

Minutes for October 27, 2008

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068813 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, October 27, 2008 at 9:00 a.m.** Chairman Michael Largent, Greg Partch and G.R. Finch, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

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

Present: Bob Reynolds (9:00 a.m.) and Joe Reynolds (9:30 a.m.).

068814 1. Items discussed included Open Space, USDA Courthouse grant, Health Department-Pullman/WSU, Prosecutor's benefits/WSAC and WSU Effectiveness Study. No action taken.

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

Present: Joe Smillie.

D068814A 2. Motion by Commissioner Finch to accept the consent agenda. Motion **seconded** by Commissioner Partch and **carried**.

068815 3. Claims/Payroll warrants numbered **221442-221554** for **\$379,164.52** approved.

FUND	FUND NAME	AMOUNT
001	Current Expense	62,625.18
102	Building & Development	185.00
108	Veterans Relief	300.00
109	Homeless Housing	9,645.96
110	County Roads	147,695.31
111	CETC Building	53.66
117	Boating Safety	12.11
118	Inmate Welfare	160.02
126	Treasurer's M&O	253.33
127	Drug Enforcement-Quad City	3,000.00
129	House Bill 3900-CASA	37.07
132	Auditor's Document Preservation	1,224.84
134	Elections Reserve Fund	134.90
143	Trial Court Improve 143.030.000	397.52
144	Emerg. Communic. 144.260.001	2,049.19
300	CIP Asset Acq. 300.010.001	2,624.56
300	CIP-CIP Proj. 300.010.005	6,374.01
320	Cap. Proj./Out. Sources (Bond) 320.010.001	7,709.21

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400	Solid Waste	3,574.31
501	Equipment Rental & Revolving	511.49
660	Whitcom-General 660.911.000	74,438.52
660	Whitcom-Grant 660.911.001	3,559.94
690	Clearing Fund 690.003.000	
690	Clearing Fund 690.004.000	54,598.39

068816 4. October 20, 2008 minutes approved.

068817-068826 5. Personnel board orders approved.

6. Pursuant to County Code regarding delegation of purchase orders, claims and payroll responsibilities, an authorization form was received from the following departments, signed by the Board and forwarded to the Auditor's office. **Motion** by Commissioner Finch **seconded** by Commissioner Partch and **carried** to approve the delegation orders.

- 068827** Administrative Services, Commissioners, Human Resources
- 068828** Finance
- 068829** Information Technology

7. Commissioner Finch **moved** Commissioner Partch **seconded** the motion and it **carried** to sign the following grant application data forms

- 068830** State Criminal Alien Assistance Program in the amount of \$6,718.00
- 068831** US Fish & Wildlife Prairie Restoration in the amount of \$31,250.00

8. Commissioner Partch **moved** Commissioner Finch **seconded** the motion and it **carried** to approve reissuance of credit cards for the following departments.

- 068832** Finance
- 068833** Information Technology

068834 9. A copy of a letter of appreciation sent to Bob Reynolds, Fair Manager was received from Les and Kathy Wigen.

068835 10. Commissioners' pending list reviewed.

10:20 a.m. - Recess.

11:00 a.m. - Zoning Ordinance Amendment Hearing (Permitted Uses).

Present: Phil Meyer, Alan Thomson, Mariah Simpson, Ken Arthur and Joe Smillie.

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068836 1. Chairman Largent convened the hearing for a proposed amendment to Whitman County Code 19.30 and 19.31 regarding an addition to the list of permitted uses in the Light and Heavy Industrial Districts.

Alan Thomson indicated the amendment would add an additional category of professional services to the permitted uses in both the Heavy and Light Industrial Districts.

There being no comments from the public, the Chairman adjourned the hearing.

Commissioner Finch **moved** Commissioner Partch **seconded** the motion and it **carried** to accept the Planning Commission's recommendation to approve the amendment of the Whitman County Zoning Ordinance (Chapters 19.30 and 19.31) adding additional businesses to the list of permitted uses.

ORDINANCE NO. 068836

AN ORDINANCE AMENDING SECTIONS 19.30 and 19.31 (LIGHT & HEAVY DISTRICTS) OF THE WHITMAN COUNTY ZONING ORDINANCE, to add an additional category of professional services to the permitted uses in both the Heavy and Light Industrial Districts. 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 27th day of October 2008.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Michael Largent, Chairman

Greg Partch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

G.R. Finch, Commissioner

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. 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.

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.

Section 19.30.040 - 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.
2. Minimum side and rear yard setbacks for all principal and accessory uses shall be 10 feet. For antenna support structures

the side and rear setbacks shall be 20 feet, and for their accessory structures, shall be 5 feet. (Revised 5/14/01, Ordinance # 058050)

Section 19.30.050 - Height of Buildings.

40 feet excepting grain storage facilities. Antenna support structures shall not exceed 350 feet. (Revised 5/14/01, Ordinance # 058050)

Section 19.30.060 - Approach Requirements.

1. All new light industrial uses shall have direct access to a Class I-IV road as defined in the Comprehensive Plan. Access may be shared with adjacent commercial uses.
2. Access shall be designed to Whitman County standards.
3. A complete Level of Service (LOS) traffic and heavy vehicle weight analysis shall be submitted to and approved by the County Engineer for each proposed development prior to issuance of any permit and/or approval. If a development will cause the LOS on a County road to fall below adopted standards, the development shall be denied unless and until improvements can be made to support the development. Anticipated damage shall be mitigated according to Whitman County Development Standards in effect on the date of the damage. If no Development Standards are in effect, the anticipated impact to the LOS shall be mitigated at the direction of the County Engineer.
4. No person shall create any access without first obtaining an approach permit and meeting the approach general provisions.
5. Compliance with Chapter 19.52 - Transportation shall be completed prior to issuance of permits. (This section was revised 10/15/01, Ordinance # 058775)

Section 19.30.070 - Screening & Maintenance Requirements.

