

September 1, 2020

SEPA Coordinator
Eastern Regional Office
Department of Ecology
4601 North Monroe Street, Suite 202
Spokane, WA 99205-1295

To whom it may concern:

Whitman County made a DNS SEPA decision recently for a non-project action creating a new zoning ordinance for marijuana operations. The SEPA decision received one comment from the public which required a response. Enclosed is the Responsible Official's response. On the advice of legal counsel I am sending the response to Ecology as stated in the SEPA rules. Could you send a copy of this response to your office in Olympia please.

Thanks.

Alan L. Thomson
County Planner

MEMORANDUM

To: Person who submitted comments on the SEPA decision for a zoning amendment to create a code regulating marijuana production, processing, and retailing in Whitman County.

From: Alan L. Thomson, County Planner

Subject: Responsible Official's response to comments

One email comment addressed specifically to the Determination of Nonsignificance (DNS) SEPA (State Environmental Policy Act) decision has been received prior to the deadline for comments.

The email comment is from the following person:

1. Kathleen Lloyd

Explanation of options available to the Responsible Official:

Once comments have been received and the comment deadline has passed, the Responsible Official considers the comments. The choices available for a SEPA decision are:

- Determination of Nonsignificance (DNS)
- Mitigated Determination of Nonsignificance (M-DNS)
- Determination of Significance (DS)

The Responsible Official could, based on comments and a review of the documents, determine that:

- The project has no significant, negative environmental impacts, and therefore a DNS can be issued;
- The project has some impacts that are not controlled by other ordinances, but these impacts can be mitigated by sustaining the current M-DNS or by adding mitigations not yet listed;
- The project has significant, negative environmental impacts for which no mitigation can be devised without further study.

Comments *in italics* and response **in bold**:

Kathleen Llyod comment:

- 1) *Producing marijuana in Whitman County usually requires irrigation water, as we are on the east side of the state and there is not rainfall to produce multiple crops throughout the year. Most of these facilities use a well that*

allows 5000 gallons a day of use. The Department of Ecology web site that councils marijuana growers <https://fortress.wa.gov/ecy/publications/documents/1411003.pdf> discusses this and estimates water use by tier to be: tier 1=260 gpd, tier 2=1300, tier 3=3900gpd.

Kevin Brown(pabr461@ecy.wa.gov) Watermaster, Water Resources program, Eastern Region Department of Ecology on a 1/8/20 email to me stated: "The exemption allows for up to 5000 gallons per day for industrial purposes. This would include commercial irrigation purposes and is used for most of the 1502 grow operations. I have a few operations using the exemption for irrigation and they are submitting daily metering readings. These use of water is about 1000 gallons per Tier. So I would estimate operations under 5 Tiers would be operating legally without the need for a permit. Of course it all depends on the water use, indoor or outdoor etc. This can be an issue when they continue to add Tiers to established grow operations assuming each license allow for an additional exemption. The "Project" is exempt. So we then look to the issue of common ownership common name etc to see if it is one project or not. This was what was described in then Kittitas Case. Almost all exempt uses are not monitored by Ecology. Typically we are notified of unauthorized uses by complaints. I have attended multiple pre-application meeting on grow operations and advised the applicant and the county to require a meter on the well and maintain daily readings. This allows the user to ensure they are within the limits of the exemption and if they are subject to complaints they have the information available to show their compliance. Once the county issues a building permit, whether it be for a housing development or industry I don't know what responsibility they have to ensure compliance, I think at that time it would fall to Ecology."

It is a common practice for marijuana operations to have multiple licenses operating at the same location. If there are 2-3 tier (6 tiers total) operations at the same location, they are estimated to use over 5000 gallons per day-at least 6000 gallons. If an operation wants to legally use this much water, they are required to obtain a water right. Since our aquifer is closed, due to the aquifer deprecating, I do not understand this to be possible under normal circumstances. This means multiple operations at the same location have a high likelihood of using more water than they are allowed.

Most agriculture in Whitman county is dry farming, so farming in the county is not contributing to our regional water shortages. Allowing new agriculture into the area that contributes to our water shortage problems is concerning and I believe warrants extra precautions. There can also be negative consequences for neighboring wells. I would like there to be a provision in the ordinance that either restricts how many licenses can be at one location, and/or a new operation to prove they have legal access to the water they will likely use. This can possibly include a meter on their well with daily readings to ensure this happens, as recommended by Kevin Brown from the Department of Ecology in the previous email.

