations.**

(S) Warehousing and distribution.

(T) Wholesale trade.

(U) Utilities (secondary to another primary use).

(V) Utility maintenance center.

(W) Utility substation.

(X) Utility transmission lines.

(Y) Mining, rock crushing, asphalt and concrete processing plants. Currently active mining sites within the S-PMC may continue in such use. Any new mining or rock crushing sites or asphalt and concrete processing plants shall comply with the requirements of the Whitman County Code and shall be hidden from State Route 270 by existing natural or created topography as approved by the County Engineer. Mining in that area is allowed because it is a natural resource which, if it is to be used, cannot be moved and then mined. Mining sites cannot be mined below existing road grade without written consent from the County Engineer.

(Z) Existing uses. Existing land uses, except as limited by this Chapter, as of the date of adoption of this amendment, may continue. These uses and structures may be expanded if they meet the requirements of 19.16.025(6). If the proposed expansion does not meet the requirements of 19.16.025(6), a Conditional Use Permit is needed. Existing mining and rock crushing sites in the S-PMC may expand to include asphalt processing and concrete ready mix operations.

SECTION 19.16.070 NONCONFORMING USES.

19.16.070(1) Uses, land uses and structures which become nonconforming uses and structures by adoption of this chapter are subject to the provisions of Chapter 19.54, Nonconforming Uses and Special Exceptions, as now or hereafter amended.

19.16.070(2) Special Provisions for Nonconforming Uses Within the S-PMC.

(A) Any state or federal government environmental improvement mandate for an established use is exempt from the minimum requirements of this chapter.

(B) Presently existing farm structures and rural residences within the S-PMC are exempt from the requirements of this chapter unless a change in use is proposed. No new residential sites shall be allowed or created in the S-PMC.

(C) Freestanding billboards are prohibited. Those billboards and other non-conforming signs which were legally constructed or installed prior to the enactment of the 1979 Zoning Ordinance will be grandfathered as a non-conforming use; these signs may not be enlarged or moved, and if their use is discontinued for six months or more these signs must be removed. Other signs which are in violation of the zoning ordinance, that is, those which were constructed or installed after the enactment of the 1979 ordinance and are not in compliance with Chapter 19.53, Outdoor Signs, must be removed no later than one year after the adoption of this ordinance. No new non-conforming signs or billboards will be allowed.

SECTION 19.16.080 SITE REQUIREMENTS.

19.16.080(1) Purpose.

The purpose of this section is to establish minimum standards which must be met for parcels in the S-PMC to be considered for development.

19.16.080(2) Minimum parcel size.

The minimum parcel size for development in the S-PMC is three (3) acres. For clustered developments, parcels must be of sufficient size to meet all other provisions of this and other applicable codes. Additional subdivision

of land shall be through a preliminary and final plat process or allowed for the sole purpose of highway expansion.

19.16.080(3) Front setbacks.

(A) Front setbacks from the south side of SR 270 as it is at the time of adoption of this ordinance, a two-lane highway, shall be 35 feet from the south side right-of-way at the time of adoption of this ordinance amendment. After the highway has been expanded, the SR 270 setback shall be 35 feet south from the new right-of-way.

(B) Front setbacks for structures and outdoor storage areas along other public and private roads shall be 35 feet; setbacks for temporary displays, signs, and parking areas shall be ten (10) feet, (see 19.16.090(8)(B)(4)). Where a public or private road is located within State right-of-way or railroad right-of-way, or the recreational path, the most restrictive front setback requirement will apply. The railroad right-of-way converted to the path via the "rails to trails" procedure means that it could be possible for the path to revert to a railroad line again. Therefore, it is necessary to maintain the same setbacks to the property as if the railroad line were in operation.

(C) Utility lines underground and overhead shall be exempt from this setback requirement, but shall be subject to any right-of-way requirements of the State or County.

19.16.080(4) Side and rear setbacks.

Side and rear setbacks for structures and outdoor storage areas shall be 20 feet; side and rear setbacks for temporary displays, signs, utility facilities and parking areas shall be ten (10) feet.

19.16.080(5) Maximum parcel coverage.

Maximum parcel coverage in the S-PMC shall be 75% (percent). All areas with impervious surfaces and the space occupied by structures shall be considered "covered" areas for the purpose of parcel coverage calculations. For this chapter impervious surface shall mean an oiled, asphalt or concrete covered surface such as a sidewalk, road, circulation area, outdoor storage area, parking lot and/or loading area. All other areas shall be considered "not covered" for the purpose of parcel coverage calculations. Designated open areas shall remain open areas, subject only to the uses approved by the SPRC on the approved site plan.

SECTION 19.16.090 DEVELOPMENT REQUIREMENTS.

19.16.090(1) Purpose.

The purpose of this section is to provide standards for site development. The overall goal of providing attractive, orderly development will promote safe traffic conditions and protect and enhance desirable environmental and aesthetic qualities in the S-PMC.

19.16.090(2) Site Preparation.

(A) Required grading practices are:

1. All graded areas shall be protected from wind and water erosion through acceptable slope stabilization methods both during and after construction, according to plans approved by a professional engineer or licensed landscape architect.
2. Grading shall not create an erosion hazard or be a source of sedimentation to any adjacent land or water course.
3. Topsoil shall, to the extent possible, be retained on-site and reused after grading.

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4. The amount of land exposed at any one time during development shall be kept to a minimum and exposure shall be scheduled during seasons of minimum precipitation whenever possible. Permanent perennial vegetation shall be installed on the site as soon as practical after development.

(B) Drainage and storm water control requirements apply to projects both during and after construction:

1. Site drainage shall not endanger designated environmentally sensitive areas.
2. Site drainage shall comply with all other provisions of this chapter, as well as environmental regulations controlling surface and ground water quality.
3. Existing natural drainages shall be identified on the grading plan and shall be retained wherever feasible.
4. Drainage shall be designed by a professional engineer to control run-off from a 50-year storm event. Discharges from storm water and drainage conveyance facilities shall be routed through swales, vegetated buffer strips, storm water basins and other facilities designed to decrease runoff velocity and volume, allow for natural infiltration, allow suspended solids to settle, and reduce pollutants through the use of active separators or passive filtering before being discharged.

(C) Fill - Fill operations are governed by the following requirements:

1. Filling may occur within designated environmentally sensitive areas at the discretion of the SPRC, subject to Whitman County Flood Management Overlay District requirements and all relevant State regulations. Inert and/or demolition waste fills must comply with WAC 173-350 Minimum Functional Standards for Solid Waste Handling, (as now or hereafter amended), which includes permitting by the local Health jurisdiction.
2. Fill must consist of clean materials that will not result in the leaching of harmful chemical or solid contaminants into surface or ground water.
3. Fill shall be protected against erosion with vegetation or other means stipulated by the SPRC, recommended by the local Soil Conservation District or Washington State Department of Natural Resources.

19.16.090(3) Infrastructure.

(A) Water use:

1. An applicant will provide data on anticipated water use for a development proposal.
2. A suitable water source of appropriate quality and capacity as defined by the Whitman County Environmental Health Division shall be demonstrated prior to issuance of a building permit.
3. Uses which exceed more than 5,000 gallons of water per day or more than 1,825,000 gallons per year shall provide a water conservation plan in their development proposal. The plan shall consist of, but not be limited to:
 - (a) Water conservation measures which will demonstrably decrease typical water consumption patterns for the proposed use.
 - (b) Plans to utilize treated effluent or water rights from Paradise Creek as a secondary water source.

(B) Sewage disposal –

1. An applicant shall provide for on-site sewage disposal through an on-site septic system, sewage lagoon system or alternative system approved by the Washington State Department of Ecology, the Washington State Department of Health and/or the Whitman County Environmental Health Division.
2. A sewage system design of appropriate quality and capacity must be approved by the permitting authority prior to issuance of a building permit.

(C) Utilities -

1. Utilities within a site shall be placed underground. It is the intent that whenever feasible, there shall be a consolidation of utilities into one trench in a common easement.
2. Utilities shall be located underground where possible, with the following exceptions:
 - (a) Existing overhead electrical utilities may be maintained, replaced or upgraded.
 - (b) One overhead heavy feeder tie will be allowed between Sunshine Road and Airport Road in order to connect the Pullman and Moscow feeder. Three route options shall be prepared and submitted to the SPRC and the Board of Adjustment for their decision.
 - (c) Other new electrical utility connections of less than 115 kV, such as feeder lines at 13 kV, if technically and economically feasible to be placed underground, shall be underground.
 - (d) As road improvements are made within the S-PMC, it is recommended that utility companies (electrical, telephone, television cable, natural gas) work with the road agency to lay conduit in anticipation of future needs.
 - (e) At the time of adoption of this ordinance, there are 115 kV electrical lines running east and west, both north and south and outside of the south corridor boundaries. There may be slight encroachment of the northern line in sections 36, 31 and 32. In the event that future electrical demand proposes further encroachment into the S-PMC, or a proposal to cross the S-PMC with these lines for which underground transmission is not practical, this proposal must be submitted to the SPRC for technical review and then brought to the Planning Commission and the Board of County Commissioners as a special amendment to this chapter. Said proposal must have three options for comparison judgments. This option also applies to any applicants who wish an exception from the requirement for underground transmission for an overhead feeder line.
 - (f) Temporary overhead service is allowed for construction purposes. A Certificate of Occupancy will not be issued until the temporary overhead service is removed.
 - (g) In the situation where on-going mining exists, overhead distribution of electrical facilities is allowed.

19.16.090(4) Traffic Access and Flow.

(A) State Route 270 access:

1. Development projects requiring access to SR 270 shall be required to comply with the WSDOT rules and regulations for utilizing access points and to consolidate access points within a site, negotiate for the use of an alternative access point along SR 270, utilize a frontage road or propose an alternative means.
2. Approach permits to SR 270 shall be required from the WSDOT prior to project approval.
3. Level of Service: An index of the operational performance of traffic on a given traffic lane, carriageway, road or intersection, based on service measures such as delay, degree of saturation, density and speed during a given flow period. Six levels are defined as "A" through "F" with "A" being the best operating conditions and "F" being the worst.
 - (a) Developments which reduce the Level of Service (LOS) on nearby streets, roads or highways, may be required to make provisions for remediation. LOS standards will be assessed

in accordance with WSDOT standards and the current edition of the TRB “Highway Capacity Manual.” The developer may be required to bear all expenses to make provisions, such as additional lanes, turn lanes or traffic control devices to offset the impacts of the development on the LOS. Improvements will be required to be completed before occupancy of structures is granted. Bonding for improvements or receipt of the required improvement fees may be accepted in lieu of completing the required improvements.

(b) The County Engineer will establish acceptable LOS for traffic at Whitman County intersections. LOS will be used to determine the impacts on the road system by land development proposals. The minimum acceptable LOS is “C” for paved rural county roads.

(c) WSDOT will establish acceptable LOS for traffic at State Route intersections. LOS will be used to determine the impacts on the road system by land development proposals.

(B) Frontage roads:

1. Privately constructed frontage roads intended to be dedicated shall meet Whitman County road design standards as set forth by Whitman County Codes or as required by the County Engineer.
2. Service roads, private roads, connector roads and service drives should be at right angles to the frontage road.
3. Maximum grade for public access roads is twelve percent.
4. All frontage roads that access land development from either a county road or SR 270 are to be constructed as private roads. Roads shall not revert to any public agency without the express written consent of the agency, through its ordinary legal process. The decision to establish any road as an agency road shall rest solely with the agency. Whitman County may require that a road be upgraded to current County standards, as set by the County Engineer, prior to adoption as a county road. Private roads to or within the development are the sole responsibility of the owner.

(C) On-site Traffic:

Roadways within a project shall comply with the current edition of the International Building Code (IBC) as adopted by the Board of County Commissioners, Building and Fire Codes and the requirements of the County Engineer.

(D) Parking and pedestrian access:

1. Parking
 - (a) The approach, number and design of parking spaces shall meet the standards of the Whitman County Zoning Ordinance and requirements of the Americans with Disabilities Act (ADA).
 - (b) Parking areas should be broken up into units of no more than 60 spaces, separated by interior landscaping, buildings, walkways and/or berms.
 - (c) Smaller, distinct islands of parking may be scattered around the site to access dispersed destination points.
 - (d) Parking islands shall channel traffic through the site in a logical manner. Designs which permit vehicles to crisscross the intended direction of travel shall be avoided.
 - (e) Parking and loading areas must provide for snow removal access and drainage with a grade of at least two percent (2%).
2. Loading Zones: Service entrances, such as loading docks and garbage pick-up areas, shall be screened from view, in accordance with Section 19.16.090(6).
3. Pedestrian facilities:

(a) All pedestrian routes shall address avenues of approach for people who are physically challenged. Emphasis shall be on barrier-free access throughout, with grade limitations between the handicap parking and any public building entrance.

(b) Pedestrian walkways shall be separated from vehicle traffic by curbing, landscaping, and/or other physical barriers.

[1] Rolled curbs or other means shall be used to define the pedestrian zone without obstructing emergency access.

[2] Crosswalks and other areas where pedestrians are channeled into a vehicle right-of-way shall be well lighted and clearly marked with painted lines, elevated crosswalks or varying materials such as a concrete crosswalk that contrasts with the surrounding asphalt.

[3] Pedestrian walkways should be integrated with parking island design to provide landscaped avenues to and from parking areas. Preferred designs keep pedestrians from walking in traffic.

19.16.090(5) Structures.

(A) Site design and design of structure:

1. Siting of structures and outdoor storage areas shall minimize disturbance to existing natural topography.
2. Preference will be given to development proposals in which structures and related facilities are clustered within a site and/or between sites.
3. The design of structures on the site shall meet all applicable provisions of the Whitman County Zoning Ordinance and the current edition of the International Building Code (IBC) as adopted by the Board of County Commissioners, as now or hereafter amended.
4. Structures shall be no higher than 35 feet, excepting Antenna Support Structures as approved by the Board of Adjustment via the conditional use process, as defined in section 19.03.140 of the Whitman County Zoning Ordinance. Accessory structures may exceed these height restrictions at the discretion of the SPRC. (Revised 5/14/01, Ordinance # 058050)
5. Buildings shall be separated by twelve (12) feet or more, measured from the most far-reaching projection from the subject structure at the point closest to the neighboring structure.

19.16.090(6) Landscaping.