1. The purpose of this section is to establish landscape, screening and property maintenance standards to enhance the aesthetic appearance of property throughout the County.
2. Screening shall provide a filtered view and may be provided by existing vegetation, landscaped areas, including the use of berms, fencing, trees and shrubs or a combination thereof. The use of drought tolerant vegetation is encouraged.
3. Perimeter screening shall be provided as follows:
 - a. At the front, side and rear of all commercial and industrial sites to provide an all season visual separation between adjacent land uses. Perimeter landscaping shall shield the views of industrial and commercial land uses, including outdoor storage, service, parking and loading areas, from roads and adjacent uses. If, however, the rear of the site is adjacent to an agricultural use, no rear yard perimeter screening is required.

- b. Avoid obstructing views of crosswalks, intersections and streetlights.
- c. In the case of conditional uses, these screening requirements shall be subject to the decision of the Board of Adjustment, which may adjust the requirements according to the needs of the specific locale.
- d. All yards shall be maintained such that there will be no accumulation of silt, mud or standing water causing unsightly or hazardous conditions either within the yard or on adjacent properties
- e. All yards and buildings shall be maintained in a neat, tidy manner, including trimming and upkeep of all landscaped areas, and the removal of debris and unsightly objects.
- f. All undeveloped land areas shall be maintained in permanent vegetative cover, farmed, or be landscaped with an approved combination of materials to control runoff. (This section was revised 3/24/03, Ordinance # 060953)

Section 19.30.080 - Conditional Uses.

- 1. Because of considerations of traffic, noise, lighting, hazards, health and environmental issues, the following uses shall not be permitted in the Light Industrial 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.
 - a. One single-family dwelling unit or mobile home to be occupied by an employee or owner of a permitted use.
 - b. Eating establishments. (Revised 3/24/03, Ordinance # 060953)
 - c. Retail sales incidental to the permitted uses. (Revised 3/24/03, Ordinance # 060953)
 - d. Public facilities, such as utility substations and storage yards.
 - e. Agricultural uses.
 - f. Inert materials (earth, concrete and asphalt) of more than 2,000 cubic yards of material, excepting fill materials designed within reclamation plans of permitted quarries and/or mines. [For earth fills less than 2,000 cubic yards, see Section 19.05.020(4)];
 - g. 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 material.

- h. Temporary asphalt and concrete batch plants.
 - i. Antenna Support Structure facilities greater than 40 feet in height in conformance with the requirements of Chapter 19.58 - Communication and Utility Facilities. Antenna Support Structures greater than 130 feet are allowed in this District by Conditional Use as long as the site is located more than 1/2 mile from any incorporated city or town or Rural Community District, and in conformance with the requirements of Chapter 19.58 - Communication and Utility Facilities. (Revised 5/14/01, Ordinance # 058050)
2. An Administrative Use Permit shall be required for:
- a. Rock crushing and quarrying for the specific purpose of preparing a suitable site for construction of a specific building or buildings including access and parking lots, based upon a preliminary site and grading plan subject to the minimum standards of Section 19.05.015, Chapter 19.59 - Surface Mining and Rock Crushing and Chapter 19.60 - Blasting or Explosive Demolition. (Revised 3/24/03, Ordinance # 060953)

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.

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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)

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:

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- 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. The minimum rear-yard setback shall be 10 feet, except where a larger setback is required by Section 19.31.040[1] above.

Section 19.31.050 - Height of Buildings.

There shall be no maximum height of buildings and structures in this district. Antenna support structures shall not exceed 350 feet. (Revised 5/14/01, Ordinance # 058050)

Section 19.31.060 - Approach Requirements.

1. All heavy industrial uses shall have direct access to a Class I-IV road as defined in the Comprehensive Plan. Access may be shared with adjacent commercial uses.
2. Access shall be designed to Whitman County standards.
3. A complete Level of Service (LOS) traffic and heavy vehicle weight analysis shall be submitted to and approved by the County Engineer for each proposed development prior to issuance of any permit and/or approval. If a development will cause the LOS on a County road to fall below adopted standards, the development shall be denied unless and until improvements can be made to support the development. Anticipated damage shall be mitigated according to Whitman County Development Standards in effect on the date of the damage. If no Development Standards are in effect, the anticipated impact to the LOS shall be mitigated at the direction of the County Engineer.
4. No person shall create any access without first obtaining an approach permit and meeting the approach general provisions.
5. Compliance with Chapter 19.52 - Transportation shall be completed prior to issuance of permits. (This section was revised 10/15/01, Ordinance # 058775)

Section 19.31.070 - Screening and Maintenance Requirements.

1. The purpose of this section is to establish landscape, screening and property maintenance standards to enhance the aesthetic appearance of property throughout the County.