Response to concern #1:

The Washington State Department of Ecology manages water use in the state of Washington. RCW 90.44.050 establishes the allowed uses of water under the permit exemption and applicable quantity limits. The following is a direct quote from Daniel Tolleson, Department of Ecology:

- ***Irrigation of a lawn or non-commercial garden*** is intended to support a home's watering of lawn or non-commercial garden, together they cannot exceed a half-acre in size. Water use is limited to a reasonable quantity to support the half acre.
- ***Industrial uses of water*** may support activities such as irrigation of a small commercial farm, a water for a store or restaurant, or water for a small industrial facility. Use for this purpose is limited to 5,000 GPD.
- ***Stock water*** is intended to provide water for stock animals, such as drinking water for cows. There is no quantity limit on water use for this purpose.

An I-502 marijuana business would apply for a well permit from Ecology just like any other business or residence in Whitman County. This would be an exempt well which can draw up to 5,000 gallons of water per day. Usually these wells are not metered. The new marijuana ordinance requires a conditional use permit for marijuana production, processing, and retailing. Any future applicants will be informed about water usage and its limitations. The County Board of Adjustment can place a condition on the permit stating the exempt well limitation and if it is discovered that more than 5,000 gallons per day is being used the permit potentially can be revoked. The Department of Ecology can also intervene if they are aware of any well infraction. Ecology can require a meter to be installed if it is known that an infraction has occurred or suspect that one has occurred. In addition to these regulatory oversights, if more than two marijuana license holders apply for a conditional use permit on one well the County's Environmental Health Department will inform the applicant that they will

need either a group B or Group A permit from the Washington State Department of Health. The use of water in Washington state is well covered by state law. Any citizen can lodge a complaint with the Department of Ecology if they suspect that more water than the allowed 5,000 gallons per day is being used by any exempt well. A final comment on a statement made by Mrs. Llyod that “the aquifer is closed, due to the aquifer deprecating” (*sic*). There are no closed or limited aquifer basins in Whitman County at this moment. Adding language to the ordinance requiring that only I-502 businesses have to put a meter on their well is a local policy decision. The Board of County Commissioners could opt to do this, but absent such a decision, there are regulations in place statewide to control water usage.

Given that water usage in the state is regulated by the Department of Ecology and the ordinance contains methods to inform and condition a permit to ensure that the pertinent regulations are complied with, this concern does not rise to the level of being a significant, negative environmental impact.

2) *Requiring new marijuana facilities are located at least 1500 ft from existing homes, similar to the current Whitman County Viewshed Ordinance, would also be beneficial. The current setback in the draft is 20 ft. from the property line for indoor grow facilities.*

Response to concern #2:

The setback distances in the new ordinance are a policy decision. The Planning Commission debated setback distances at length. They looked at what other jurisdictions have done in the state and found a wide range of setback requirements. They decided that for indoor grow and processing operations, since the code requires that these buildings are to be air tight, they should be treated the same as any other business allowed in this zoning district regarding setback distances. However, the Planning Commission decided to allow the Board of Adjustment the ability to determine setback distances on site-specific and operational characteristics including probable impacts to adjacent landowners. Because of the above forementioned reasons and flexibility written into the ordinance, this concern does not rise to the level of being a significant, negative environmental impact.

3) *Impacts to groundwater:*

Marijuana processing is currently being deregulated in the submitted ordinance, as currently it is allowed in the light industrial zone and the proposed ordinance will allow it to be in agriculture, heavy industrial, light industrial, heavy commercial, North Pullman-Moscow Corridor District, and

South Pullman-Moscow Corridor District zones. Since this ordinance only applies to unincorporated Whitman County, none of the processing operations will be on a public water or septic system. I am concerned that with an unexpected leak, a careless or untrained employee, there is the potential for a chemical substance to be released into the ground that could make its way into the local water supply, especially a neighboring well.

A Whitman County marijuana producer submitted a zone change application to change their parcel from agricultural to light industrial to be able to process marijuana using a ‘hydrocarbon solvent based extraction of marijuana’ method of processing (copy of application attached at the end of this letter, item#5).

I understand many solvents can poison water supplies if they accidentally leak into the ground. This has the potential to poison the wells of neighbors close by, and the neighbors would have no idea this had happened. I would like to see marijuana processing either not allowed in unincorporated Whitman County. If they are allowed, they need to have an environmental impact study completed before a conditional use permit is approved. There should also be a method for a 3rd party inspector, paid for by the processor-not the county, regularly visiting to be sure best practices are ensured, they are processing by the method they applied for that was approved by the environmental study, and procedures to prevent any kind of spill are being followed.