Landscaping requirements in the S-PMC are for the purpose of providing a filtered view of developed sites; providing a buffer to protect environmentally sensitive areas; providing a natural means to prevent erosion, slow storm water run-off and prevent sedimentation of surface waters; providing a natural means to shield properties from sun and wind and air-borne pollutants; and for aesthetic enhancement. A landscape plan and management schedule is required as part of the zoning approval process. The plan should explain the objective of the design such as to screen, to block, to frame or so forth.

(A) Landscape requirements - Screening can mean a filtered or blocked view:

1. Perimeter screening is to provide an all-season visual separation between adjacent land uses and to screen views of industrial and commercial land uses from SR 270. Perimeter landscaping shall be provided at the front (as viewed from SR 270) and the sides of sites. Screening shall be provided at the rear of sites when they are adjacent to non-agricultural uses.
2. Additional screening may be required between dissimilar land uses, at the discretion of the SPRC.

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3. Additional buffer areas may be required to shield designated environmentally sensitive areas from incompatible land uses, at the discretion of the SPRC.
4. Internal landscaping shall shield views of outdoor storage, service, parking and loading areas from the road and from adjacent uses.
5. Screening may be provided by existing vegetation, landscaped areas, a combination of berms and landscaping, or a combination of fencing and landscaping. The use of trees and vertical growing shrubs for screening is encouraged.
6. When planted to meet perimeter screening objectives, trees and vertical growing shrubs shall be a minimum of four feet in height at the time of planting and of a species hardy to the area.

(B) Landscape requirements - Materials and design:

1. The use of landscape materials which are planted to achieve a variety of heights, shapes and/or textures at maturity is encouraged; for example, a combination of evergreen and deciduous trees, shrubs and ground cover.
2. Existing trees shall be retained when possible.
3. Fencing materials shall be attractive and durable and should compliment or blend with the natural colors of the surrounding environment.
4. Screening achieved solely with landscape materials shall consist of a landscaped strip at least 10 feet wide and an overall average of 20 feet; screening achieved with a combination of berms and landscape materials shall be a minimum of 35 feet wide.
5. Landscaping for surfaced parking lots shall, at minimum, equal ten percent (10%) of parking areas on interior planting and include one tree for every 10/20 (single/double row) parking spaces. In addition:
 - (a) Choice of tree types should address drought tolerance. Evergreens should be mixed with deciduous trees to provide year-round visual relief. Interior trees should provide shade for the parking lot in summer.
 - (b) Interior lot screening should include shrubbery chosen to be maintained at a height of three feet (3'). The intent is to screen the reflective lower portion of parked cars, yet provide an unobstructed view for pedestrians and other moving vehicles.
 - (c) Avoid obstructing views of crosswalks, intersections and streetlights.
 - (d) Minimum size of shrubs at planting shall be one foot in height.
 - (e) Trees shall be set back a minimum of three feet (3') from curbs and shall be a minimum of four feet tall at planting.

(C) Landscape requirements - Maintenance

1. Provisions shall be made for the on-going maintenance, including irrigation of landscaped areas as necessary.
2. Trees and shrubs which die within twelve months of planting must be replaced no later than the next growing season.

19.16.090(7) Cluster Development.

Landscaping, screening and parcel frontage requirements may be relaxed at the discretion of the SPRC, if two or more of the following conditions are met by a development which is planned contiguous to an existing development:

- (A) Shared parking.

(B) Shared private access roads and/or service drives.

(C) Clustering of structures so as to provide significant, dedicated open areas.

19.16.090(8) Signs and lighting.

The purpose of signs and lighting standards in the S-PMC is to promote safe driving conditions in addition to business identification, personal safety and vehicle safety in an aesthetic way. Sign standards must be met for all project proposals for new construction. In addition, existing signs in the S-PMC shall meet these standards within five years of the adoption of this chapter. Marking and lighting of safety hazards and directional signs shall be exempt from this chapter when installed by or at the request of a public entity having jurisdiction.

(A) Sign requirements - Type, design and content:

1. All permanent signs must be of a durable nature; the on-going use of temporary and/or portable signs is prohibited.
2. The display of one temporary sign for a maximum of 60 days shall be allowed. Temporary signs include signs such as For Sale, For Rent, Auction, Grand Opening signs and contractor's signs during construction.
3. Sign content shall be restricted to the business name, primary business purpose and business address of the operation.
4. Business identification signs, if illuminated, shall be so constructed as to not create glare on adjacent parcels and shall not pose a hazard to motorists.
5. No blinking, flashing or similar intermittent lighting or revolving signs are allowed. Electronic changeable copy signs are allowed.
6. Freestanding billboards are prohibited. Those billboards and other non-conforming signs which were legally constructed or installed prior to the enactment of the 1979 Zoning Ordinance will be grandfathered as a non-conforming use; these signs may not be enlarged or relocated, and if their use is discontinued for six months or more, these signs must be removed. Other signs which were constructed or installed after the enactment of the 1979 ordinance, must be removed no later than one year after the adoption of this ordinance amendment. No new non-conforming signs or billboards will be allowed.
7. Signs which are abandoned, unsafe, damaged, or obsolete must be removed by the owner or will be removed at the owner's expense by Whitman County Department of Public Works.

(B) Sign requirements - Quantities, dimensions and location:

1. Wall signs, wall-mounted signs and roof signs shall not exceed 120 square feet in size, per side.
2. No business shall have more than one free-standing business identification sign and one sign attached to the primary business structure, except certain franchise or other business sign requirements may be allowed at the sole discretion of the County Planner. An exception exists for identification, directional or safety signs within a site which are not visible from a public road.
3. Business identification signs attached to a structure shall not exceed the height of the highest roof ridge line on the structure or in the case of free-standing signs, the bottom of the sign shall be no higher than 15 feet above adjacent road grade elevation and the top of the sign shall be no higher than 30 feet above the same adjacent road grade elevation.
4. Signs must meet setback requirements of ten feet.

(C) Lighting requirements - Location and design:

1. Lighted signs are subject to the requirements listed above.
2. Exterior site lighting may be required for surveillance purposes, at the discretion of the SPRC.
3. Exterior site lighting shall be arranged so it is deflected away from adjacent properties.
4. Exterior lighting shall not create glare which would interfere with safe transportation in the S-PMC.
5. Exterior lighting shall be of a “full-cut-off” design in order to minimize light pollution.

19.16.100 SEVERABILITY

If any provision of this chapter or its application to any person or circumstance is held invalid for any reason, the remainder of the chapter or the application of the chapter to other persons or circumstances shall not be affected.

CHAPTER 19.20 – HEAVY COMMERCIAL DISTRICT

Section 19.20.010 – Purpose and Intent.

The Heavy Commercial District provides areas and minimum standards for businesses providing sales or services related to transportation, construction, warehousing or agriculture in locations where noise, dust, and traffic impacts of these uses will have minimal impacts on surrounding uses, in accordance with the guidelines in the Comprehensive Plan and this title.

Section 19.20.020 - Permitted Uses.

1. Transportation providers, such as motor vehicle freight-lines and similar uses.
2. Storage facilities for personal property, commercial goods or commodities such as warehouses, or mini-warehouses and similar uses. (Revised 3/24/03, Ordinance # 060953)
3. Sales of services to the agricultural sector, such as agriculture supply cooperatives, custom fertilizer application services, and similar uses. (Revised 3/24/03, Ordinance # 060953)
4. Concrete and asphalt plants.
5. Seed packaging, storage and sales.
6. Other similar uses that provide retail sales and which, because of noise, dust, traffic or the nature of materials stored should be located outside of an urbanized area.
7. Accessory uses and structures incidental to the above-mentioned uses, such as loading platforms, yard offices, truck scales, holding ponds, garages, tool sheds, and similar uses and structures.
8. Small-Antenna facilities and Antenna Support Structures up to 40 feet in height in conformance with the requirements of Section 19.58 - Communication and Utility Facilities.
9. Home-based businesses (when a residence has been allowed by conditional use in a particular HC zone) 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)

10. Levels 1, 2 and 3 Electric Vehicle Charging Stations.

Section 19.20.030 - Lot Size Requirements.

The minimum lot size for principal uses permitted in this district shall be the minimum necessary to comply with the provisions of this title and the minimum necessary to safely accommodate water supply and on site sewage disposal systems as approved by the Whitman County Department of Environmental Health.

Section 19.20.040 - Yard Requirements.

1. The minimum front yard setback for all principal and accessory uses shall be 35 feet from the public right-of-way. On corner lots, this setback shall apply to both streets.
(Revised 3/24/03, Ordinance # 060953)

CHAPTER 19.21 - AIRPORT COMMERCIAL DISTRICT

Section 19.21.010 - Purpose and Intent.

The purpose of the Airport Commercial District is to provide an area and minimum standards for commercial airport operations and aviation-related commercial uses.

(Revised 3/24/03, Ordinance # 060953)

Section 19.21.020 - Permitted Uses.

1. All uses and accessory structures necessary for the storage, servicing and sales of aircraft and aviation supplies; control of air traffic; and the provision of facilities and services for aircraft passengers.
2. Eating establishments primarily serving air terminal passengers and personnel.
3. Any use permitted in Section 19.30.020 (Light Industrial District) provided it is demonstrated such use requires access to air transportation.
4. Small-Antenna facilities and Antenna Support Structures up to 40 feet in height in conformance with the requirements of Chapter 19.51 - Airport Landing Zone Overlay District and Chapter 19.58 - Communication and Utility Facilities.
5. Vehicle parking. (Revised 3/24/03, Ordinance # 060953)
6. Home-based businesses (when a residence has been allowed by conditional use in a particular HC zone) 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)
- 7. Levels 1, 2 and 3 Electric Vehicle Charging Stations.**

Section 19.21.030 - Lot Size Requirements.

The minimum lot size for principal uses permitted in this district shall be the minimum necessary to comply with the provisions of this title and the minimum necessary to safely accommodate water supply and, if necessary, on-site sewage disposal systems as approved by the Whitman County Department of Environmental Health.

Section 19.21.040 - Yard Requirements.

1. The minimum front yard setback for all principal and accessory uses from a public right-of-way shall be fifteen 15 feet. On corner lots, this setback shall apply to both streets.
2. The minimum side and rear-yard setbacks for all principal and accessory uses shall be 10 feet.
(Revised 3/24/03, Ordinance # 060953)

Section 19.21.050 - Height of Buildings.

Maximum height of buildings and structures shall be governed by the limits defined in the Airport Landing Hazard Overlay Zone.

CHAPTER 19.22 – HIGHWAY/WATERWAY COMMERCIAL DISTRICT

(Adopted 4/8/2002; Ordinance #059507)

Section 19.22.010 - Declaration of Intent.

The Highway Commercial District provides areas and minimum standards for businesses providing sales or services to the traveling public in locations where noise, dust, and traffic impacts of these uses will have minimal impacts on surrounding uses, in accordance with the guidelines in the Comprehensive Plan and Section 19.20.015 of this Ordinance. The decision to grant this zone shall consider the potential adverse impacts to the local small municipality. Adverse economic impact can be a basis for Planning Commission or Board of County Commissioners denial of the proposed zone change.

Section 19.22.015 – Possible Locations of this District.

The zone must either abut the intersection, or be within 1,000 feet of the intersection, as measured from the intersecting centerlines and up the centerline of the road that provides access.

1. This zone may be created along the intersection of two state highways, if the state allows access from one of the state highways.
2. This zone may be created along the intersection of a state highway and paved county road, if the county allows access from the county road.
3. This zone may be created along waterways within Port of Whitman County facilities.

Section 19.22.020 - Permitted Uses.

1. Convenience store with fueling facilities.
2. Truck stop fueling facilities.
3. Vehicle repair with fueling facilities.
4. Other businesses providing sales or services to the traveling public, such as restaurants, gift shops, and similar uses.
5. Motels & hotels
6. Temporary or seasonal produce stands, provided that adequate off-street parking is available, traffic visibility or traffic flows are not adversely affected.
7. Accessory uses and structures incidental to the above-mentioned uses, such as loading platforms, holding ponds, garages, tool sheds, and similar uses and structures.
8. Small-Antenna facilities and Antenna Support Structures up to 40 feet in height in conformance with the requirements of Section 19.58 - Communication and Utility Facilities.
- 9. Levels 1, 2 and 3 Electric Vehicle Charging Stations.**

CHAPTER 19.30 – LIGHT INDUSTRIAL DISTRICT

Section 19.30.010 – Purpose and Intent.

The purpose of the Light Industrial District is to provide minimum standards for the development of sites for establishments producing higher value products, such as: processed foods, recreational, scientific or business supplies and related compatible uses such as warehouses or service industries--provided that no use provides retail

sales at the point of manufacture or causes hazardous or obnoxious conditions due to emissions, or outdoor storage of materials.

Section 19.30.020 - Permitted Uses.

1. The manufacture, processing, compounding, storage, packaging, or treatment of food products.
2. The manufacture, assembly, compounding, packaging, or treatment of products similar to the following: scientific, business or industrial machinery or instrumentation; recreational equipment and clothes; drugs, cosmetics or toiletries, finished hardware products or construction specialties; mobile or modular homes.
3. Research, experimental or testing laboratories.
4. Professional services associated with the construction industry such as: architects, engineers, construction management, developers and planners.
5. Transportation providers, such as motor freightlines.
6. Wholesale businesses selling finished goods stored within buildings.
7. Warehouses.
8. Businesses providing services to industries and business such as: repair, technical or facility maintenance services.
9. Accessory uses and structures incidental to the above-mentioned uses.
10. Home-based businesses (when a residence has been allowed by conditional use in a particular LI zone) 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) and revised 10/27/08, Ordinance #068836).

11. Levels 1, 2 and 3 Electric Vehicle Charging Stations.

Section 19.30.030 - Lot Size Requirements.

The minimum lot size for principal uses permitted in this district shall be the minimum necessary to comply with the provisions of this title and the minimum necessary to safely accommodate water supply and, if necessary, on-site sewage disposal systems as approved by the Whitman County Department of Environmental Health.

CHAPTER 19.31 – HEAVY INDUSTRIAL DISTRICT (HI)

Section 19.31.010 – Purpose and Intent.

The purpose of the Heavy Industrial District is to provide use standards suitable to the needs of primary manufacturing industries, as well as transportation-oriented activities located at the Snake River public ports. These standards are intended to provide maximum flexibility in the use of appropriate areas.