2. Screening shall provide a filtered view and may be provided by existing vegetation, landscaped areas, including the use of berms, fencing, trees and shrubs or a combination thereof. The use of drought tolerant vegetation is encouraged.
3. Perimeter screening shall be provided as follows:
 - a. At the front, side and rear of all commercial and industrial sites to provide an all season visual separation between adjacent land uses. Perimeter landscaping shall shield the views of industrial and commercial land uses, including outdoor storage, service, parking and loading areas, from roads and adjacent uses. If, however, the rear of the site is adjacent to an agricultural use, no rear yard perimeter screening is required.
 - b. Avoid obstructing views of crosswalks, intersections and streetlights.
 - c. In the case of conditional uses, these screening requirements shall be subject to the decision of the Board of Adjustment, which may adjust the requirements according to the needs of the specific locale.
 - d. All yards shall be maintained such that there will be no accumulation of silt, mud or standing water causing unsightly or hazardous conditions either within the yard or on adjacent properties.
 - e. All yards and buildings shall be maintained in a neat, tidy manner, including trimming and upkeep of all landscaped areas, and the removal of debris and unsightly objects.
 - f. All undeveloped land areas shall be maintained in permanent vegetative cover, farmed, or be landscaped with an approved combination of materials to control runoff. (This section was revised 3/24/03, Ordinance # 060953)

Section 19.31.080 - Conditional Uses.

1. Because of considerations of traffic, noise, lighting, hazards, health and environmental issues, the following uses shall not be permitted in the Heavy Industrial 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:
 - a. One single-family dwelling unit or mobile home to be occupied by an employee or owner of a permitted use.
 - b. Eating establishments. (Revised 3/24/03, Ordinance # 060953)
 - c. Auto wrecking and salvage yards, including storage of junk and scrap iron.

- d. Storage, manufacture or distribution of ammunition, explosives or other products with a designated destructive potential.
 - e. Manufacture or refining of asphalt, adhesives, glues, sizes or cements or component parts thereof.
 - f. Solid waste disposal.
 - g. Cement, lime, gypsum or plaster of paris manufacture.
 - h. Surface mining and/or rock crushing subject to the minimum standards listed in Section 19.06.015 or Section 19.05.015.
 - i. Inert materials (earth, concrete and asphalt) of more than 2,000 cubic yards of material, excepting fill materials designed within reclamation plans of permitted quarries and/or mines. [For earth fills less than 2,000 cubic yards, see Section 19.05.020(4)];
 - j. Antenna Support Structure facilities greater than 40 feet in height in conformance with the requirements of Section 19.58 - Communication and Utility Facilities. Antenna Support Structures greater than 100 feet are allowed in this District by Conditional Use as long as the site is located more than 1/2 mile from any incorporated city or town or Rural Community District, and in conformance with the requirements of Section 19.58 - Communication and Utility Facilities.
2. An Administrative Use Permit shall be required for:
- a. Rock crushing and quarrying for the specific purpose of preparing a suitable site for construction of a specific building or buildings including access and parking lots, based upon a preliminary site and grading plan subject to the minimum standards of Section 19.05.015, Chapter 19.59 - Surface Mining and Rock Crushing and Chapter 19.60 - Blasting or Explosive Demolition. (Revised 3/24/03, Ordinance # 060953)

11:15 a.m. - Zoning Ordinance Amendment Hearing (Rural Housing Certificate).

Present: Phil Meyer, Alan Thomson, Mariah Simpson, Ken Arthur and Joe Smillie.

068837 2. Chairman Largent convened the hearing for a proposed amendment to Whitman County Code 19.10 regarding the Rural Housing Certificate review and approval process.

According to Mr. Thomson, the proposed amendment will relieve some difficulties and clarify the ordinance by streamlining the Rural Residential Certificate review and approval process.

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There being no comments from the public the Chairman adjourned the hearing.

Commissioner Partch **moved** Commissioner Finch **seconded** the motion and it **carried** accept the Planning Commission's recommendations to approve the amendments of the Whitman County Zoning Ordinance (Chapter 19.10) clarifying language regarding the Rural Housing Certificate review and approval process, along with the additional change to the replacement of a resident, as agreed by the Board of County Commissioners.

ORDINANCE NO. 068837

AN ORDINANCE AMENDING THE AGRICULTURAL DISTRICT, SECTION 19.10, OF THE WHITMAN COUNTY ZONING ORDINANCE, to clarify residential setbacks and the replacement of a residence in the Rural Housing Certificate process. These changes are consistent with the Whitman County Comprehensive Plan and Zoning Ordinance.

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

PASSED AND APPROVED by the Board of Whitman County Commissioners of Whitman County, Washington, on the 27th day of October 2008.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Michael Largent, Chairman

Greg Partch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

G.R. Finch, 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. For the protection of resource lands, new residence(s) shall be located more than 1,000 feet from any permitted or grandfathered quarry, mine and/or other similar natural resource operations; or if it will be located within 1,000 feet of a any permitted or grandfathered quarry, mine and/or other similar natural resource operations, an affidavit acknowledging adjacent mining activities, signed by the landowner, notarized and filed with the Whitman County Auditor, is required. This information will be attached to the Short Plat. The 1,000-foot distance is measured from the applicant's residential footprint to the designated mineral resource area, as described and/or defined in the Administrative Use Permit or Conditional Use Permit
3. Temporary stands for the sale of agricultural non-livestock products produced on the premises.
4. Accessory uses and structures common or incidental to agricultural and residential use, including but not limited to garages, barns, tack rooms, equipment sheds, home storage elevators, fences and corrals, provided that such accessory uses and structures conform to the yard requirements of this chapter. An accessory use or structure may be constructed prior to the construction of the principal use on a site that has been reviewed for compliance and has been approved as a rural residential site, pursuant to Section 19.10.060.
5. Home-based businesses utilizing only those accessory buildings and structures permitted under this chapter and which from the premises' property line cannot be seen or heard or felt or smelled and will not have customer visits. (For more information on home-based businesses permitting, see Chapter 19.56.) (Revised April 21, 2008; Resolution No. 068024)
6. Small-Antenna facilities, Antenna Support Structures and Wind Energy Generating Facilities up to forty (40) feet in height in conformance with the requirements of Chapter 19.58 - Communication and Utility Facilities. (Revised 12/10/01, Ordinance # 058999.)
7. Inert fill (earth only) of under 2,000 cubic yards of material removed from ditch cleaning may be placed in active quarries and/or mines in compliance with approved reclamation or placed

on adjacent land. Under 2,000 cubic yards of aggregate stockpile materials may be placed on a separate parcel from the mining operation. Agencies must provide a courtesy notice to landowners within 300 feet of the fill site.