Response to concern #3:

The proposed County code for both outdoor and indoor production and processing of marijuana has specific requirements for the use of fertilizers, chemicals, gases, or hazardous materials. These are not allowed to be released into the atmosphere nor allowed to enter an on-site septic system, sanitary sewer, or stormwater system. Waste disposal from production and processing is to conform to WAC 314-55-097. Dangerous wastes are subject to WAC 173-303. Any soil amendments, fertilizers, other crop production aids, and pesticides used must comply with WAC 314-55-084. The marijuana industry is heavily regulated and inspections do occur from the Cannabis and Liquor Board, state Department of Ecology, the state Department of Health and the state Department of Agriculture. And, if infractions do occur, then potentially the applicant’s permit could be invalidated. The requirements written into the code regarding potential contamination to groundwater appropriately protect the environment and therefore an Environmental Impact Statement is not appropriate. Because of the above forementioned reasons, this concern does not rise to the level of being a significant, negative environmental impact.

4) *Air quality:*

During this process Washington State Dairy submitted several letters, with accompanying studies, that show volatile compound emissions from marijuana plants when breathed by mammals end up in milk. They are very concerned that this could impact the milk, cheese and Cougar Gold Ice cream when the marijuana producer was near their dairy operation. They stated it could be several years before the effects could be discovered. The Whitman County proposed marijuana ordinance will require filters for smell for indoor operations, but still allows outdoor operations within 500 ft of a residence. Understanding that volatile compound emissions from marijuana plants can travel a minimum of a mile, this exposes many people to unknown health effects, especially when they live nearby, are employees working regularly at the marijuana facility, or travel nearby regularly and have long term exposure. There are many from the marijuana industry who say volatile compound emissions from marijuana plants do not have any negative health effects. Unfortunately, this is a very new industry and without data on long term effects to human health, it is unwise to assume there will not be negative consequences, especially to children, pregnant women, the elderly and people with chronic health issues. The cigarette and asbestos industries made similar claims initially. The department of Ecology does not inspect or regulate for air quality related to marijuana smell, which is the initial indicator marijuana emissions are affecting a location. I would like to see outdoor grow operations have a 2-5 mile setback, depending on the prevailing wind, from any residence to protect people from being exposed to health risks that this very new industry will not discover or understand for many years. Another consideration could be an environmental impact study performed and completed before a conditional use permit is issued and a 3rd party, paid for by the marijuana operation, regularly inspect to be sure the recommendations of the study are being followed.

Response to concern #4:

In the proposed code air emissions from both indoor and outdoor marijuana operations are strictly controlled. Indoor facilities are to be designed to not allow escape of emissions. Outdoor facilities are also not allowed to have escape of odors. Any detection of odors beyond the lot lines of the facility are a violation of the permit and have seven days to be remedied. If unable to be remedied, the permit holder will be taken back to the Board of Adjustment and ultimately could lose their conditional use permit. Because of these controls an Environmental Impact Statement is not appropriate. There are no peer-reviewed scientific studies that were discovered by the County showing harm caused by odors from marijuana plants. Setback distances to residences were carefully thought out by the

Planning Commission taking into consideration public health, welfare, and safety. All of the concerns that have been expressed have been disclosed, discussed, and considered. The controls contained in the code are crafted to prevent any long term escape of odors and therefore these concerns do not rise to the level of being a significant, negative environmental impact.

SEPA is primarily a procedural statute that requires the disclosure of environmental information. The purpose of SEPA does not demand a particular substantive result in government decision-making; rather it ensures that environmental values are given appropriate consideration. (Moss v City of Bellingham)

One of the fundamental purposes of SEPA is to ensure environmental issues are disclosed, discussed, and considered in land use decisions. The rule of reason is applied to further this purpose.

In the creation of this ordinance the Planning Commission identified potential environmental issues, requested expert testimony on these issues, had staff and the public send them papers and pertinent information, and over several months, debated these potential issues. The Commission then used all this information and employed the rule of reason to formulate the code. Based upon the above mentioned process used to create this ordinance and my review of the Checklist answers and comments, as Responsible Official, I find that the previous SEPA DNS threshold decision stands.

Whitman County code does not provide for an administrative appeal of this SEPA decision in this 'non-project action.' However, you may be able to file a judicial appeal of this SEPA decision along with any judicial appeal of the final decision of the Board of County Commissioners. If you do so, you will have to act promptly after the Board of County Commissioners issues its final decision. Please see RCW 43.21C.075 and consult your own attorney in that regard.

Alan L. Thomson, Responsible Official

Distribution: persons who commented
Date: September 1, 2020
File: Chapter 19.64 - Marijuana

MEMORANDUM

To: Board of County Commissioners

From: Whitman County Planning Commission

Subject: Alternative considerations to a marijuana ordinance.