Section 19.31.020 - Permitted Uses.

1. Transportation providers, such as motor vehicle freight-lines and similar uses.
2. Storage facilities for personal property, commercial goods or commodities such as warehouses, or mini-warehouses and similar uses.
3. Sales of services to the agricultural sector, such as agriculture supply cooperatives, custom fertilizer application services, and similar uses.
4. Concrete and asphalt plants.

5. Seed packaging, storage and sales.
6. Other similar uses that provide retail sales and which, because of noise, dust, traffic or the nature of materials stored should be located outside of an urbanized area.
7. The manufacture, processing, compounding, storage, packaging or treatment of food products.
8. The manufacture, assembly, compounding, packaging or treatment of products similar to the following: scientific, business or industrial machinery or instrumentation; recreational equipment and clothes; drugs, cosmetics or toiletries; finished hardware products or construction specialties; mobile or modular homes.
9. Research, experimental or testing laboratories.
10. Professional services associated with the construction industry such as: architects, engineers, construction management, developers and planners.
11. Wholesale businesses selling finished goods stored within buildings.
12. Warehouses.
13. Businesses providing services to industries and business such as: repair, facility maintenance services.
14. Utility storage and transportation facilities, e.g. Inland, Avista.
15. Utility substations.
16. Industrial uses involving the manufacture, processing, assembly or packaging of man-made or raw materials, except those that have been declared a nuisance by statute, ordinance, or are known to create impacts by the emission of hazardous fumes; or handling of volatile or explosive materials, to the detriment of other land uses.
17. Small-Antenna facilities and Antenna Support Structures up to 40 feet in height in conformance with the requirements of Chapter 19.58 - Communication and Utility Facilities.
18. Accessory uses and structures incidental to the above-mentioned uses, such as loading platforms, yard offices, truck scales, holding ponds, garages, tool sheds, and similar uses and structures. (This section was revised 3/24/03, Ordinance # 060953)
19. Home-based businesses (when a residence has been allowed by conditional use in a particular HI zone) 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) and revised 10/27/08, Ordinance #068836).
- 20. Levels 1, 2 and 3 Electric Vehicle Charging Stations.**

Section 19.31.030 - Lot Size Requirements.

The minimum lot size for principal uses permitted in this district shall be the minimum necessary to comply with the provisions of this title and the minimum necessary to safely accommodate water supply and onsite sewage disposal systems as approved by the Whitman County Department of Environmental Health.

Section 19.31.040 - Yard Requirements.

1. The minimum setback from the right-of-way of any primary or secondary arterial shall be 35 feet for all primary and accessory uses, excepting that:
 - a. Fences shall have a minimum setback of 10 feet from a public right-of-way;
 - b. No setback shall be required from waterfronts or spur rail lines.
 - c. Antenna support structures are exempt from these setbacks, but must conform to requirements in Section 19.58.050 [5]. (Revised 5/14/01, Ordinance # 058050)
2. The minimum setback from all other public roads shall be 10 feet from the right-of-way.

3. The minimum side-yard setback shall be 10 feet, excepting that this requirement may be modified by the Planning Office if it is demonstrated that adequate fire access is provided to side yards.
4. The minimum rear-yard setback shall be 10 feet, except where a larger setback is required by Section 19.31.040[1] above.

CHAPTER 19.40 – RURAL COMMUNITY RESIDENTIAL DISTRICT (RCR)

Section 19.40.010 - Declaration of Intent.

The purpose and intent of the RCR district is to provide a single-family residential zone for the unincorporated rural communities of the County. The intent of this district is the preservation of a rural agriculturally-oriented life style including the keeping of animals for pleasure or profit, retaining low to medium density development, and providing for a mixture of residential uses with buildings necessary to farming operations.

Section 19.40.020 - Permitted Uses.

1. One and two-family dwelling units, including mobile homes.
2. All agriculture, horticulture, general farming, grazing of livestock, nurseries, greenhouses and other similar enterprises excluding agricultural uses which would be a nuisance because of continuing noise, odor or air pollution problems, such as feed lots, fertilizer or petroleum products storage, commercial poultry operations.
3. The usual accessory structures located on the same lot with these buildings, including temporary stands for the sale of products produced on the premises.
4. A garage or group of garages containing space for private storage and maintenance of automobiles, trucks and farm equipment.
5. Private storage facilities for agricultural products or materials necessary for agricultural activities.
6. The raising of animals for the private use and enjoyment of the resident at the recommended densities in Section 19.40.060 which may be varied as long as a health hazard or nuisance is not created.
7. Small-Antenna facilities and Antenna Support Structures up to 40 feet in height in conformance with the requirements of Section 19.58 - Communication and Utility Facilities.
8. 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)
- 9. Level 1 and Level 2 Electric Vehicle Charging Stations.**

Section 19.40.030 - Lot Size Requirements.

1. Building site area required: not less than 10,000 sq. ft. with a minimum boundary of 75 ft. on any side for single-family dwellings.
2. Building site area required: not less than 15,000 sq. ft. with a minimum boundary of 125 ft. on any side for two-family dwellings.
3. Each building site must conform to existing rules and regulations of the State Board of Health for On-Site Sewage Disposal and Water System administered by the County Health Department.
4. Maximum lot coverage allowed: not greater than 35 % of the total lot area.

Section 19.40.040 - Yard Requirements.

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1. Setback required: the minimum setback for dwellings and accessory buildings from property boundaries shall be 25 ft. for front and rear yards and 5 ft. for side yards, except 15 ft. for side yards along flanking street on a corner lot.
2. Animal sheds, barns and stables shall be set back at least 10 feet from any lot line.

Section 19.40.050 - Height of Buildings.

No building shall exceed a height of thirty-five [35'] feet or two stories, except grain storage facilities.

Section 19.40.060 – Animal Density Regulations.

The following limits shall apply to animals on lots as a permitted use:

1. Rabbits and poultry at a density of 12 animals per lot, not including young less than one month of age;
2. Horses and cattle or a combination of each at a density of two animals per acre, not including young under one year of age, and provided that year-round vegetation is maintained in the area of confinement;
3. Sheep, goats or a combination of each at a density of four animals per acre, not including young under one year of age, and provided that year-round vegetation is maintained in the area of confinement;
4. Two adult pigs and young up to three months of age as long as a nuisance of odor or otherwise are not created;
5. For the keeping of a combination of sheep, goats or pigs and horses or cattle, the density shall be determined on the basis that two sheep, goats or pigs are equal to one animal unit of a horse or cow.

Section 19.40.070 - Conditional Uses.

1. Home-based businesses that exceed the threshold of a permitted use may be allowed as an administrative or a conditional use. (For more information on home-based businesses permitting, see Chapter 19.56.) (Revised April 21, 2008; Resolution No. 068024)
2. Schools;
3. Churches;
4. Community club houses or other buildings for private or public activities;
5. Public or private parks, playgrounds or recreational areas;
6. Buildings necessary for government or public utility functions;
7. Raising animals for profit at densities greater than those specified in Section 19.40.060, the Board of Adjustment shall consult with the County Health Department to develop special provisions of the permit to be taken by the operator. These specifications will include animal density maximums;
8. Mobile home parks as defined in Chapter 19.55 of this title.
(Revised 2/7/11, Ordinance #071612).

Section 19.40.080 – Administrative Uses.

1. Level 3 Electric Vehicle Charging Stations.

CHAPTER 19.41 – RURAL COMMUNITY CENTER DISTRICT (RCC-1)

Section 19.41.010 - Declaration of Intent.

The purpose and intent of the RCC-1 district is to provide a mixed residential and commercial zone in unincorporated communities. Commercial uses allowed shall be of a type and scale to be primarily patronized by local residents.

Section 19.41.020 - Permitted Uses.

1. One-and two-family dwellings, including mobile homes.
2. Small businesses providing retail sales or professional services.
3. 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)
4. Gas station or garage.
5. Blacksmith or farrier.
6. Other commercial uses of the general small-scale nature of the above-listed uses.
7. Private storage facilities for agricultural products or materials necessary for agricultural activities.
8. Accessory uses and structures common or incidental to the permitted use, located on the same lot.
9. A garage or group of garages containing space for private storage and maintenance of automobiles, farm equipment or vehicles associated with the commercial uses permitted.
10. Small-Antenna facilities and Antenna Support Structures up to 40 feet in height in conformance with the requirements of Section 19.58 - Communication and Utility Facilities.
- 11. Level 1 and Level 2 Electric Vehicle Charging Station.**

Section 19.41.030 - Lot Size Requirements.

1. Building site area required: not less than 5,000 sq. ft. with a minimum boundary of 50 ft. on any side for single-family dwellings.
2. Building site area required: not less than 10,000 sq. ft., with a minimum of 100 ft. on any side for two-family dwellings.
3. Building area site required: not less than 5,000 sq. ft., with a minimum boundary of 50 ft. on any side for any commercial use.
4. Maximum lot coverage allowed: no greater than 35% of the total lot area.
5. Each building site must conform to existing rules and regulations of the State Board of Health for On Site Sewage Disposal and Water Systems as administered by the County Health Department.

Section 19.41.040 - Yard Requirements.

1. Setback required: the minimum setback for dwellings and accessory buildings from property boundaries shall be 25 ft. for front and rear yards and 5 ft. for side yards, except 15 ft. for side yards along flanking street or corner lot.
2. Animal sheds, barns and stables shall be set back at least 10 ft. from any lot line.

Section 19.41.050 - Height of Buildings.

The height limit shall not exceed 35 feet or two stories, except grain storage facilities.

Section 19.41.060 - Conditional Uses.

1. Raising of livestock, poultry, and rabbits for private use and enjoyment may be permitted at the following densities:
 - a. Rabbits and poultry at a density of twelve animals per lot, not including young less than one month of age;
 - b. Horses and cattle or a combination of each at a density of two animals per acre not including young under one year of age, and provided that year-round vegetation is maintained in the area of confinement;
 - c. Sheep, goats or a combination of each at a density of four animals per acre, not including young under one year of age and provided that year-round vegetation is maintained in the area of confinement;
 - d. Two adult pigs and young up to three months of age as long as a nuisance of odor or otherwise are not created;
 - e. For the keeping of a combination of sheep, goats of pigs and horses or cattle, the density shall be determined on the basis that two sheep, goats or pigs are equal to one animal unit of a horse or cow.
2. Agriculture related commercial uses, including grain storage elevators, greenhouses and fertilizer distribution, but excluding agricultural chemical manufacture.
3. Restaurants, not including drive-ins.
4. Schools.
5. Churches.
6. Community club houses or other buildings for private or public activities.
7. Public or private parks, playgrounds or recreational areas.
8. Mobile home parks as defined in Chapter 19.55 of this title.
9. Off-street parking and loading or unloading facilities may be required by the Board of Adjustment in Association with any Conditional Use Permit.
- 10.[Blank]
- 11.Home-based businesses that exceed the threshold of a permitted use may be allowed as an administrative or a conditional use. (For more information on home-based businesses permitting, see Chapter 19.56.) (Revised April 21, 2008; Resolution No. 068024) (Revised 2/7/11, Ordinance #071612).

Section 19.41.070 – Administrative Uses.

1. Level 3 Electric Vehicle Charging Stations.

CHAPTER 19.42 – RURAL COMMUNITY COMMERCIAL DISTRICT (RCC-2)

Section 19.42.010 - Declaration of Intent.

The purpose and intent of the RCC-2 District is to provide a commercial zone for those commercial uses clearly intended to serve the local community and travelers in unincorporated rural agriculturally-oriented communities.

Section 19.42.020 - Permitted Uses.

1. One-and two-family dwellings, including mobile homes.
2. Commercial grain elevators.

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3. Small business providing retail sales or professional services.
4. Home-based businesses utilizing only those accessory buildings and structures permitted under this chapter that do not alter the character of the neighborhood in terms of the following influences, 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)
5. Gas station or garage.
6. Mechanic shop.
7. Blacksmith or farrier.
8. Restaurants.
9. Motel.
10. Other commercial uses of this general small-scale nature.
11. Schools.
12. Churches.
13. Community club houses or other buildings for private or public activities.
14. Public or private parks, playgrounds or recreational areas.
15. The usual and necessary accessory uses and structures located on the same lot with a permitted use.
16. A garage or group of garages containing space for automobiles and vehicles associated with the commercial uses permitted.
17. Small-Antenna facilities and Antenna Support Structures up to 40 feet in height in conformance with the requirements of Section 19.58 - Communication and Utility Facilities

18. Level 1 and Level 2 Electric Vehicle Charging Stations.

Section 19.42.030 - Lot Size Requirements.

1. Building site area required: not less than 5,000 sq. ft., a minimum boundary of 50 ft. on any side for single-family dwellings.
2. Building site area required: not less than 10,000 sq. ft., a minimum boundary of 100 ft. on any side for two-family dwellings.
3. Maximum building site for commercial use: 12,000 sq. ft. except motels and agriculture-related uses.
4. Maximum lot coverage: 80% of total lot area.
5. Each building site must conform to existing Rules and Regulations of the State Board of Health of On-Site Sewage Disposal and Water Systems as administered by the County Health Department.

Section 19.42.040 - Yard Requirements.

Setback required:

1. The minimum setback from property boundaries shall be 10 feet for front and rear yards.
2. No setback shall be required for side yards except 10 feet shall be required for side yards on a flanking street or corner lot.
3. Rural Community Residential setbacks shall apply whenever a lot in the Rural Community Commercial District adjoins a Rural Community Residential District.
4. Where a side yard of less than five feet is provided, access width must exist to the rear of the building of sufficient size to provide access for fire and other forms of emergency equipment.

Section 19.42.050 - Height of Buildings.

Height Limit: no building shall exceed a height of 35 feet or two stories, except grain storage facilities.

Section 19.42.060 - Commercial Use Restrictions.

All business, service, repair, storage, shall be conducted wholly within an enclosed building except for off-street parking or loading and unloading and merchandise display. Uses permitted under 19.42.020(10) and 19.42.030(3) shall have a maximum floor area of fifteen hundred (1500) square feet, including public areas and areas not open to the general public but reserved for office space and storage of materials related to the commercial uses of the building.

Section 19.42.070 - Conditional Uses and Administrative Permits.