8. Private quarries under three (3) acres for uses related to agricultural activities by the land owner, for example farm access construction and maintenance.
9. Accessory Dwelling Units conforming to provisions of Section 19.10.065.

Section 19.10.030 - Lot Size Requirements.

1. There shall be no minimum lot size for non-residential permitted uses in this district.
2. The minimum lot size for residential uses permitted in this district shall be as determined per Section 19.10.060 (2) (b) (ii).

Section 19.10.040 - Setback Requirements.

1. The minimum setback for all non-residential structures shall be twenty (20) feet on all sides, provided that a minimum setback of thirty-five (35) feet shall be required adjacent to the right-of-way of any state or county roadway designated as a primary or secondary arterial in the Comprehensive Plan.
2. In the case of antenna support structures or wind energy generating facilities, the front setback shall be thirty-five (35) feet from the right-of-way of any State or County road; side and rear setbacks shall be twenty (20) feet.
3. Accessories to the antenna support structures shall have a minimum setback of five (5) feet. (Revised 5/14/01, Ordinance # 058050, Revised 12/10/01, Ordinance # 058999)
4. To facilitate road setback location, measurement may be made from the centerline of the adjacent road. The front setback shall be half the distance of that specific right-of-way width, plus the required setback, as measured from the road centerline.

Section 19.10.050 - Height of Buildings.

1. The maximum height of non-residential buildings and related accessory structures in this district shall be fifty (50) feet.
2. The maximum height of rural residences and related accessory structures in this district shall be thirty-five (35) feet.
3. Antenna support structures shall not exceed 350 feet in height.
4. Maximum height for research and wind energy generating facilities shall be 350 feet. (Revised 5/14/01, Ordinance # 058050, Revised 12/10/01, Ordinance # 058999)

Section 19.10.060 - Rural Residential Use.

One single-family dwelling per parcel shall be a permitted use whenever the requirements of this Title are fulfilled. The Planning Director shall

certify through the Rural Housing Certificate (RHC) process that all requirements of this Title have been met.

1. Development requiring Certification

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

(i) Creation of a new residential parcel

(1) On which will be located an existing residence, except that such new parcel with an existing residence, need not comply with the provisions of 19.10.060 (2)(a)(ii) viewshed, (2)(b)(vi) development buffer where the available land to be used as a buffer is not owned by the applicant, (2)(b)(vii) setbacks where the available land to be used as a buffer is not owned by the applicant, and (2)(b)(ix) highly visible locations; or

(ii) Alteration of an existing residential parcel via a boundary line adjustment except when additional land is added to a parcel for which a CZC, RRSR or RHC has been filed; or

(iii) Construction of a residence on an existing parcel which has not been certified. In this circumstance, if the size and shape of the existing parcel, and wetlands or flood hazard areas limit the location of a new residence so that it is not possible to meet the agricultural buffer or 100-foot house setback distance from the road, these specific regulations shall not apply except that the greatest adherence to these distances possible is encouraged.

b. Issuance of a Rural Housing Certificate shall not be required on an existing rural residential parcel for which no parcel enlargement, reduction or division is requested when an existing residence and/or an existing accessory structure is altered, expanded or replaced. For replacement purposes, the new residence may be sited up to 50 feet from the original residential footprint. Because of limitations due to the size, shape, or existing vegetation of/on the parcel it may be necessary to replace the residence further than 50 feet from the original footprint. In this circumstance, if it is possible to meet the siting requirements for a rural housing certificate such as buffers, setbacks, viewshed, and no structures on hilltops or ridges, then they must be met. If meeting these siting requirements is not possible then those regulations shall not apply except that the greatest adherence possible to these regulations is encouraged. The parcel shall be reviewed for compliance with all applicable ordinances, including those which regulate setbacks, road

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

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

included residence. (Limited to nine or less residences to avoid the potential consequences of WAC 16-231-510.)

- (2) Creation of a residential group: The owner of any residence constructed prior to January 1, 2007 may apply for review to create a residential group by submitting an application for a Rural Housing Certificate to obtain permission to construct a new residence which must be located within 300 feet of the existing residence.
 - (3) An existing residential group may be expanded to a maximum of nine houses.
- iv) Agricultural Notification: In the case of any application for a Rural Housing Certificate, all owners of property within 1,500 feet of the proposed residential building footprint shall be notified by mail. Any owner of a commercial agricultural operation within 1,500 feet of the proposed new site may appeal the decision to the Board of Adjustment within 20 days after the date of the notice, to show that a significant negative effect on their farming operation would be created. If the owners sign a waiver from this requirement, such notice is not required.
- b. Approval of Parcel Configuration
- i) In General: For the purpose of meeting the minimum building lot requirements of this section, public and private easements or rights-of-way for roads, railroads or utilities shall be ignored.
 - ii) Minimum lot size: The area of the subject lot shall be no less than the minimum area required by the Whitman County Department of Environmental Health to safely accommodate approved water supply and on-site sewage disposal systems.
 - iii) Access to an improved road: All residential parcels shall be accessible from an improved County road or State highway.
 - iv) Frontage/easement requirement: Lots without frontage on an improved public road shall be permitted if access to such a road has been obtained via an easement across adjacent property and if said access has been approved by the appropriate agency.
 - v) Driveways
 - (1) Any driveway that serves more than two residences shall be designed and constructed to Fire Code minimums, under oversight by a professional engineer licensed in the State of Washington.
 - (2) Driveways shall be designed to fit existing land contours.

