

## Instructions for Completing the Application for a Rural Housing Certificate

### Purpose

*Within the Agricultural Zoning District of Whitman County, residential land use must meet requirements set forth in the Whitman County Zoning Ordinance. Whitman County Planning and other departments within the County evaluate proposed sites to determine if they meet the requirements. If a proposed site qualifies for rural residential use, the County issues a Rural Housing Certificate, which is necessary to secure building permits or to create a lot via short plat for a residential building site.*

### Application

*Applicants must file a complete application before County staff can review their request. To be accepted, the application must be complete and the application fee must be paid. A complete application shall include the application form, a site plan, critical areas review, and a review fee deposit. (Make checks payable to Whitman County Planning).*

### Completing the application form

**Section 1** Enter applicant's name, address, and telephone number, together with applicant's status. If the applicant is not the property owner, the property owner must complete the owner's affidavit on the back of the application (Section 6). For the purposes of this application, "owner" shall mean:

- The mortgagee (person buying the land with a bank loan)
- The contract seller (person holding a contract on the land and selling it to another person)
- The person holding clear title to the land
- The corporation, partnership, or estate holding title to the land

**Section 2** Enter the names and addresses of property owners within 1,500 feet from the proposed residential building footprint within the Rural Housing Certificate area. If there are more than four property owners within these 1,500 feet, use a separate sheet of paper. The names and addresses of property owners within 1,500 feet are available from the County Assessor's Office.

**Section 3** Provide a clear enough description of the site so that County staff can visit the site. Give township, range, and section numbers, and describe helpful landmarks.

**Section 4** Attach a site plan, as described below, to the application.

**Section 5** Review the requirements, shown on the other side of this page. State how you think your proposal complies with the stated criteria and sign and date the statement.

**Section 6** If the applicant is not the owner of the property, the owner must complete the owner's affidavit and have it notarized.

### Completing the Site Plan

The site plan is a map showing the major features of the site. It need not be drawn professionally, but it must be legible and drawn to an appropriate scale. County staff will use it to evaluate the site to determine if it meets the zoning ordinance criteria. The site plan must show the following information:

- boundaries of the site with dimensions
- streams or creeks within the site
- rock outcroppings
- vegetation that will be removed
- areas of intended excavation
- existing fence lines
- names and locations of property owners within 1,500 feet

In addition, the plan shall show the existing and proposed features, showing the distances of each from the property lines and from each other:

- home
- septic tank and drainfield
- well
- driveway
- any other existing buildings
- proposed new structures

The proposed residential site must be accurately marked. Stakes should be set to mark the structure's four corners.

## **Review Procedures**

County Planning has fourteen days to review an application which has been deemed complete. During this time, a planner may visit the site to determine that the viewshed is unoccupied, unless this has already been done and noted. The Planning Office will consult maps for previously approved rural residential sites, and will consult with the Whitman County Department of Environmental Health, the County Engineer, and the county or state road access personnel. If necessary, this initial review period may be extended by an additional fourteen days. The applicant will be notified if the period is extended. County Planning can approve or deny an application during the review period. Failure to render a decision within this time will constitute a denial of the request, unless the review time is extended.

If the Planner issues an intent to approve a Rural Housing Certificate, property owners within 1,500 feet of the proposed site will be notified of their right to appeal the decision within twenty days of the date the certified notice is mailed.

If the County denies the request for an RHC, the applicant will be notified of the right to appeal the decision within twenty days of the date of the notification.

If a neighboring property owner or the applicant appeals the Planner's decision, a hearing before the Board of Adjustment will be scheduled. If a revised site, that meets code and removes the objection from neighboring property owners can be successfully negotiated, no hearing would be required. The applicant and neighboring property owners will be notified of the hearing. The Board of Adjustment's decision is final unless challenged by legal action by any affected party, to a court of competent jurisdiction. The legal action must be initiated within 21 days of the certification of the hearing minutes.

## **Zoning Ordinance Requirements**

*The following requirements from the Whitman County Zoning Ordinance determine if a site qualifies for a RHC:*

1. All of the following requirements must be met:
  - a. New rural residences may be sited in locations which meet requirements for a viewshed site; or meet requirements for a residential group; or are associated with an existing residence.
  - b. If viewshed: The four corners of the proposed residential building footprint shall be 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 the said residences or certified residential sites due to terrain.
  - c. If residential group: The proposed residences shall be a collection of two to nine certified, residential parcels which are located such that at least some portion of each of the included residences are within 300 feet of some portion of another included residence. Only the owner of a residence can add a residence.
  - d. A house and residential developments other than of the types listed 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 the property in production is secured. Exceptions allowed within this buffer are: garages, storage sheds, equipment sheds, driveways, wells (if not part of a Group A or B water system), septic system drain fields, stables, livestock pens and corrals, hay storage, vegetation compatible with adjacent agricultural uses, windbreaks and shelterbelts.
  - e. Residences may not have a living space higher than the top of the landform on which the house is to be located.
  - f. On specified buttes, a residence is not allowed above specified elevations, unless within 750 feet of an improved county or state road.
  - g. 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 water supply and on-site sewage disposal systems.
  - h. Certification of Adjacent Agricultural Use must be signed by the proposed residential property owner when an RHC is granted to make the RHC valid.
  - i. 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.

## **Need Help?**

The County Planner can provide further information about the application process. Call 509 397-6212.

Application received

# Application for Rural Housing Certificate

Application complete

Case Number: \_\_\_\_\_  
Receipt \_\_\_\_\_

### 1. Applicant

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Status (lessee of property, agent, owner, prospective buyer, etc.): \_\_\_\_\_

(If applicant does not own the property, property owner must complete the affidavit on the reverse of this form.)  
Attach proof of ownership and a list of all property owners within 1,500 feet of the proposed residential building footprint. These property owners and addresses can be obtained from the County Assessor's Office.

### 2. Property Owners within 1,500 Feet

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_ City, State, ZIP: \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_ City, State, ZIP: \_\_\_\_\_

If there are more property owners within 1500 feet, list their names and addresses on a separate sheet attached to this application.

### 3. Description of Site

Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

This site is located on \_\_\_\_\_ Road. It is \_\_\_\_\_ miles \_\_\_\_\_ from the intersection of \_\_\_\_\_ Road and \_\_\_\_\_ Road.

Additional information: \_\_\_\_\_

### 4. Site Plan

Attach to this application a site plan completed according to the application instructions.

**5. Statement of Zoning Compliance**

Review the requirements (listed on the application instruction sheet) that must be met for compliance with the zoning ordinance. State your choice of compliance (unoccupied viewshed, grouped home, or accessory residence) and explain how your proposal complies with the requirements.

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\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

**Owner's Affidavit**

(To be completed if the applicant is not the owner of the property involved)

STATE OF \_\_\_\_\_

ss.

County of \_\_\_\_\_

I, \_\_\_\_\_ being duly sworn, deposit and say that I am  
(print or type full name)

the owner of property or his/her authorized agent, involved in this Application, and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief; and I grant my permission to the above-named applicant to apply for a Rural Housing Certificate for the above-described property; and for County staff to examine this subject property in the cause of their work related to this application.

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, ZIP Code

\_\_\_\_\_  
Telephone

SUBSCRIBED and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary Public in and for the State of \_\_\_\_\_, residing at \_\_\_\_\_

\_\_\_\_\_  
My commission expires \_\_\_\_\_