1. Agriculture-related commercial uses, fertilizer distribution, and greenhouses, but excluding agricultural chemical manufacture.
2. Personal service shops, including barber, beauty parlor, car wash, and laundromat, subject to the same building site area restrictions as apply to principal uses permitted outright.
3. Home-based businesses that exceed the threshold of a permitted use may be allowed as an administrative or a conditional use. (For more information on home-based businesses permitting, see Chapter 19.56.) (Revised April 21, 2008; Resolution No. 068024)
4. An Administrative Use Permit shall be required for:
 - a. Support structure facilities, (towers and accessories) for antennae and other similar uses greater than forty (40) feet in height subject to the requirements of Section 19.58 - Communication and Utility Facilities. (Revised 2/7/11, Ordinance #071612).
 - b. **Level 3 Electric Vehicle Charging Stations.**

CHAPTER 19.45 – ELECTRIC VEHICLE INFRASTRUCTURE

Section 19.45.010 – Purpose and Intent.

During the 2009 session the Washington State Legislature passed House Bill 1481 (HB 1481), an Act relating to electric vehicles. The Bill addressed electric vehicle infrastructure including the structures, machinery and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations and battery exchange stations.

The purpose of HB 1481 is to encourage the transition to electric vehicle use and to expedite the establishment of a convenient and cost-effective electric vehicle infrastructure that such a transition necessitates. The Legislature agreed that the development of a convenient infrastructure to recharge electric vehicles is essential to increase consumer acceptance of these vehicles.

RCW 36.70.695 requires that Whitman County must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas by July 1, 2011.

Section 19.45.020 - Definitions.

1. **“Battery charging station”** means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.
2. **“Battery electric vehicle (BEV)”** means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

3. **“Battery exchange station”** means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540.
4. **“Charging levels”** means the standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged. The terms 1, 2, and 3 are the most common EV charging levels, and include the following specifications:
 - Level 1 is considered slow charging.
 - Level 2 is considered medium charging.
 - Level 3 is considered fast or rapid charging.
5. **“Electric scooters and motorcycles”** means any 2-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries and produces zero emissions or pollution when stationary or operating.
6. **“Electric vehicle”** means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.
7. **“Electric vehicle charging station”** means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.
8. **“Electric vehicle charging station — restricted”** means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).
9. **“Electric vehicle charging station — public”** means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking) or (2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots).
10. **“Electric vehicle infrastructure”** means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.
11. **“Electric vehicle parking space”** means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.
12. **“Medium-speed Electric Vehicle”** means a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Sec. 571.500.
13. **“Neighborhood Electric Vehicle”** means a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500.
14. **“Non-Electric Vehicle”** means any motor vehicle that does not meet the definition of “electric vehicle.”
15. **“Plug-in hybrid electric vehicle (PHEV)”** means an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may

additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

16. “Rapid charging station” means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by chapter 19.28

Section 19.45.030 – Zoning and Development Standards for EV Charging Stations.

Zone	Level 1 Charging Station	Level 2 Charging Station	Level 3 Charging Station
Agricultural District	P	P	AUP
Cluster Residential District	P	P	AUP
North PMC District	P	P	CUP
South PMC District	P	P	CUP
Heavy Commercial District	P	P	P
Airport Commercial District	P	P	P
Highway/Waterway Commercial District	P	P	P
Light Industrial District	P	P	P
Heavy Industrial District	P	P	P
Rural Community Residential (RCR)	P	P	AUP
Rural Community Center (RCC-1)	P	P	AUP
Rural Community Commercial (RCC-2)	P	P	AUP

P – Permitted Use

AUP – Administrative Use Permit

CUP – Conditional Use Permit

Levels 1, 2, and 3 EV charging stations are subject to the following requirements:

1. Electric vehicle charging stations are reserved for parking and charging electric vehicles only.
2. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
3. Any electric vehicle in any designated electric vehicle charging station space and not electrically charging or parked beyond the days and hours designated on regulatory signs posted at or near the space, shall be subject to a fine and/or removal. For purposes of this subsection, “charging” means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.
4. Appropriate signs and markings are to be placed in and around electric vehicle charging station spaces, indicating prominently thereon the parking regulations. The signs shall define time limits and hours of operation, as applicable, shall state that the parking space is reserved for charging electric vehicles and that an electric vehicle may only park in the space for charging purposes. Violators are subject to a fine and/or removal of their vehicle in the manner and subject to the requirements of RCW 46.55.113.
5. Violations of this chapter shall be punishable as infractions. Punishment shall be by a fine not to exceed the fine prescribed in accordance with section 19.05.040 of the Whitman County Code. Each day such violation is committed shall constitute a separate offense and shall be punishable as such.

Building Division:

072331 15. The 3rd quarter Building Department activity report was received from Dan Gladwill and reviewed.

11:15 a.m. – Recess.

1:30 p.m. – Reconvene/Board Business Continued/BOCC Workshop.

Present: Tim Myers.

072332 16. The following issues discussed: Firearms at county parks, Williams, LLC proposed easement, parks full for hunting season, parking bollards, additional revenue, surplus equipment, memorial services and fees at county parks, parks winterized, new trail at Kamiak Butte Park, crack sealing on Bill Chipman Palouse Trail, tree removal at Kamiak Butte Park, turf spraying, Developmental Services giving tree begins in November, Developmental Services dance, DSHS new billing system and Medicaid waiver. No action taken.

2:00 p.m. – Recess.

D072332A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Tuesday, October 18, 2011 at 2:00 p.m.** Chairman Greg Partch, Patrick J. O’Neill, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended. Commissioner Largent was unavailable.

2:00 p.m. – Board of Health.

Present: Fran Martin, Phil Hagihara and Garth Meyer.

D072332B 1. **Communicable Diseases:** Mr. Hagihara said the previous Brucellosis case was a non-infectious human strain; a report of a Hepatitis A case turned out to be non-infectious; a cat with neurologic systems tested negative for rabies.

D072332C 2. **Environmental Health:** Mr. Hagihara attended the West Coast Environmental Health conference regarding epidemiology and vaccinations; he is also obtaining a Public Health Issue Management System (PHIMS) certification in order to report to the state.

D072332D 3. **Food:** To date, 11 food permits have been issued in 2011 with the possibility of 2-3 new food establishments opening in 2012. The Food Advisory Committee will be meeting next week and the topic is the fee schedule. Mr. Hagihara has included billings in the food permit tracking system for verification purposes.

D072332E 4. **Living Environment:** Mr. Hagihara will be meeting with WSU House Directors concerning the solid waste garbage problem outside the houses. The Chairman suggested Mr. Hagihara work with the county’s Waste Reduction/Recycling Coordinator.

D072332F 5. **Septic:** There has been an increase in system failures county-wide and an increase in Rural Housing Certificates. This could be due to the creation of subdivisions in preparation to be sold.

D072332G 6. Water: With regards to the Kittitas County water issue, Michael Baker will be meeting with Kittitas County staff and will provide a written recommendation for Whitman County’s position. Commissioner Partch didn’t feel the State Supreme Court decision will have any effect on Whitman County.

D072332G 7. Administrative Updates: Ms. Martin indicated a nurse has been hired and will begin her new duties next Monday. Ms. Martin noted she is currently advertising for an Office Specialist.

072333 8. School contracts: Commissioner O’Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to enter into a nurse contract with Washtucna School District.

072334 9. Vital Records Fees: Commissioner O’Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to adopt the revised vital records fees effective 01/01/12 as presented.

**RESOLUTION NO. 072334
BOARD OF WHITMAN COUNTY COMMISSIONERS
FOR WHITMAN COUNTY, STATE OF WASHINGTON**

WHEREAS, the Board of County Commissioners for Whitman County, State of Washington, recognizes the need to have a schedule of fees for operating programs of the Whitman County Health Department;

WHEREAS, the Whitman County would like to adopt the following: Fee Schedules: Vital Records effective January 1, 2012;

WHEREAS, these essential fees will enable the Whitman County Health Department to operate and provide vital record services.

NOW, THEREFORE BE IT HEREBY RESOLVED AND AUTHORIZED that the Whitman County Health Department Vital Record Fees Schedule be adopted.

Done this 18th day of October, 2011.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY WASHINGTON

Greg Partch, Chairman

Patrick J. O’Neill, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

**Whitman County Health Department
VITAL RECORDS FEE SCHEDULE 2012
Effective January 1, 2012**

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Certified Copies of Records Birth and Death	\$20.00 each
Replacement of Certified Death copies	\$ 5.00 each if errors are made by family or funeral home
Search of records: Birth or Death (No copies)	\$ 8.00
Search of records: Birth or Death (With copies)	\$ 8.00 search fee plus charge for copies
	\$ 2.00 up to 5 copies
	\$ 5.00 5 or more copies

In accordance with RCW 70.58.107.

D072334A 10. Health Officer: Dr. Moody was in the office last week; there have been no problems contacting him when necessary. Ms. Martin is working with Marie Flake, Department of Health for Dr. Brad Bowman (new health officer) to obtain all necessary training.

D072334B 11. Immunizations: As discussed last month, the Department is dealing with the issue of immunizations for insured/non-insured clients. Insured clients are referred to their providers, otherwise the Department loses money. However, at the same time, the Department cannot refuse an immunization if the client is unable to pay. In researching this issue, they have an immunization catalog prepared by another entity. Whitman County Public Health is working on a similar process in order to be able to bill any insurance.

D072334C 12. Software Program: Ms. Martin said it has been very difficult to accomplish the state required workload with 6 less staff members than 2 years ago. Therefore, she is looking for additional revenue for Public Health. In addition, she is looking for a grant to purchase a \$700 software program that could be used by the entire county. The program looks at department structuring/restructuring priorities and being more efficient.

D072334D 13. The next Board of Health meeting is November 15th.

2:30 p.m. – Reconvene/Board Business Continued.

D072334E 17. Emergency Management will hold a Local Emergency Planning Committee (LEPC) meeting Thursday, October 20th. A Weather Service representative will speak on the potential for this winter. State and county road department staff has been invited.

072335 18. The Emergency Management description for the county website was revised by the Director and will be incorporated into the county's website.

D072335A 19. Updated required training for National Incident Management System (NIMS) will be held in November for county and city elected and senior officials in order to remain eligible for FEMA funding.

072336 20. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to sign Department of Enterprise Services funding authorization amendment #2011-189A(1) for the county's Audit and Energy Services proposal.

2:50 p.m. – Recess.

D072336A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Public Service Building, Colfax, Washington for **Wednesday, October 18, 2011 at 6:30 p.m.**

Chairman Greg Partch, Patrick J. O'Neill and Michael Largent Commissioners and Elinor Huber, Recording Clerk attended.

6:30 p.m. – Reconvened/Board Business Continued/Ruckelshaus Legislation.

Present: Alan Thomson, Whitman County Planner; Iris Mayes, Assistant County Planner; Jack Field, Executive Vice President, Washington Cattlemen's Association; John Stuhlmiller, Director of Government Relations for Farm Bureau Services; Eric Johnson, WSAC Director, Elinor Huber, Clerk and approximately 50-60 members of the general public.

072337 **21.** Greg Partch – Good evening everybody. I'm Whitman County Commissioner Greg Partch; to my left is Commissioner Michael Largent, and to my right is Commissioner Pat O'Neill. This is a Commissioner's meeting. It is an extension of our regular business in order for all three of us to come together we have to have it on our agenda and it has to be part of our meetings or our workshop.

With that, I'm going to call our meeting back to order. We are in recess from yesterday and we are going to move forward on this. The person that is going to lead this is Alan Thomson, Director of Planning and he will introduce Eric Johnson who is on the phone. So with that, this is a learning session for all of us and this is about the Ruckelshaus Legislation for environmental stewardship. With that, I will turn this over to Alan Thomson.

Alan Thomson – Thank you very much for coming here. This is an informational meeting to introduce Ruckelshaus to everyone and hopefully we all know about this but if you don't, you will be informed tonight. We will have John Stuhlmiller from the Farm Services Bureau do the main heavy lifting tonight and that is John sitting right here. This is Jack Field; he is the Executive Vice President with the Washington Cattlemen's Association. On the phone we have Eric Johnson from Washington State Association of Counties.

So John, Eric and Jack are going to be the main speakers tonight and to inform us what Ruckelshaus means to Whitman County. The Commissioners are going to have to make a choice to opt in or opt out by January 22, 2012. This is also to help the Commissioners to understand what we are dealing with and to help inform them for their decision. So I'll just hand it over to John and he will get things going.

John Stuhlmiller – Eric, did you have opening remarks before I start?

Eric Johnson – No, it is good to be on the phone because I can't be there in person.

John Stuhlmiller – Thank you very much and Commissioners it is a pleasure to be before you tonight. Let me start with just a quick run-back, a very quick sketch of how this House Bill 1886 got before you to consider the Voluntary Stewardship Program. In 2006, the Legislature passed Senate Bill 5248, which created two key things. It put a moratorium on adoption or changes to critical area ordinances as they apply to agricultural activities.

So that moratorium went into effect and during that time we had, originally we had three and a half years, we got an extension so we had four and a half years to develop what became later as the Volunteer Stewardship Program.

So we were at the table, it was the constituents groups, stakeholder groups for agriculture, seven representatives from agriculture, Jack Field and I were there and several other organizations. You have the county association, Eric was there and several county commissioners, the environmental community and Futurewise,

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Environmental Council, Nature Conservancy and the Tribes were there as a separate group initially. For the first three and a half years they were there and then they walked away from the table before the last year that our conservation plan started.

At the time that we had the renewal of one more year, which was last year the bill passed, so we went to the table called the Ruckelshaus Center, which was named after William Ruckelshaus former EPA director, WSU, U of W think tank to try to help resolve difficult public policies issues. We had challenges in the update cycle, the 2003 to 2007 cycle for critical area ordinances, battles at the county level, environmental community and landowners or users were kind of battling it out, and the counties were caught in the middle being sued by different groups related to those ordinances. So, we said, "There's got to be a better way."

So, the table was set, four and a half years of conversation and out came House Bill 1886. It was a very challenging process but we stayed at the table, the environmental community and Ag, the counties were there to make sure we didn't screw up and make a program that couldn't do. They said, "You guys fight it out because you are the ones who sue us. Either we sue because it is too stringent on land use or the environmental community does and says that it is not stringent enough." So, that is what the battle is over. So, we got to the table and we worked out a very long arduous process and came up with House Bill 1886, the Voluntary Stewardship Program.