- (3) Access to an improved public road must be approved and issued by the Whitman County Public Works or the Washington State Department of Transportation. Shared driveways are encouraged to enhance safety of traffic flow entering and leaving improved roads.

vi) Development Buffers

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

vii) Setbacks

- (1) The minimum setback for all non-residential structures shall be twenty (20) feet on all sides, provided that a minimum setback of thirty-five (35) feet shall be required adjacent to the right-of-way of any State or County improved road.
 - (2) For all residential structures the minimum setback from roads shall be 100 feet and the minimum setbacks on all other sides of the residence shall be twenty (20) feet except where the development buffer requires a greater distance.
- viii) Water and Sanitation
- (1) The applicant shall provide proof of adequate and potable water, as required by Whitman County Environmental Health for a rural residence and shall meet all other requirements of Whitman County Public Health, the Washington State Department of Health and any other agencies regarding the permitting of wells and domestic waste disposal.
- ix) Highly visible locations
- (1) Buildings and structures located on hills or ridges shall be sited and/or constructed to minimize the appearance of a silhouette against the sky as measured this way:
 - (a) No part of the living space of a structure shall be higher than the highest part of the landform on which it will be built. A landform is described for the purpose of this chapter as the natural topographic high point separated from other topographic high points by a drop of at least 40 feet. All accessory structures built or placed after the approval of the application for the RHC for the proposed residence must have roof lines no higher in elevation than the principal residential structure.
 - (2) Construction of residences on unusual and highly visible geological features is not allowed within what shall be known as the Butte Protection areas. This restriction shall apply to areas above specified elevations above sea level, or within 750 horizontal feet of the centerline of improved roads, whichever is least restrictive, as follows:
 - (a) Angel Butte elevation 2,660 feet;
 - (b) Parker Butte elevation 2,660 feet;

- (c) Bald Butte elevation 2,800 feet;
- (d) Granite Butte elevation 2,600 feet;
- (e) Kamiak Butte elevation 2,600 feet;
- (f) Ladow Butte elevation 2,660 feet;
- (g) Naff Ridge elevation 2,600 feet;
- (h) Ringo Butte elevation 2,660 feet;
- (i) Smoot Hill elevation 2,500 feet;
- (j) Steam Shovel Hill elevation 2,600 feet;
- (k) Steptoe Butte elevation 2,600 feet;
- (l) Stratton Butte elevation 2,700 feet;
- (m) Tekoa Mountain elevation 2,700 feet;
- (n) Unnamed butte, east-northeast of Naff Ridge, the summit of which is within the N ½ of Section 4, Township 19 N., Range 44 E., W.M., elevation 2,600 feet;
- (o) Unnamed butte southeast of Seltice, the summit of which is within the NE ¼ of Section 24, Township 19 N., Range 45 E., W.M., elevation 2,700 feet.

c. Approval of Lighting

New lighting fixtures shall be designed and installed so as to control the direction and intensity of light which affects neighboring properties or roadways, so that direct rays of light don't shine onto neighboring properties or serve as a source of light pollution.

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

d. Weed Control

- i) It is the responsibility of the owner(s) of rural land to control weeds.
- ii) Uncontrolled weeds that are a source of further weed dispersion across property boundaries constitute a significant threat to agricultural production. Therefore, a statement asserting this responsibility shall appear on any plat that creates a lot for the purpose of a residential site. However, this ordinance is not intended to, and does not, restrict any rights or remedies available to an owner or lessor of land affected by uncontrolled or inadequately controlled weeds, whether the statement is included in the plat or not.

- e. Receipt of Affidavit of Acknowledgement of Agricultural Practices The deed restriction and/or easement sample as stated below shall be used when rural residential parcels are created, and when there is a residential building permit and/or conveyance of a rural residential property:

**COUNTY OF WHITMAN
STATE OF WASHINGTON
CERTIFICATION OF ADJACENT AGRICULTURAL USE**

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

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

Legal description of land: _____

 _____.

until the Planning Director has either granted or denied a Rural Housing Certificate for the proposed residence.

- b. If granted a Rural Housing Certificate, the applicant shall have 270 days during which to complete construction of an approved well and to file a short plat. Failure to complete these steps within this time period shall result in voiding of the Rural Housing Certificate except when an approved water supply has been established and a building permit for a residence has been issued, a short plat is not required.

Section 19.10.065 - Accessory Dwelling Units.

1. Purpose.
 - a. An Accessory Dwelling Unit (ADU) is an additional smaller, subordinate dwelling unit on a lot with, or in, an existing or new house. These units are intended to provide for a greater range of choices of housing types in the Agricultural District. Accessory Dwelling Units are intended to enhance options for families by providing opportunities for older or younger relatives to live in proximity while maintaining a degree of privacy.
2. Applicability.
 - a. A property with a primary residence and an Accessory Dwelling Unit is different from a property with two residences because the intensity of use is less due to the limitations of size and number of bedrooms. An Accessory Dwelling Unit that meets the requirements of this subsection may be allowed on any lot developed with an existing single-family dwelling, except as noted herein.
3. Development Standards.
 - a. No more than one Accessory Dwelling Unit per legal lot is permitted and it must be accessory to a single-family residence. If a short plat is approved, an Accessory Dwelling Unit for each lot is permitted only if all other provisions of this Chapter are met.
 - b. Whenever the requirements of this Section are at variance with the requirements of any of the lawfully-adopted ordinances, the most restrictive, or that imposing the higher standards to be met prior to a land use being permitted, shall govern.
 - c. The applicant must apply for a building permit for an Accessory Dwelling Unit. An Accessory Dwelling Unit shall comply with applicable building, fire, and health and safety codes. An Accessory Dwelling Unit cannot be occupied until a certificate of occupancy is issued by the building department.
 - d. An Accessory Dwelling Unit may be created through:
 - i) Internal conversion within an existing dwelling;

- ii) The addition of new square footage to the existing house or to a garage and any addition thereto;
 - iii) Conversion of an existing structure;
 - iv) Inclusion in the development plans for, or as part of, the construction of a new single-family detached dwelling unit; or
 - v) A separate detached dwelling unit on the same lot as the primary dwelling unit.
- e. An Accessory Dwelling Unit shall conform to existing zoning requirements, including, but not limited to setbacks. The addition of an Accessory Dwelling Unit shall not make any lot, structure or use nonconforming within the development site.
 - f. Building height is limited to twenty-five (25) feet for a detached Accessory Dwelling Unit. Building height requirements of the underlying zone do apply to the Accessory Dwelling Unit for internal conversion or structural addition to the existing primary dwelling.
 - g. The total gross floor area of an Accessory Dwelling Unit shall not exceed either 1,100 square feet or 50% of the total gross floor area of the primary residence, whichever is less.
 - h. An Accessory Dwelling Unit shall not contain more than two (2) bedrooms.
 - i. For an Accessory Dwelling Unit created by internal conversion or by an addition to an existing primary dwelling, only one (1) entrance may be located on the front of the house, unless the house contained additional front doors before the conversion. Secondary entrances should be located on the side or rear of the primary residence to the extent possible.
4. Historic Structures.
- a. If an Accessory Dwelling Unit is on the same lot as or within a historic structure which has been designated on the national, state or local historic register, the following design guidelines are applicable:
 - b. Exterior materials should be of the same type, size and placement as those of the primary dwelling structure.
 - c. Trim on edges of elements of accessory structures and additions should be the same as those of the primary structure in type, size and placement.
 - d. Windows in any elevation which faces a street should match those in the primary structure in proportion, i.e., same height, width and orientation (horizontal or vertical).
 - e. Pediments and Dormers. Each Accessory Dwelling Unit over twenty (20) feet in height should have either a roof pediment or dormer if one or the other of these architectural features are present on the primary dwelling.

Section 19.10.080 - Short Plat and Subdivision.

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

1. No short plat creating more than three (3) lots, including the remainder of the original parcel of land, shall be approved within the Agricultural District.
2. No long subdivision plat shall be approved within the Agricultural District.
3. A short plat may be used to separate out a parcel on which is located a residence in existence prior to the adoption of this ordinance. This home site must meet the requirements of Section 19.10.060. It will then be considered a conforming rural residential use, and shall be issued a Rural Housing Certificate.
4. The creation of parcels of less than twenty (20) acres in area is permitted for agricultural, conservation and/or habitat purposes.
 - a. No structures other than fences, a well, and livestock watering and feeding containers are allowed on parcels created for this purpose.
 - b. Language describing the use limitations shall be placed on the plat.
 - c. If, in the future, there is a desire to change the use of this parcel, such as enlarging it to be part of a future residential or other use, the properties will have to be reviewed again to see if such proposed use can comply with land use regulations. If such approvals can be obtained, a revised plat containing language reflecting changes must be filed with the County Auditor.

Section 19.10.090 - Conditional Uses and Administrative Permits.

1. Because of considerations of traffic, noise, lighting, hazards, health and environmental issues, the following uses shall not be permitted in the Agricultural District unless a conditional use permit authorizing such use has been granted by the Board of Adjustment; provided, however, that in situations described herein where an Administrative Use Permit may be granted in lieu of a Conditional Use Permit, the use of the land shall not be permitted until such time as an Administrative Use Permit has been granted by the County Planning Office. (Revised 11/18/91, Ord. #45331)
 - a. Utility substations or generating facilities. Wind Energy Generating Facilities greater than forty (40) feet in height are subject to the requirements of Section 19.58 - Communication and Utility Facilities. Wind Energy Generating Facilities greater than 130 feet are allowed in this District by Conditional Use as long as the site is

located more than 1/2 mile from any incorporated city or town or Rural Community District (Revised 12/10/01, Ordinance # 058999).