So, that got us to the bill passing. What does the bill mean for the County? We will just focus it on Whitman County right now. You are faced with a decision by January 22, 2012; you need to choose whether or not you want to opt into this program. It takes a positive action by the County to enter into this program. I believe two of you have had a briefing from Eric Johnson and Ron Schultz, I believe. If, Whitman County chooses to opt in.

If you don't opt in the first step is you have to review and revise your current critical area ordinance as it applies to agricultural activities by 2013. That is the default position. That happens now under current law because the moratorium is gone so you have this updated time frame. You must anyway for your critical area ordinance related to agriculture, it must be reviewed and revised by July 2013, roughly a year and a half away. That is the default position. But if you choose to go into the Voluntary Stewardship Program, you are a different path. I'll talk about that.

But the default position is you must review and revise the current ordinance. If you choose to opt into the Voluntary Stewardship Program the next step is you wait for funding from the State through the Conservation Commission. If no funding comes after three years you are escorted out of the program and you are at a spot where you have to review and revise your critical area ordinances as applies to agriculture. But say, that funding is provided. Then funding comes and the County is the gate keeper on all these points. Opting in is the decision of the County, accepting funds, and adequate funding. If the State says, "Here is \$50," and you need \$150,000 to make this program work, and you refuse the funding from the State and you haven't received funding, you are out at the end of the three years because you didn't receive adequate funding in the three year funding. So, you are booted out of the program and now you are back to review and revise as necessary your ordinance.

Let's say the funding is sufficient and you sign acknowledgement of adequate funds and you acknowledge you receive them and that starts the clock and you go down the path of developing the Voluntary Stewardship Program; the county element is called the watershed plan. That is started and you are required to have constituent groups kind of like at the table that we had for Ruckelshaus negotiations. It is Environmental Ag and Tribes, at least those have to be invited to do sort of like watershed planning.

It is like a stakeholder process to develop your plan for your county. You will choose who the leader is on that. It could be the conservation district, it could be the County, and it could be some of the county staff whatever you choose. It is the County's choice of what that would be to facilitate that process. The stakeholders come in and you go through the process and you develop the elements you want in your Voluntary Stewardship Program.

So, let's just assume that funding keeps coming in and if funding doesn't come in and you don't make progress you can be booted out of the program but the County has the options, I believe at 5,7, and 10 years to exit the program if it is not just going well. So, there are these off ramps that come through as you walk through the statue. There's off ramps at different points in time.

So, you receive funding and you develop the plan and that plan is submitted to the technical advisor group, I believe it is called, and that is representatives of Ecology, Fish and Wildlife, Agriculture, and the State Conservation Commission. It goes to them and they will review it and they will say that it's good enough, you need this, a little of that. Whatever happens, they will review it and they will converse back to the County who is the holder of the plan, ultimately and say, "Okay you have to make these changes or we will not accept it, or it's good to go." Whatever the outcome, if they ask for changes, again it is still within the County's purview to say, "You are asking too much, we aren't going there." You can walk away at that point.

So, it comes back and they approve it. The plan you submitted, or the plan and the negotiation, it works great and you move along and you start to go towards in that plan. I should mention there are benchmarks and goals that you will meet related to protecting critical areas and enhancing through voluntary measures that you choose through your plan. If at any step that doesn't happen, if you don't get approved by the State one option is the last resort which is this Statewide Advisory committee which is somewhat a kin to the negotiating team that has been at the table at Ruckelshaus.

There will be two representatives of each of the environmental community, Ag and Tribes are invited to have two representatives on that Statewide Advisory Committee and the counties.

So, the technical panel says, "It's not good enough, you have to do changes," and the County says, "No, we aren't making those changes, we can't come to terms," so it goes to the Statewide Advisory group. So, you have the opportunity to say that it meets the goal of the VSP that we had in mind, etc., good enough, or no you really have to make those changes. It is just like a mediation attempt to try to get peace between those two areas. If it doesn't work and fails and you are booted out of the program then you are back to the default position review and revise as necessary.

If adopted and you move forward down the path and you start implementing and there will be dollars that will be channeled. The way the statue reads if it is prioritized dollars, it could be existing dollars like conservation reserve and any of those type programs that the federal government provides through conservation districts; any dollar source that, you've got a funding committee that is seeking those dollars right now. So, implementation dollars are project dollars and then there are actual implementation terms for developing your plan and the costs that the County would occur to get that plan developed, two different things.

So, as you go down and moving along and you are not meeting your benchmarks and you don't, we slap you and tell you are not doing your job, you have to work harder and it just doesn't happen you can be forced out of the program because you haven't met the benchmarks and goals of the program. Again, the default position, you get pushed out of the program and you have to come back to review and revise your ordinance as

necessary. So, that is always the bad side; the only exposure is that a county has to review and revise their critical area ordinance, if you are kicked out of the program.

Now, if you come in, I want to also remind you that the current ordinance that you have when you enter the VSP is your base, the underpinning for how you will deal with critical areas and then you will start layering on top of that your voluntary program. But the beauty of this program we believe is that it also puts in place where you can remove elements of your underlying critical area ordinance, you're allowed to amend it with the safe harbor, and the safe harbor is the immunity from appealing the decision of opting into the VSP is not appealable. The adoption of your plan is not appealable and when you are in the program it is not appealable under the regular path because you are going out here and you are implementing a plan that has been approved by the state as protecting the critical areas. I'll come back to another key element in the agriculture perspective in a second.

I just want to walk you through the program to the end. So, as you are implementing it if you don't meet your benchmarks and goals you can be booted out of the program. The County has, and Eric remind me, is it 5, 7 and 10 years where the counties can exit?

Eric Johnson – Three, five, eight and anytime after ten.

John Stuhlmiller – Okay, so there are those off ramps. Now, from an Ag perspective we didn't want you all to have the opportunity to get out. We wanted you in and to stay in because we like the benefits that accrue to agriculture through the program. But we agreed that Eric was a good negotiator that it was probably reasonable to say if it is not working, the county should be able to opt out. So, that is 3, 5 8 and anytime after 10. The times you can be kicked out are three for not having funds; five for not having a plan done in time, and then if you fail to meet your benchmarks and goals. So, it is really frankly easier to get out of this program than to get in. Opting in, and that is by January 22, 2012, and after that you can be kicked out of the program at any number of points and you can opt out at those three definite times and in the future at those times that Eric mentioned.

The key pieces of this legislation from an Ag perspective, and Ag is very important to Whitman County and many other counties, is that it is the State's largest industry collectively. The key pieces for Ag, brand new to the critical area ordinance world, are that through this program you can opt into VSP. The standard now is your critical area protection has to protect critical areas and you may enhance your voluntary measures, and you must maintain and enhance the viability of agriculture.

This is a huge step forward, we believe, in resource management because up to now, essentially you have to protect critical areas at any cost. There is no protection of any other use, it has to be, and you must protect critical areas, period. But our focus is on protecting critical areas, so this brings into balance a very critical element which is agriculture. This is very important for us as an industry.

The other thing that is very important is that it provides protection both for the county in terms of opting out and not being forced into certain things like the early stages of GMA where you opted into the Growth Management Act as fully planning counties, and if you opted in there were some strings attached. This doesn't have those same strings. So, I'd like to use the word "engaging" in this program rather than opting so it doesn't have any negative connotation to what happened back in 1990. Other things for agriculture; it protects existing agriculture.

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Jack Field – John, maybe take a look at Section 15 and walk through that because that highlights protections and outlines some of the basics that may be of concern to make sure that folks do understand that this does not impede pre-existing stewardship activities.

John Stuhlmiller – There are several key provisions; I gave each of the Commissioners a copy of the statute itself. On Page 14, section 12, there are three key sections that have a savings clause, a protection clause, *“Agricultural operators implementing an individual stewardship plan consistent with the work plan are presumed to be working toward the protection enhancement of critical areas.”*

This is a very big step. So, you are implementing your plan, your local plan which blends in with the county’s watershed plan. You are presumed to be in compliance with the law and you can change things, so you are moving down the path and you are meeting your benchmarks and goals. You then can’t be required to do something more.

So, Jack is a farmer in Whitman County and you have done X, he has done these voluntary measures and X is what the plan asked of him and he develops the plan but you know we really like X and Y and Z, too. We want more out of you; you can’t be forced to do that but you can be incentivized to do more. This is a very important element from a landowner’s standpoint; it’s not a shoehorn in but now you know, that’s good we really like what you are doing, but now we would like you to do way more than that since you are in and we got you now. So, there’s additional protection for landowners in Section 12.

In Section 13 it walks you through as you implement the plans, *“.....to the maximum extent practical watershed groups should: avoid management practices that may have unintended adverse consequences,”* that may screw up other things, in other words, and yet if administered that way allows for participants to be eligible for other programs like CRP and others out there.

Section 14, *“An agricultural operator participating in the program may withdraw.....”* It’s optional to the landowner. I may withdraw. I send in, I meet my obligations if I have any contractual obligation, that’s a different issue. But I’ve met my contractual obligations. Maybe I said I do something for ten years and it is the eleventh year, I have the ability to withdraw without penalty. You cannot be forced to stay in the program. It is only an incentive based program so you are in the incentive. I engage, I meet my contractual obligations and I still have the ability to step back out as a landowner. It’s kind of like the county’s ability to step out of it if it is not working for the county.

Section 15, then has some very critical elements as well. All of these sections I just highlight for you as you make your decisions. *“Nothing in sections 1 through 14 of this act may be construed to: (1) Interfere with or supplant the ability of any agricultural operator to work cooperatively with a conservation district,”* so CRP, etc. So, it can’t hinder that.

And (2), it can’t *“Require an agricultural operator to discontinue agriculture activities legally existing before the effective date of section.”*

This section became effective July 1, and it may not, (3) *“Prohibit the voluntary sale or leasing of land for conservation purposes.”* Then, for the county purposes those two savings clauses here. It doesn’t, (4) *“Grant counties or state agencies additional authority to regulate critical areas on land used for agricultural activities,”* and it doesn’t, (5) *“Limit the authority of a state or local government or landowner to carry out its obligation under any other federal, state or local law.”*

So, it doesn't hinder nor enhance any other statute. It remains neutral in that respect. So, that is kind of the base of the program, and the benefits as I have shared that accrue to the county as well as Ag. In the end as you move through, if you are in good standing in your county watershed plan that is implementing the Voluntary Stewardship Program, you are exempt from the regular update cycle for critical areas as it affects for agricultural activities and critical areas.

You don't update that because you are now on this path of these cycle, you are meeting your benchmarks and goals. If you are meeting your benchmarks and goals you don't update; you don't go through that. It is irrelevant now, you have moved into a new path that continues into perpetuity. So, we believe that is a very valuable thing from a county standpoint that you are not exposed in that way because you have checked the box; you've covered the issue of protection of critical areas by maintaining enhancing the viability of Agriculture in your county. It is very positive steps there. Maybe I should pause, Eric or Jack, if you want to jump in and fill any gaps or questions.

Eric Johnson – If I could add a few. I wanted to go back to where John started and why this was very important to county government. We had based one of our counties in particular that went clear to the Washington State Supreme Court, in this case Skagit County had in relationship to a challenge by a series of groups in regards to their critical area ordinance.

Ultimately, the county prevailed but it also set a new bar; thirty-three of our thirty-nine counties exempted agriculture at the time of the initial case from critical area ordinances. And the Supreme Court ultimately ruled that we had the duty to protect our critical areas including those critical areas associated with Agricultural activity.

So, then we knew we were going to be facing the potential challenge that Skagit County faced which ultimately cost them well over three million dollars to go from the planning process and ultimately to get a decision from the Washington State Supreme Court. We simply did not want our 39 counties to face that type of challenge and ultimately a very, very divisive process with extensive and costly litigation; we wanted to get out of that.

We think that the Voluntary Stewardship Program provides an option away from that type of litigation and that type of planning. We are very supportive of this option available to the county. Clearly the counties have the option to simply review and revise their critical area ordinance but that comes with some risk for those counties that have exempted agriculture.

So, the other thing, this is a program that comes with resources that is going to work whereas if a county chooses to review and revise it's critical area ordinance, it's probably going to be on their dime, it won't come with additional resources, so that is another reason this is an option to take a look at as well.

I think John also commented as well, that this allows for a direct balance that does not exist somewhat in growth management of balancing goals but this clearly has the desire to protect critical areas but also ensure the viability of agriculture. So, when you are establishing your bench marks and goals and your work plan you have those two competing interests that have to be balanced within it. That is a strong statement that John mentioned as well.

The last thing I would add, John talked a lot about the county's responsibility. The county has the option and ability to actually turn this program over to another group to implement. They can designate a watershed group. That watershed group can be a conservation district, it could be another planning unit, another entity to actually administer and carry out the work. The county doesn't have to do it themselves and a number of jurisdictions

may do that at a later time. They don't have to make that decision until they actually get money but I do want to make sure that folks realize that the county itself does not have to be the implementing agency to create the work plans, and oversee the advisory group. They only have to appoint that and make sure it is carried out but they don't have to perform the duty themselves.

So, another point I would make is that one of the critical components of this plan is landowner outreach and assistance to make sure that landowners have on-farm plans and stewardship plans. The ones that you have now may be more than adequate to support the protection and restoration of critical areas. But ultimately, it is not about whether everyone individually implements and conducts on-farm stewardship plans; ultimately, it is about protecting critical areas within a watershed.

You may not have everyone doing on-farm plans and doing everything to protect critical areas on their individual land and that may be enough to protect critical areas. It is not like we are going to measure every piece of the landscape. It is ultimately about establishing benchmarks and goals to protect critical areas and then being able to measure whether or not you are achieving that.

Alan Thomson – John, I'd just like to add something for everybody's information. We are in the process of updating our critical area ordinances; it is our obligation to do that. I just want everybody to understand that the current critical area ordinances exempt agricultural activities. Our wetlands ordinance exempts agricultural activities.

So, that is at the Whitman County level; you may be involved with programs with the Department of Ecology to help work out issues with farming and cattle, etc., but that is not implemented by Whitman County. One way or the other, the decision that the Commissioners make obligates Whitman County to now do something that we have not been doing with agriculture up to this point. We have not completed our review of our critical area ordinances but depending on the decision whether we go down Path A or Path B, Path A being opting in and Path B not opting in, if we do Path B something has to be written into our critical area ordinances to address what we are discussing here tonight. If we don't do the Ruckelshaus thing, we are going to have to do something with our critical area ordinances, which affects all you landowners out there.