- b. Utility storage and transportation facilities.
- c. Private and public recreational facilities such as campgrounds, golf courses, rifle ranges, and similar uses.
- d. Churches.
- e. Airstrips.
- f. Solid waste site or transfer station.
- g. Feedlots.
- h. Commercial grain elevators.
- i. Veterinary clinics, boarding kennels, and similar uses.
- j. Surface mining and crushing subject to the minimum standards listed in Sections 19.59 and 19.60.
- k. Home-based businesses that exceed the threshold of a permitted use may be allowed as an administrative use or a conditional use. (For more information on home-based businesses permitting, see Chapter 19.56.) (Revised April 21, 2008; Resolution No. 068024)
- l. Gun clubs and fraternal organizations.
- m. Antenna Support Structure facilities greater than forty (40) feet in height subject to the requirements of Section 19.58 - Communication and Utility Facilities. Antenna Support Structures greater than 130 feet are allowed in this District by Conditional Use as long as the site is located more than 1/2 mile from any incorporated city or town or Rural Community District. A shelter or cabinet used to house radio electronic equipment and its associated connecting cables greater than 120 square feet of base area, or more than one shelter or cabinet applies also to Small-Antenna facilities and Antenna Support Structures up to forty (40) feet in height.
- n. On-site hazardous waste treatment and storage facilities, provided that such facilities are accessory to a permitted or conditional use, and provided that such facilities meet the state siting criteria adopted pursuant to RCW 70.105.210.
- o. Landfill for inert materials (earth, concrete and asphalt) of more than 2,000 cubic yards of material (including over 2,000 cubic yards of aggregate stockpile materials on a separate parcel from the mining operation) [For earth fills less than 2,000 cubic yards, see Section 19.05.020(4)].
- p. Recycling Facility, provided, however, that hazardous material, infectious material and/or radioactive material which federal or state regulations would allow to be recycled but which the County may deem to be unsafe or detrimental to public welfare, shall not be allowed without a Conditional Use Permit issued by the Board of Adjustment

and a Special Permit issued by the Whitman County Health Department. Said permits shall establish specific conditions for the processing/handling of the hazardous material, infectious material and/or radioactive material, where the State of Washington or the Federal Government has not otherwise preempted all control and regulation of said materials. (Revised 11/18/91, Ord. #45331)

- q. Temporary asphalt and/or concrete batch plant.
 - r. Agricultural Research Facility, such as but not limited to greenhouses, laboratories, machine sheds, arboretum, animal science facilities, farm equipment service and maintenance operations associated with a principal conditional use listed herein, and a care-taker residence. (Revised 4/26/95, Ord. #048077).
 - s. Mining, quarry, and/or other similar natural resource operations located within 1,000 feet of any residence or within one mile from any incorporated community or designated unincorporated rural community, subject to the minimum standards in Section 19.59 and Section 19.60.
 - t. Accessory structures necessary for farm or ranch production that are or should be separated from the agricultural production land or farmsteads on their own parcel, including shops, machine sheds, grain bins and similar agricultural production structures that are intended to continue to be used in conjunction with agricultural operations. The short plat survey shall include the following statement: "This parcel and its structures are limited to agricultural use only. This parcel has not been evaluated as a building site for any other use. If there is a future intent to try to use this parcel and its structures for any uses other than agriculture, further review for compliance with Whitman County code is required, and it is possible that this parcel will not be able to comply and be approved for different uses."
2. An Administrative Use Permit shall be required for:
- a. Surface mining and crushing subject to the minimum standards listed in Section 19.59 and Section 19.60.
 - b. Mining located more than one mile from an incorporated community or designated unincorporated rural community.
 - c. Landfill for inert materials (earth, concrete and asphalt) of less than 2,000 cubic yards of materials.

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

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

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concert with WCO Chapter 18.50, Subdivision Ordinance - Planned Residential Development, and:

1. Create a development form which allows for preservation of important sites within the County, containing significant natural shoreline areas, geology, habitat and/or ecosystems, and the goals of which are compatible with Whitman County's Comprehensive Plan;
2. Produce a development which would be better than traditional lot-by-lot development, on either consolidated lots or unsubdivided property, through variety in design, placement of buildings, and use of undeveloped natural areas, in order to capitalize on the special features of the individual site;
3. Permit flexibility that will encourage a more creative approach in the development of land and will result in a more efficient, aesthetic, and desirable use of undeveloped areas, while at the same time harmonizing with adjoining development;
4. Ensure preservation of important natural habitat, and important ecosystems;
5. Preserve and enhance special site features including areas of cultural significance and, habitat, wetlands and; compliance with the County's critical areas ordinances.
6. Maximize use of alternative energy sources and energy-efficient structures, while employing strategies for conservation of water and other resources.

B. There is created a special conditional use for Planned Residential Developments within specific areas of the Agricultural District.

1. The general areas within the Agricultural District in which a special conditional use for Planned Residential Developments shall be allowed are as follows:

Township 20 N. Ranges E. 39, 40, 41, 42, and 43;

Township 19 N. Ranges E. 39, 40 and 41;

Township 18 N. Ranges E. 39 and 40;

Township 17 N. Ranges E. 39 and 40;

Township 16 N. Ranges E. 38, 39 and 40;

Township 15 N. Ranges E. 37, 38, 39 (except sections 24, 25 and 36), 41, 42, and 43;

Township 14 N. Ranges E. 36, 37, 38, 39, 40, 41, 42 and 43;

Township 13 N. Ranges E. 37, 38, 39, 40, 43 and 44;

Township 12 N. Ranges E. 44, 45 and 46; or,

Township 11 N. Ranges E. 45 and 46.

2. Within the above described general areas only a proposed PRD parcel meeting the following criteria shall be allowed a special conditional use permit.

- a. Not more than 25% of the proposed PRD parcel, shall contain prime farm land, defined as land used for the production of a crop on which the average yield for the preceding three years exceeded the Whitman County average by 20%.