John Stuhlmiller – What is the date and where are your critical areas right now? When was it last updated?

Alan Thomson – We have never updated it. It was first introduced in the early 90's when we first put something into it after GMA came into existence. Our next update is due in 2013 which pretty much corresponds to the time frame we have here. It is eminent; we have to get it done either through Ruckelshaus or Ecology's time frame by 2013.

John Stuhlmiller – Benton County is in the same boat. They never updated, I think 1995 was the first year of the CAO's. It seemed like there was a lag, it wasn't until 1995 when they first adopted.

Eric Johnson – I believe that is correct, when they first started being adopted.

John Stuhlmiller – I guess, from that I'll move to the risk management standpoint. As landowners it is also important too. My members are thinking, so what does it mean for me as a landowner. Clearly whichever path you go down, it will be something different likely, but for sure with the ordinance that is 20 years old a lot has changed; we have talked about some major Supreme Court decisions since 1995. The landscape has changed dramatically.

So, Whitman County is coming in with a very out of date ordinance. It's going to have to look a lot different. You can't just ignore Ag; you have to include Ag in some fashion to the ordinance in order to get on the table to even be close to being acceptable to that growth part, if it is challenged. So you've got a long ways to go and there is more exposure to litigation in that respect because it hasn't been looked at for so long.

Risk management, I would encourage you all to think about it and start putting your pros and cons down as you walk through it in your own mind. Is VSP for you or not? What do we gain, what do we lose, what is the risk, what does it mean for the landowners in the County? As you go down that, that's where everything will clarify for you especially because you have this imminent update that is going to get you otherwise. You have to go a long ways and you have to try and clear the hurdle of those who would litigate.

It comes from both sides, very candidly, Ag is your friend as long as you are going the right way and if you don't go the right way, Ag is not your friend. The environmental community is your friend as long as you going the right way and balancing it. So there are challenges from both sides of the spectrum as the county walks its way through. And just ask any of those counties; Yakima County stopped its update because agriculture threatened to take legal action and push back on the county there. So that was not a very friendly action part to the county commissioners there. The county commissioners felt some real heat from our membership there.

I'm just saying that is what can happen; you're going to get squeezed; the county commissioners will get squeezed. Eric can attest to this in Skagit County, they got squeezed from both sides because you get pushed from one way or you have to be more protective of the environment, or critical areas, so you get squished that way and we push back and you get squished in the middle. So, that is that challenge of that thread of litigation that is looming out there. So, that is worth something. Just as you walk through that, thinking about what will best protect the critical areas but also this important base of agriculture in the county.

We believe the best shot we've got is this program because it allows that balance in the process. Candidly, rural lands will be brought in the way they haven't been brought in before Ag lands will be brought in a way they haven't been before and it's not going to be very much fun because it will have some restrictions related to new. This protects existing agricultural activities.

Jack Field – John, you want to maybe touch a little bit about the importance of maintaining compliance and what that does for counties in ranking them on prioritization of funding?

John Stuhlmiller – Yes that is a good point. There are two elements to that. So, you have to enter this program, so first in terms of funding, we don't know when dollars will be broken loose for this program; it's tough financial times for everybody. There's not an abundance of money to be thrown around. There are some resources at the Federal level that we are trying to get our hands on and they are looking for a state to try an innovative program. We fit that; it almost has Ruckelshaus written all over it. We've got some great negotiators trying to pull the money in here. It is possible that some of that can be broken loose for this purpose.

But as you get in, so the conservation commission will be looking for funding going out and it will be the watersheds that are most critical and all that kind of stuff. So, for funding it would be this watershed is greatest chance of success, this greatest risk to whatever. There is going to be that focus. Where Whitman County would stack into that, I have no idea. You are somewhere between one and thirty-nine. So, there's a short list, only 39. So, we don't know when the dollars will be broken loose but the other aspect of this, the intangibles,

the way this was crafted is the county that opts into this, it gets a gold star; this is a county that cares about protecting and enhancing critical areas and maintaining the (inaudible).

You're going to get a star in a sense from other resource agencies that have regulatory authority; they will move to other areas that aren't going down this path. This is sort of akin to a TMDL process where you are trying to grapple with issues on the ground and clean water act. If you are on the list and you have a TMDL, you need to deal with turbidity or whatever it is. Once the process is established it clears you from any other litigation and any other impact from a regulatory agency, in this case, Ecology because you have a process established and you are moving down the path.

The VSP will also help counties do that because they are engaged and are moving down the path. So we believe it is sort of, it is lose and is intangible, and it can be pierced, but sort of says, "Don't go towards this county, because they are moving down this path to protect and enhance critical areas and so the process is started so let's go to others that aren't doing that." So that is an intangible but it is a very real probability that you will gain some, I don't know if I should use the word, "relief" but at least less scrutiny than you would otherwise. Because you have engaged in something that will benefit, in the end, water quality and other things like that. It goes on the intangibles that are positive as to why to engage in the program.

Eric Field – Maybe you could speak a little bit more about that just opting in does not automatically make the county eligible; they have to be working towards the benchmarks, guidelines, and there has to be clear progress towards those.

John Stuhlmiller – Yes, it's not like we've opted in and now we don't have to do anything. You don't do anything until you accept the dollars; that is the key, nothing happens. You say, "We opt in," the County has no liability until the dollars are provided by the State and the County says, "Thank you for the check," and you acknowledge receipt of the funds. That starts the clock toward that development of the plan and implementation as it goes. Once you are there, you must move that direction. There is some liability to getting the plan developed and moving forward and to then move towards implementation if it is adopted.

Eric Johnson – I just want to add that the work plan is really meant to be developed from the ground up. Getting the local landowners engaged and those from the environmental tribal perspective engaged to come up with a set of benchmarks and goals to be measured by. Some of those initially will be participation goals, how many people are signed up for the program, are we achieving participation? We may not deal with environmental outcomes for quite some time. That may be part of the actual benchmarks and goals that are developed locally; that is the strength of it; they do have technical advisory state agencies to look over that but I think the strength of this for us continues is that it allows the local community to come together to talk about what is important to protect in terms of critical areas, but also balancing that with the viability of agriculture.

Alan Thomson – John and Eric, I am kind of wondering if we take Plan B and opt out what would in your opinion the critical area ordinances in Whitman County look like? What would we have to put in there in order to meet the requirements of the GMA in protecting critical areas vis-a-vis agriculture?

Eric Johnson – The benchmark or the base that has been established by the Western Washington Growth Management Hearing Board at the county level is what you have to protect. You can't let your critical areas get any worse and so you are going to have to ensure what are those critical areas, what is their current status right now and what are you doing to protect and make sure they aren't getting any worse? And, perhaps how are you measuring and monitoring to make sure they are not getting any worse? That will ultimately be the test that is

going to be looked at by those that appeal your ordinance, the courts that might be reviewing your ordinances, so that will be the key that we remind folks of right now.

The analogy that the Supreme Court used was a rusty tractor sitting in the middle of the field, saying that “you don’t have a duty to restore that rusty tractor; however, you can’t let it get any worse.” So they used that analogy to a critical area, saying “you might already be farming in that critical area, you have no duty to restore it but you can’t let it get any worse. So, its protection is do no further harm. You have to be able to assure that you are not doing any greater harm and therefore will have to monitor to assure that is not happening.

Iris Mayes – So, then would we have to do measuring and monitoring and establishing a baseline status if we opted in?

Eric Johnson – Potentially, a number of jurisdictions have tried different things. Island County, for example, basically said if farmers are using best management practices they are assumed to be in compliance with protecting critical areas without a monitoring component. So, we probably will begin to see some degree of additional litigation on further defining how to ensure you are protecting. You don’t necessarily have to have an input model at that point. That’s more like what we do in forest practices which is to say, if you follow these rules then you are presumed to be in compliance without doing monitoring.

So, there may be different ways and techniques to be able to get at that but you then have inputs which are what a lot of us have been saying about the “big dumb buffer contest” that if you don’t farm within a buffer then you are presumed to be protecting the critical areas. That’s one way to go about it as well. There are multiple ways to achieve protection from an input model or by monitoring or baselines and by ongoing monitoring perspectives as well.

John Stuhlmiller – The key is the exposure to the County because this protection standard has not been litigated since the Supreme Court said your duty is to protect. We don’t know what level of rusty tractor to keep. Do you have to use rustolium once every 5 years? What do you have to do to keep it there so not another speck of rust develops? We don’t know and so that is where the courts will rule again sometime and presumably what that is. That is the risk to a county. Those of you who don’t have anything in the ordinance right now you are going to have to be putting new stuff in there and it will have to be something that will demonstrate protection. How do you demonstrate that Ag activities, which are a preponderance of the activity that you are dealing with and how does it not harm critical areas?

Michael Largent –Can I jump in with a critical question with regards to critical areas? I think a lot of the folks out here would like to know what is going to change with what I do on a day-to-day basis. So, I’m thinking of critical areas, watersheds, or of course, water quality comes to mind, native prairie, that sort of thing?

John Stuhlmiller – So, of the five categories, you have the local, floodplain, aquifer recharge areas, wetlands, geological hazardous areas and you have Fish and Wildlife habitat and you have sort of significant stuff like (inaudible) things like that.

Jack Field – John, to your question earlier about if you decide to opt out, the one thing that sticks in my mind is to really focus on developing the most robust scientifically defensible monitoring plan you can imagine. We have seen this in just about every other arena as you look to agriculture whether it is the national riparian team trying to uphold grazing standards in public land use in Oregon and other areas. Defending your ordinance if you opt out, could be every bit as expensive and time consuming for the county if not more so, than opting in.

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I understand as you are looking at this, at first blush and think, “If we opt out we just need to have an ordinance and we are good to go.” Given the battle that was fought in Skagit County and the courts by both the Tribes and the environmental community, I don’t think that is something that is going to come lightly. I do think you have great resources and even if you do opt in, you need to be ready and willing to do some baseline monitoring whether it is photo points you got to know where you are starting. That was one of the things we talked about for 4-5 years. You at least have to know where you are so you can drive the stake in the ground and say we have to at least maintain the status quo. We have to protect this. There is no obligation that it has to be returned to what it looked like yesterday but you at least have to know with certainty when you opt out where you are starting from.

John Stuhlmiller – All of that is at the County’s expense unless you opt in; the regular process is your own, you foot the bill, unless the State gives you some dollars but that doesn’t often come.

Eric Johnson – I will just add right now, historically, we figure twenty-five cents on the dollar to do work associated relating to updating comprehensive plans and the current biennium probably going forward I would expect less than that if anything from the State to assist in the update of the comprehensive plan.

John Stuhlmiller – On that bright note...

Iris Mayes – Which is why we haven’t updated our comprehensive plan.

Michael Largent – I have three additional questions; can I just throw them out? They have to do with the implementation of Plan B, assuming we went with the VSP. The first having to do with the conferring of or the stakeholder groups; I talked to one of the Tribes yesterday. Umatilla has nothing to do with this area. Are any Tribal interest historical hunting grounds or only those who have an official presence here in Whitman County, which is none?

John Stuhlmiller – So, the beauty of this program and it says, and I will pull up the statute for you, “*The County for adopting the ordinance resolution under to opt in, the county must confer with tribes and environmental agricultural interest.*” That is totally at the County’s discretion as to what that means. “*Conferring with.*” You invite them to comment and remember this is a non-appealable decision to opt in, so you have conferring, I can’t come in and challenge you because you only talked to three people and not eight, or whatever.

Michael Largent – This could constitute some at least conferral or outreach that being right here. Okay, the second question is regards to Department of Ecology regulatory efforts or threats that I have heard of. Without getting into the pros and cons of no-till or conservation tillage, I have heard some rumors that the Ecology is intending to look at conventional summer fallow as a new area of emphasis with regards to watersheds. If we opt into this program does this county then become immune so to speak from additional regulations from Ecology in that regard?

John Stuhlmiller – Yes, let me take you to that Section,

Jack Field – Section 15.

John Stuhlmiller – It’s Section 6, sub 3. Jack points to the other; so the subject can’t be required to stop activities that legally exist, which is another protection. But come back to what does it mean from a county and regulatory standpoint? The gold star that I referred behind Whitman County’s name, you would be on the honor roll, you care about the environment so much that you would be willing to try a new way to enhance the

environment. Sub 3 on Section 7, page 10 line 1, *“Following approval of a work plan, a county or watershed group,”* your work plan is that local group. *“A county or watershed group may request a state or federal agency to focus existing enforcement authority in that participating watershed, if the action will facilitate progress toward achieving work plan protection goals and benchmarks.”*

So, it is the flipside of what you just asked me. That says in a way, we are not going to stop any other agency from doing its job but we are saying focus elsewhere and we will ask you to focus your attention here if we need you to get us to where we need to go with our benchmarks and goals. But it also sort of gets you, you’re going down this new path of protection maybe, from Ecology’s perspective, maybe Whitman County in their plan is going to figure out something to do with summer fallow, or whatever. It would sit until you have gone through and you have a plan and that. It is a subtle way of saying, “I think you gained some protection from that?”

Michael Largent – The question is whether conventional summer fallow is a legally existing practice right now?

John Stuhlmiller – And what is the answer to that? The answer is definitely “yes.”

Michael Largent – Yes, and so, okay. The third question is actually the implementation of the VSP program. We had some discussions yesterday with some of the counties and there are some obvious choices that have just come to mind if you opt into Plan B. That would be conservation districts, or secondarily, there was some discussion tri-county-wise about using water resource inventory area, in our case WRIA 35, who already has tribal involvement, environmental involvement, and landowner involvement.

In our case, I am the sole representative of WRIA 35 but we have additional board positions that could be filled by say, Dave Lange, to broader representation. But still the point being we would essentially be a tri-county effort and be pulling some resources even though each county has to do their own individual thing. Has there been any discussion about using WRIA’s as an implementation scheme?

John Stuhlmiller – So, as a staffer and legislative crafter of the typing of the actual document that the bosses wanted I’m a big advocate of that and as we were at the table I said we all talk about existing things, right? That’s illogical, but depending on what that watershed group has done, some have not ventured into that arena, that would be a lousy idea to use, in your case it might be a great one. It just depends on each group individually.

Michael Largent – WRIA 35 actually has got, Asotin, a small part of Whitman, (basically the Snake River area, Almota, Penawawa, some small creeks) and Garfield County. They have been a very active group and have active participation in water resources in the area. The concept came to mind of pooling our resources, via that tri-county WRIA and extending its mission to include this VSP program.

John Stuhlmiller – So because it is a multi-county WRIA you would want to carve that out and say we want all our input and all that but Whitman County reserves the exclusive right to say, good enough, or not good enough or keep asking for more. Because you don’t really want Garfield County telling Whitman County what, you know.

Michael Largent – Essentially, you develop a template that each county looks at and changes based upon what their unique needs are.

John Stuhlmiller – That is the goal of this, to use as much of the existing data, existing resources out there as possible, because we don’t have unlimited resources. We know that there is not going to be ten million dollars

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for Whitman County to implement, or whatever. It is going to be scarce resources, the more that can be spread to do it. Obviously, that is a great idea, that's what you got the days, months, years, until you get funding if you opt in to figure that out who is the best one to do it for you.

Jack Field – As John has mentioned through the process the Ag community brought up the WRIA process because as we were talking about the representation from the different caucus, as we called them, they are all there at the WRIA. That process was the nexuses because from the ground up it has local support and it wasn't something that Olympia tells Whitman County how to manage its resources. It is Whitman County telling Olympia how it's going to manage its resources.

Michael Largent – And I shouldn't say WRIA 35 exclusively, we have basically an additional WRIA here in Whitman County, WRIA 34 but a lot of those are doing this stuff now. We have infrastructure to do it.

John Stuhlmiller – Even WRIA 34, the group that came together for that could be called to help in that as well.

Eric Johnson – This was one of our goals, the county perspective was to build on existing programs, plan and processing and not have new groups, new processing, new plans being done but to build upon what was already being done. That was one of our critical goals with the county organizations going through this process. We would just have to make sure that if you said WRIA35 group you would have to encompass a broader set in areas in your entire county. It might be broader than what their scope is right now and making sure they are willing to take that obligation.

The good news is you don't have to make that decision right now. That is a decision you can make when you get the resources or start preparing for that decision after you make that decision to opt in. The critical component now is really getting to that point. Is it a good idea for your jurisdiction to opt in or opt out?

Michael Largent – I understand, I realize my questions are a little post-decision but the implementation and how it is actually monitored, that will be important because there is no county that is looking forward to creating a new bureaucracy at least I haven't detected from my commissioners any great eagerness to build a new building dedicated to John Stuhlmiller to do this VSP program.

John Stuhlmiller – I'm sure the audience would like to see a new building built by the county.

Greg Partch – Okay, so anything else? I want to say a few things. For all of you out there, welcome to our world. This is sort of the things that we do. It is probably very difficult out there and I apologize for the acronyms; we speak a lot of time and we get comfortable with them. We talk about WRIA's, Water Resource Inventory Areas, we have four of them in Whitman County and GMA, Growth Management Act, CAO, Critical Areas Ordinances, and so these things on your side out there sitting you're probably thinking you don't understand what we are talking about. But now, we are going to open it up to you. Obviously, this started out as a workshop for the county commissioners to learn more about this Ruckelshaus legislation for the environmental stewardship act.

We have a couple of microphones out there and we will pass them around, but we would like you to please stand and give us your name.

Pat O'Neill – The question I have is using existing resources that we already have, so, as Commissioner Largent indicated like WRIA 35, then can we also have conservation districts, more than one organization working together to move this plan forward?

John Stuhlmiller – The beauty of this is it is the sky is the limit for you. It is whatever you design as the county, you set it up; it is your call, it is not anybody else's. There is nothing in the statute that says, "It has to look like this." It is whatever you choose for whatever. We didn't use the word lead entity. I forget the organization entity or whatever we called that. We didn't want to use fish planning or watershed planning or the lead agency so we tried something else. The main person, whatever so you choose that.

Eric Johnson – We used the term "watershed groups," John.

John Stuhlmiller – Somebody who coordinates that.

Michael Largent – Coordinating agency?

John Stuhlmiller – Maybe that is what it is.

Greg Partch – Okay, we will turn this over to Alan.

Alan Thomson – So, we are opening it up to question and answers now so if anyone in the audience wants to ask a question, now is your chance.

Mary Hoffman – I just want to make sure I understand so right now the current situation is that we are exempt from the ordinance and we have a choice. We either have to submit our plan by 2013 or opt into the voluntary program. Is that correct where we are standing right now? Okay, the bad part or the disadvantage of going and updating our ordinance is that we are going to be subject to stricter regulations and potentially open to law suits from environmental groups?

I don't really understand why it is bad. Is it just bad because it is so strict? Then second, if we do the voluntary program, why is it that we don't have the liability? Are those groups that are currently used to suing to make sure we are meeting the ordinance are also in favor of this program or is there still potential for law suits against that? Thank you.

John Stuhlmiller – So, the reason there is exposure is right now the county exempts agriculture. So, now the exposure, the county goes down the path of reviewing and revising. They will have to include some sort of structure unless they can demonstrate the critical areas are protected from agriculture activities now. You have to have something that demonstrates that. The one we hate most is the buffer notion; as long as Ag is back 100 feet, 200 feet from the stream, whatever that critical area is, that you can demonstrate protection of the critical area. Nothing in your ordinance now does that so brand new, something will happen. You have to demonstrate the critical areas.

So, landowners will say that means we will have some restriction on land. In order to demonstrate, the County will have to put something in there to demonstrate. Hence, agricultural groups will say, "Too much," and environmental groups will say, "Not enough." And they will fight over that, so the County will be in the squeeze and the County will choose something and then if it is not enough or it is too much, it will be litigated and the growth board will say, "You didn't do enough or you did too much." They would never say to ease off on your regulations; it doesn't meet with the requirements of the law; that is the test.

Eric Johnson – So, what will occur is an appeal will come from either side and that goes to the person who wrote to the hearings board. Ultimately, it then goes on to some other appeal and then goes on to Superior

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Court where it appeals up to the State Supreme Court and we suspect it will continue to be needed for that because there will need to be further clarity in what protection standard there actually is.

In the voluntary stewardship program there was given no appeals process; there was no right for the hearing board to review these, no right to the courts to review these plans, so there is no litigation route. It removed the litigation component and fed it through a different path that was meant to be more building consensus at the local watershed level with a review by the technical advisory committee without that litigation component.

Jack Field – Part of your question had to do with enhanced regulation for if you didn't opt in would the landowners be subject to new regulation? There isn't anything new and that was one of the things that we fought hard, the environmental community wanted a look and a bigger hammer and one of the aspects of the bill is that there are no new regulations that come on it, simply that all parties would support enforcement of existing regulations.

Whether that's established through a TMDL, whether it is pesticide handling, you name it, we are just simply supporting the existing regulations that are there. The point being that the agricultural community made from the beginning is there really is no need to regulate agriculture through a critical area ordinance or regulate it enough. Then we've gone through and listed a litany of regulations that we abide by every day.

John Stuhlmiller – Only under the VSP is that true.

Jack Field – Correct.

Larry Cochran – I have several questions. First of all, where do cities fit into this process?

Eric Johnson – They don't fit into it. The legislation is precise to only cover unincorporated portions of the county.

John Stuhlmiller – There is no Ag land essentially in city limits. It doesn't have to be protected.

Larry Cochran – Yes, but they have critical areas.

Eric Johnson – Their elements are covered under their critical area ordinance.

Larry Cochran – There are critical areas within the city limits. The second question is, "Whitman County has a critical area ordinance because I helped work on it. But what you are saying now is that what we have no longer meets anyone's standards?"

John Stuhlmiller – Since it was constructed in 1995, it does not. As constructed right now, it will not pass the 2013 test, because a lot of that stuff just didn't exist in the litigations and tests for what a CAO has to do since 1995. So, no, it would not, it would have to be changed.

Eric Johnson – If appealed it would not pass, it would not meet the standards that have been established through the board process.

John Stuhlmiller – That is a good point; so the County could keep the 1995 ordinance and say, "No changes, it's good enough," and put it forward but I can't imagine that would pass, because it doesn't have elements related to agricultural at all.

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Alan Thomson – There is a little clause in there that says, “Agricultural activities are exempt.” That would trip us up right there.

Greg Partch – Can I say, we have known that. We have to update this and we had our (inaudible) and Larry, your original work and now the planning commission is working on this for a while now. We actually had a \$40,000 grant from the State and they took it back and so we thought we had this. We knew we were going to have to open it up anyway, and they have been working on it. So, that is the question for us, is that do we want to opt out and still put that language in to bring it up or do we want to take this other. That is why we are here today.

Larry Cochran – Another question I have, if the County opts into this program and the State doesn’t have any money to fund it, then we don’t have to do it?

John Stuhlmiller – That is correct.

Larry Cochran – But then you said something about after three years we would have to do it anyway?

John Stuhlmiller – No, so the decision point is opting in or not. So you opt in and no money comes from the State then you will be escorted out of the program back to review and revise your ordinance as necessary. Because you are kicked out of the program it didn’t get funding; it is a natural default. At three years after you opt in the program expires if you don’t get funded.

Larry Cochran – So, then we are back to the County being liable for not having critical areas in place.

John Stuhlmiller – So, you are no worse off and no better off. My hope is tough times we go to the legislature, Jack and I live on the hill during legislative session and Eric is up there, too. So year two we will be asking to have, “Only X counties were funded, please give us a chance to make this work, so we aren’t kicked back into the litigation mode.” I believe that could sell on the hill.

Larry Cochran – I was really hoping we would be exempt and just tell them to keep their money and we will just keep going the way we are.

Alan Thomson – If after three years and no money comes around and we are escorted out of that program, we would still be obligated to do something with that critical area ordinances; we would have to put something in the CAO’s in order accommodate agricultural activity and critical areas so it doesn’t look like we will be able to escape it.

Randy Suess – I understand how we come up with the goals and the benchmarks, I’m a little more concerned on the monitoring. Is the County going to be doing the monitoring, are we going to come up with an agency to do that or is it going to be the State? Who is going to set those priorities on that monitor whether we are achieving our goals?

John Stuhlmiller – The beauty of this is the county or that local group, that watershed group whatever we call that group that is developing that plan, that is who established that; nobody else. The State may say they want more monitoring or in the approval process but the County will determine, the watershed group will say, “Here is what we will develop and how we will do it.” If it passes muster, it will get approved and if it doesn’t it won’t get approved and you argue that out. But then, again, the worst scenario is you get pushed out of the program because you didn’t get a plan that was approved by the

State.

Randy Suess – I still don't understand who is making the up or down call.

John Stuhlmiller – The County is.

Randy Suess – But whom in the County? Those three guys up there?

John Stuhlmiller – Those three, yes.

Greg Partch – Thanks for the vote of approval, Randy. We are here from the government to help you.

Eric Johnson – The question was how was monitoring going to occur? The benchmarks are set, work plan is set, and the group will ultimately start the monitoring process. The monitoring may not initially be the people participating or are people doing their work plans; it may not be until several years out until you have to have additional compliance or monitoring.

So that is a base line, the budget we have laid out does include those types of resources but the State will have to provide those types of resources for this program to work. There may be some watersheds that are working with Bonneville Power Administration or the Corps of Engineers, or other recovery activities going on where monitoring is already going on and so how do we tap into the existing monitoring functions.

It is particularly true of Puget Sound and it may not be as true in southeast Washington and we may have to work to find some of that information. The groups can determine whether they are meeting the benchmarks and report on that. If they are not meeting the benchmarks they are given the opportunity to adjust and figure out why that is happening before they are removed from the program as well. The process which is laid out in statute is fairly clear around the steps that you would take to ensure that you are meeting your benchmarks and if not giving you an opportunity to self-correct before you would be removed from the program.

John Stuhlmiller – But it is at the local discretion as to how you are going to meet those benchmarks and goals and demonstrate that.

Michael Largent – As you pointed out earlier, there are some default positions that are presumed in compliance so I don't know what percentage of agricultural that would entail but if you follow a farm plan and you are in compliance with your FSA requirements, you may be presumed to be in compliance, while Randy will be doing a weekly check on your farm, you may be presumed to be in compliance; I like pie.

Jim Kackman – It seems like it would be good if we could figure out how we got to where we are today. You guys can correct me if I am wrong, because I have been kind of in and out of this over the years. In the early 90's when the Growth Management Act was passed you had to have a certain population growth to be mandatorily required to participate. But yet, all jurisdictions had to identify critical areas and develop regulations to protect those critical areas. It was touted as this thing we could all live with because each jurisdiction could determine the level of protection that it provided to those critical areas.

That is why our current county ordinance actually works and it is palatable in a sense. Yes, it exempts agriculture, and to me, what that means is you can drive your tractor through a wetland or an area that would become a wetland if it weren't farmed. You can do certain things to keep farming the ground you have always been farming and these gentlemen here are here to, it sounds like, to protect that into the future. But as time

went on, through the 90's this notion of "Best available science," developed and what has happened over the years, is scientists have gone out, the environmental community, scientific community has gone out and spent a lot of time and effort developing and advancing the state of the art of the science of protecting critical areas.

So, while the farming community toiled and tried to make a living, the environmental community worked on best available science. So as best available science advanced so too did efforts to convince the legislature to pass laws that said, "We've got all this science now, and we really ought to go back and make these jurisdictions take another look at their critical area ordinances in light of this new science.

So, you see an incremental effort there to create more, I don't want to say problems, but more difficulties in continuing on with compliance with the critical areas. Now we are under this mandate and Mr. Partch is right, the Planning Commission has been working on. I've helped the planning commission a couple of times by invitation given some help here and there, but yes, we are looking at updating the critical areas ordinance.

I happened to like the fact that Ag activities are exempt from wetland regulations and that the wetland regulations kick in once the land use changes and it is a residential or commercial development or something like that and that the agriculture activity doesn't change. Whitman County is the county it is because of its agricultural lands and that's a personal opinion of course. So, that is how we got to where we are at and this notion of best available science, I think, is a difficult thing to contend with because a buffer of 25 feet is now according to best available science, and this is just an example a hypothetical example but that buffer is not 50 feet or whatever it is more.

They didn't get lower. Just like he was saying, so that is how we got to where we are. The Farm Bureau has done some work to try to get another option which I think is appreciated. So, I don't really have a question, I just wanted to level the playing field. You guys have done a great job in explaining what is going on and I understand some of these things because I've been involved in wetland consulting and things like that in the County and ultimately I think where we are headed with this is to a point where the ability to drive your tractor through an area that could become wetland is at risk.