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- b. The proposed PRD parcel contains at least 51% of any, or any combination, of the following soil associations: Ander-Benge-Kuhl Association; Bakeoven Tucannon-Cheney Association; Kuhl-Alpowa Association; Starbuck-Alpowa Association, or, land that can be described as non-tillable.
 - c. The "General Soil Map, Whitman County, Washington" published by the U.S. Department of Agriculture, Soil Conservation Service, edition 1979, as now or hereafter amended, shall be recognized as illustrative of the general locations of the designated soil associations and aid in determining non-tillable land. A copy of this map or its current version shall be retained in the Planning Department office for public access.
 - d. Should a question occur during the Conceptual Plan Review for a PRD, as set forth in WCO Chapter 18.50, the applicant shall, by proof acceptable to the County Planner, establish compliance with this section.
3. No special conditional use for a PRD shall be granted, for any reason without exception, to any PRD proposed parcel wherein any portion of the proposed PRD parcel is within two miles of the boundary of any state park.
- C. Except for the provisions of this section, an applicant for a special conditional use for a PRD shall not be required to meet any other provisions of WCO 19.10 or any section of WCO Chapter 19 which is inconsistent with the provisions of WCO Chapter 18.50, Subdivision Ordinance - Planned Residential Development, as now or hereafter amended.
- D. The Planning Commission shall be the sole agency to review and approve, modify or deny a special conditional use for a PRD. A denial by the Planning Commission may be appealed to the Board of County Commissioners within 30 days of the denial.
- E. A special conditional use for a PRD shall be granted by the Planning Commission with at least the following minimum conditions.
1. Full compliance with the provisions of WCO Chapter 18.50, Subdivision Ordinance-Planned Residential Development; and,
 2. Full compliance with the County's critical areas ordinances, as now or hereafter amended, as well as any and all State Environmental Policy Act determinations, and,
 3. Approval of the Planned Residential Development by the Whitman County Board. (*Revised 4/30/07 Ordinance #066838, effective 5/15/07*)

11:30 a.m. - Recess.

D068837A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Tuesday, October**

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28, 2008 at 2:00 p.m. Chairman Michael Largent, Greg Partch and G.R. Finch, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

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

Present: Fran Martin, Dr. Moody, Cinnamon Brown and Jana Mathia.

D068837B 1. Ms. Brown noted there have been no bat issues lately and animal bites have lessened. The car crusher faced some mechanical problems but the project should still be completed in late November after removing 170 vehicles.

D068837C 2. The Director said the department has been seeking an Environmental Health Specialist II to handle more of the solid waste issues. She had hoped Mike Baker could have taken the test this month to become certified, but he doesn't have enough experience just yet. During the interim, they are doing the best they can for on-site issues.

Internally, Cinnamon Brown was hired as an Environmental Health Tech but during her probationary period she showed she had very good skills. One of the requirements is a Bachelor of Sciences degree which she has. Therefore her position was reclassified to Environmental Health Specialist I.

That still leaves the Environmental Health Specialist II position vacant since prior to John Skyles retiring in April. In visiting with Human Resources, Ms. Martin felt the position would meet the criteria for an Essential/Critical Job Family status and the action could result in a slightly higher salary. Before she can proceed to investigate the issue any further she would need the commissioners' authorization.

Ms. Martin confirmed this is a general fund position, it has been budgeted for 2009 and 75% of the cost could be recouped through the CPG grant. In the meantime, the advertising costs continue to accrue.

Commissioner Partch preferred to wait until spring since the position has been vacant since April, there would be less activity in the winter months and anticipating a budget shortfall.

Upon Commissioner Finch receiving confirmation that Whitman County will be contracting with Columbia County for Environmental Health services, in order to keep up with this obligation, the position should be filled. Commissioner Finch **moved** Commissioner Largent **seconded** the motion to allow the Director to pursue the Critical/Essential Job Family status.

Commissioner Partch agreed with Commissioner Finch that Whitman County does have an obligation, but if the department could get by until spring, that would be his preference while not eliminating the position.

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Chairman Largent indicated he would like to have a discussion with the Administrative Services Director.

Commissioner Partch **moved** to table the motion and Chairman Largent **seconded** it.

D068837D 3. Dr. Moody talked about the fact the county has plenty of flu vaccines for the season. What remains to be seen is how good is the vaccine to the different flu strains that usually begin in early December. Ms. Martin added the department has been running the flu vaccine clinics like a mass immunization clinic as well as taking the vaccine to different business organizations.

D068837E 4. The department has issued 900 birth certificates to-date, not all for newborns and 156 death certificates. Public Health recently completed scanning death certificates back to 1948. Since the equipment was purchased staff began scanning and indexing the current year and working backwards.

D068837F 5. According to the Director, the new food handler's class on line is working well.

D068837G 6. The Director prepared a comparison for Columbia County that showed the minimum Whitman County could get by with if Columbia County hired an Office Manager for the Dayton office that would perform the duties of a Public Health Financial Coordinator thereby reducing their contract by \$14,000. Columbia County has decided to stay with Whitman County and will accept the entire package. Neither county is making any money through this agreement, just able to pay the bills.

D068837H 7. The Pullman Public Health office space lease expires July 2010. Commissioner Partch and the Director met with the head of WSU Capital Planning and Development, Jerry Slatter and Charles Kempfield and Darrell Sherman to look at available space on the WSU campus. Ms. Martin later reviewed the floor plans with the Whitman County Facilities Management Director. This particular building would require some remodeling to accommodate 6 examination/confidential rooms with hand washing facilities. Ms. Martin will review all options and meet with the Board at a later date.

D068837I 8. Director Martin gave a brief nursing staff update.

D068837J 9. The next Board of Health meeting is November 18th.

3:00 p.m. - Adjournment.

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D068837K Commissioner Finch **moved** to adjourn the **October 28, 2008** 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 **November 3, 2008**. The foregoing action made this **28th** day of **October 2008**.

ss/ GREG PARTCH, COMMISSIONER
ss/ G.R. FINCH, COMMISSIONER

MARIBETH BECKER, CMC
Clerk of the Board

MICHAEL LARGENT, CHAIRMAN
Board of County Commissioners