John Pearson – The funding that we talked about, do they know where it is going to come from? Is it going to come from the Department of Ag or Ecology general fund?

John Stuhlmiller – So the way it is the Conservation Commission would be the writer of the checks when dollars come into the VSP program. So, there is no money right now, dedicated to that purpose.

John Pearson – A lot of the conservation commission money, well for these districts is coming from Ecology. They don't get funded from the state. My concern is if Ecology was going to fund this deal and Ecology says "Well, this is simple, we just won't fund it. If we don't like it we won't fund it and three years from now they will be right back to where they were."

John Stuhlmiller – Right on point. This is different. It won't be the commission saying "Ecology would you put some dollars in the water quality program. Just channel some of those dollars here for implementation." For the County's purposes, there are two pots of money. Remember, one is and "County here is X dollars to plan to implement the program." There are also project dollars to implement the farm plans, the voluntary plans are separate.

That might have some of those existing or new resources that come through Ecology or whatever. But the actual planning money won't come from, well, it would only come from another agency if it was clipped out in

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the budget process, taken away and stuck in the conservation commission's pot, called VSP. That's the only way. It won't be Ecology funding Whitman County and it won't be Fish and Wildlife funding Skagit County.

John Pearson – So, it is going through conservation?

John Stuhlmiller – Yes, it will be a state appropriation, whether that is a federal dollars, bake sale dollars, whatever it is will come through the commission.

Art Swannack – Was the \$40,000 you mention, Commissioner Partch, an estimate of what it would cost to do the additional original CAO to update all this?

Alan Thomson – Yes, I can speak to that. Ecology estimated that. They gave out X number of dollars to each county and that was the number that they came up with and that was their estimate and that would have enabled us to revise and review all of our critical area ordinances, but we are not talking about this right now; because at the time there was no talk about agricultural activities and critical area ordinances. In my mind, it was always going to be exempt. So this is an additional burden on us right now.

Art Swannack – Along that line, I can say that you are probably going to have more expense in doing a CAO for Ag than you are in the other areas; because you have so diverse a county plus a lot of area to cover. The big advantage I see in doing this voluntary stewardship program is what John mentioned earlier, not only do you do the CAO and you protect those areas, but you also maintain and enhance agriculture which you don't have as a priority under a regular CAO. That's one of the biggest reasons I would urge you to pass this and support it when you do bring it forth as a motion.

Greg Partch – Commissioner Largent just asked if anybody would like to speak in opposition to this. Is there anybody out there? (No one came forward.) I guess that answers your question. Alan, let's go back to you. It looks like no one else wants to speak so do you want to recap?

Iris Mayes – I have a comment too just for people. One point is that we don't have GIS like a lot of other counties do so any for any types of base line data, we would be starting from scratch. We don't have the resources right now to have GIS. If we were able to get that funded, maybe that is something we could then implement.

David Stueckle – From what I hear, by opting into this voluntary program that the County would be pretty much not liable for losses. Am I right on that?

John Stuhlmiller - As related to critical areas and agriculture, yes. So, that is the scope. There are other activities in critical areas. That still has to go on that process out there. I shared earlier in my dream world this will apply to all critical areas if in the end we change it. Let's say we change it and for all critical areas this is the way we are going to approach it in the future. But for right now, it only affects agriculture and the critical areas, which is critical to Whitman County because the best share of your property is in agriculture.

David Stueckle – The little bit that I know of it, it looks like by opting into this program that you probably save a lot of money in potential law suits down the road in regards to the other type program. So I would urge you to vote for the voluntary program.

Alan Thomson – Just to clarify some things about your critical area ordinances; it is kind of like a dual layer here. So, right now we have a critical area ordinance that covers development. Agriculture is exempt from that so if an Ag owner wants to build a house or a shed or a barn they are not exempt from that. You have to get a

building permit and we have to check out your critical area ordinances and make sure that you are not infringing on the wetland or something like that.

That is the starting point and then we call on Mr. Kackman and he comes out and tells you that you can't build anywhere. So, with this VSP program we are going to have, that specifically speaks to just agricultural activity. You guys and gals out in the field doing farming, that is what that refers to, but we still have that other layer that deals with wanting to build a house or a barn, and that is going to be separate. So we will have a two layer system here if we opt into the VSP.

Larry Cochran – We have a right to farm ordinance in the county, how does that fit into this program?

John Stuhlmiller – The Right to Farm ordinance says essentially that you are exempt from nuisance law suits. There is a state Right to Farm language that protects you from a neighbor telling you that your Ag activity hinders me. So, Farm Bureau has advocated the Right to Farm at the state level as well as the county level and this actually plays into that because it is exactly what Section 15 says, you cannot, *“Require an agricultural operator to discontinue agricultural activities legally existing before the effective date of this section.”*

This is as strong as Right to Farm as you can get. I cannot make you stop. The County cannot make you stop to implement the VSP. That is not true under the regular critical area ordinance process. The County may say and other counties have said, “your county has not gone there yet,” but since other counties went there you may be at risk of Whitman County going down the same path that others had to go, which is to say, “You need to have X buffer for those agricultural activities that are legally existing right now, but they are not guaranteed to be allowed to continue.” That is the exposure.

Craig Willson – I was just curious in regards to the monies that we would hope to get from the State if you were to go three years in order to accumulate the money to come in within the three-year period. You opt in and you are in the program for three years, what are you doing all this time if you haven't had the money to support what you are doing? Are we still going towards these goals and benchmarks and so forth and then finally the money doesn't come in. Are those three years for what? What are we doing during that time?

John Stuhlmiller – So, the county opts in, there are three years for the State to say, “Here's a check to get you going.” The county is not obligated to do any. Hopefully what the county would do is say, “Well, you know if we had WRIA 34 and 35 and we had three other farmers and two others etc. we would have a great group to do this.” You would be thinking about it, not expending resources. The county is not obligated to spend a dollar of their own but when the State says, “Here's funding,” the conservation group says, “Good news, Whitman County, here is money to fund you,” that's when the clock starts and that is when you start developing your plan; not until that money comes.

Eric Johnson – John, in the meantime, your existing critical ordinance that exempts agriculture stays in place.

John Stuhlmiller – Thank you; that is very important. The current CAO, which right now is Whitman County's current CAO, so you opt in and the current 1995 CAO remains in place and is valid and is what is used until you develop your VSP watershed plan. Which means that agriculture continues to be exempt just as it is today. But the only way that is guaranteed is if the current CAO remains in place. Agriculture will not be flat out exempt under an updated CAO for Whitman County.

Iris Mayes – Right now the planning commission is in the process of updating the CAO's.

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John Stuhlmiller – Your ordinance is adopted. You have not adopted anything else. There is nothing there. That just remains your current adopted ordinance. You do not adopt that and say it is close, you stay with your current adopted ordinance. The rest whatever you've done is great. It stays in the file cabinet, you don't throw it away. If you get kicked out or you have to go down the path, that will help inform that process later.

Eric Johnson – It does not affect your other elements of critical areas other than agriculture.

Alan Thomson – We do have an obligation up to this point of making a decision which is partly what we are doing here right now. We have to have these discussions with the appropriate parties and then the commissioners need to make a choice by January 22 and that comes through an ordinance so we will have to create an ordinance saying that we are opting into the program.

So that is on our ticket, we the county are obligated to do that, have a couple more meetings like this with other people that are not here tonight, just fulfilling that part of the obligation. Then if we decide to opt in, we wait on money to come in before we have to act any further.

Rhod McIntosh – When the WRIA 34 started there was something about implementing governments and that was the cities. The cities actually had undue power because the implementing governments were how the money was spread out and handed down. So I think we should think a little bit more. The WRIA principle is fine, but if we don't have cities there, and I'm not trying to say kick them out, but I hate to see us go in with our hand out and not have some power.

And I would like to beg to differ with Jim Kackman. There is tons of science that has proved that what we are doing is right and that I would welcome some of the ordinances that we are living under. I would welcome for them to prove to me that I am wrong. We just had the National Stream Bank committee here this week and they are very optimistic and I would think that we could think that we could use their process as a model. It is a very good process and you have to monitor it.

Another thing, just because you change a little thing this year doesn't mean that next year it's going to be completely fixed. He said there are problems that they fixed in the range land in Colorado and it's been 12 years before the willows started to grow but once they started, off they went. I would like to see us use the WRIA model, but maybe not the WRIA financial. I could be wrong but I remember feeling that implementing governments had a little extra power. It is kind of like the US and the veto in the United Nations.

Greg Partch – Rhod, we have an opening on the planning commission and in District 2 we would love to have you back.

Alan Thomson – We have a rebuttal.

Jim Kackman – I don't want to be misconstrued, I was not trying to defend best available science. Don't misunderstand me about that. I was just saying that that has happened and we are in this situation because of this notion of best available science. I'm not trying to say that that is a good thing or a bad thing at all. I just wanted to clarify that. Thank you.

Eric Johnson – Not to continue the best available science issue but you might note that we have some recent court rulings right now that our role is to consider best available science. It is not to apply it; it is a public policy towards how to apply once we consider it.

John Stuhlmiller – We are starting to turn the corner on that, so really it is to inform.

Mary Hoffman – Earlier you asked what would an ordinance look like if we were to have to have one in agriculture and I think that is very important because the voluntary program sounds great if we know what our ordinance is going to look like and we can say that it is definitely going to be a very, very high risk. If we go into this voluntarily that would assume that we could not come up with an ordinance that is acceptable. I'm not really sure that that has been discussed or that we really understand what is the risk if we cannot come up with an acceptable ordinance.

Alan Thomson – We would have to come up with that if we went down the path to opt in. We would have to write something into our critical area ordinances, the regular update that we are involved in right now that addresses agricultural activity and critical area ordinances. What I was asking was what would that be? What wording would we put in there? I think Eric answered that and John, too, but we would have to have language in there that would prove that we are causing no more harm than we are doing right now. There would probably have to be some sort of monitoring program and all of that would be on the onus of us, the county. There would be no state funding for that so we would have to implement something that would satisfy the question that we are not doing any further harm to these critical areas.

John Stuhlmiller - The way that has been done in other counties, the simple way to do that instead of monitoring is that you put a 200-300 foot buffer on agriculture and then you can demonstrate that. Because just by defacto the buffer means that you backed off and therefore are protecting the critical areas.

Eric Johnson - I think I heard something else in the question which was, what happens if we can't come up with an ordinance. That is a really interesting question because if you have never had the opportunity to go through a significant appeals process before, the growth management hearings board will rule on you and will remand it back to you or you can appeal it forward and this can go on for years while you try to come into compliance with the growth management hearing boards order. If you don't comply, you can be held invalid or out of compliance and hopefully you don't receive sanctions. You are not eligible for certain grant programs because you are not into compliance. There is more to it than just a consequence of not having an ordinance. There are some other ramifications as well.

John Stuhlmiller – You mention it as the opportunity to be appealed. It is a very difficult path. Ferry County and Stevens County have had it rough, similar to your county in terms of lost appealed dollars available to them.

Greg Partch – I think Mr. Kackman really gave a good overview of the Growth Management Act and we are one of five that are not fully planning in the growth Management Act. Yes, we have to do critical area ordinances but places like Stevens County and Ferry County they did opt in and there are hearings board established. We don't have a hearings board, it's on a case-by-case basis if it should happen.

Nothing has ever been appealed in Whitman County, but it is a huge thing to those counties and I think this is an absolute necessity for those people that are fully going under the Growth Management Act. You know, it is really complicated. Jim has a really good overview on it, go and see him. I would like to wind this down right now. I would like to do one other thing. Eric, do you have any last words before we sign off?

Eric Johnson – It's just that both John and I will continue to be available to assist you as you make your decision.

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Greg Partch – Thank you very much. Alan, I would like to leave the last words to my fellow commissioners. Alan, I would like you to do a recap.

Alan Thomson – I hope this helps us a little bit in understanding what we are dealing with here in order to help the commissioners make a decision. There are probably a lot of landowners who are not here tonight so I am anticipating at least one more meeting. So if you know people that are involved in this and would like to be further enlightened we will probably have at least one more meeting. If you have any questions you can direct them to me and then obviously the Commissioners are available too. So you can continue talking to them and helping them make a decision which is going to have to happen in the next couple of months. Thank you very much for coming out tonight.

Iris Mayes – We had sign-in sheets at the front, so if you didn't sign in, please come and sign in and there was a one page hand-out, there are a few more copies up here.

Michael Largent – Thanks for coming, I'd be curious to hear any additional opinions. We started out trying to ignore all this because we have enough to do but the Farm Bureau is very persuasive.

Pat O'Neill – I just like to thank everyone for coming tonight. I know that a lot of you guys have a lot of farm work to get done with the late fall but I appreciate you taking the time to give us your comments and input before we make a decision. We want to have an informed decision. I'm glad Alan has decided to have another meeting, so pass it on to your neighbors and it will affect you and this is important to Whitman County.

Greg Partch – So, with that said, we will recess this workshop until next Monday.

8:28 p.m. – Recess.

D072338A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, October 24, 2011 at 9:00 a.m.** Chairman Greg Partch, Patrick J. O'Neill and Michael Largent Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

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

Present: Kelli Campbell, Kelli Hadley (9:00 a.m.).

072338 22. Items discussed included 2012 county employee medical insurance, Palouse Clearwater Environmental Institute, employee accident, unused medication legislation, WRCIP/WRCP property/liability insurance and Community Action Center funds. No action taken.

072339 23. Claims/Payroll warrants numbered **258891-258977** for **\$393,759.88** approved.

072340-072347 24. Personnel change orders approved.

072348 25. The commissioners acknowledged receipt of the excess levy amounts approved for collection in 2012 for the Pullman School District.

10:30 a.m. – Recess.

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

Present: Gary and Valerie Hunt and Kelli Campbell.

Commissioner Largent was unavailable.

072349 **26.** Commissioner O’Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to go into executive session with the above individuals until 2:00 p.m. in accordance with RCW 42.30.140(4)(a) for matters related to negotiations.

2:00 p.m. – Return to Open Session/Adjourn.

D072349A Commissioner O’Neill **moved** to adjourn the **October 17 and 24, 2011** 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 31, 2011**. The foregoing action made this **24th** day of **October 2011**.

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

MARIBETH BECKER, CMC
Clerk of the Board

GREG PARTCH, CHAIRMAN
Board of County Commissioners