As requested, in addition to researching a marijuana ordinance, we the Planning Commission suggest the following alternatives to the ordinance for the BOCC to consider. They are in no particular order:

1. Ban all new marijuana business applications.
2. Accept Chapter 19.64 without any outdoor grow operations.
3. Accept Chapter 19.64 but make the setback to all marijuana operations larger. Suggestions have been made that the setback to residences should be 1,500 feet to match the viewshed requirement in the Agricultural District code.
4. Setbacks to incorporated towns and unincorporated communities should be greater than ½ mile or 1,000 feet. Suggestions have ranged between 1-4 miles.
5. Residences should be added to the list of sensitive uses making the setback for residences to marijuana operations 1,000 feet.
6. Apply the new marijuana code to the existing marijuana businesses.
7. Continue to consider marijuana as an agricultural crop like any other agricultural crop.
8. Delay making a decision until more empirical data has been discovered about the potential health effects of marijuana odors.
9. For indoor grow operations make the minimum parcel size 10 acres instead of two acres.

We feel that the subject of marijuana is a very significant issue and recommend that the Board of County Commissioners give this more attention in the form of additional public input.

Date: February 6, 2020

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Chapter 19.64 – MARIJUANA

Section 19.64.010 – Purpose and Intent

The purpose of this chapter is to establish zoning regulations that provide for state licensed and approved commercial marijuana activities and land uses consistent with Chapter 69.50 RCW, the Washington Uniform Controlled Substances Act, and Chapter 314-55 WAC, which addresses the producing, processing, and retailing of marijuana. This chapter establishes minimum performance standards to address public health, welfare, and safety impacts from such facilities.

Section 19.64.020 – Applicability

This chapter applies to land being used for marijuana production, processing, and retailing licensed by the state of Washington in all portions of unincorporated Whitman County. This Chapter does not apply to the production of hemp nor medical marijuana use.

Section 19.64.030 – Definitions

Whitman County shall rely upon definitions set forth in Chapter 314-55 WAC, RCW 69.50.101, and WCC Chapter 19.03, as each now exists or may hereafter be amended.

Agricultural Activity: The County recognizes the growing of licensed marijuana to be an agricultural land use as contemplated by the County Comprehensive Plan, however, for the purposes of this Chapter, the production, processing, and sale of marijuana is not considered an agricultural activity. For the definition of Agricultural Activity see WCC Chapter 19.03.025.

Section 19.64.040 – Marijuana Production and Processing Permitted Zoning Districts

A. Indoor marijuana production and processing may be permitted in the following zoning districts:

1. Agricultural District
2. North Pullman-Moscow Corridor District
3. South Pullman-Moscow Corridor District
4. Heavy Commercial District
5. Light Industrial District
6. Heavy Industrial District

B. Outdoor marijuana production and processing may be permitted in the following districts:

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1. The Agricultural District

C. Marijuana retail outlets may be permitted in the following zoning districts:

1. North Pullman-Moscow Corridor District
2. South Pullman-Moscow Corridor District

Section 19.64.050 – Development Standards

A. Indoor production, processing and retailing

1. Indoor marijuana production, processing, or retailing requires a conditional use permit. A pre-application meeting with the Planning Department is required prior to the submittal of a conditional use application.
2. Only marijuana producers, processors, and retailers with a current, validly issued license by the Washington State Liquor and Cannabis Board, compliant with all local development regulations, shall be allowed to apply for a conditional use permit. When a conflict exists such that the Washington State Liquor and Cannabis Board has issued a license in a location where activity is prohibited by regulation, the local regulations shall prevail.
3. Marijuana producers, processors, and retailers shall be subject to the development standards of the underlying zoning district, the Whitman County Code, and all other local and state laws except as modified in this chapter.
4. No marijuana production, processing, or retailing shall be permitted within a dwelling unit or within a building physically attached to a dwelling unit.
5. Indoor marijuana production and processing in all permitted zoning districts shall be within an entirely enclosed building.
6. No marijuana production, processing, or retailing operations shall emit odors of marijuana that are detectable at or beyond the lot lines of the facility. The County Planner may issue a written notice to the holder of a conditional use permit issued pursuant to this chapter that odor has been detected in violation of this section. Any odor condition detected must be cured within seven business days of the conditional use holder's receipt of the written notice of violation. If a second violation occurs, the County Planner shall take the conditional use permit holder back to the Board of Adjustment or Hearing Examiner for a review of the permit. If odors cannot be contained within the lot lines of the facility the Board of Adjustment or the Hearing Examiner can terminate the conditional use permit.

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7. The applicant shall install an exhaust system that is designed and constructed to capture odors and sources of contaminants to prevent spreading of contaminants or odors to the surrounding areas. The system must be designed by a licensed Washington State professional engineer.
8. Lighting for marijuana production, processing, and retail operations, including any required security lighting, shall be designed, installed, and maintained so as to eliminate light directly projecting across property lines.
9. The Board of Adjustment or Hearing Examiner shall determine the setback requirement for all marijuana indoor production and processing facilities based on site specific and operational characteristics (such as topography, use of structures to enhance plant growth, use of odor control systems, use of temporary growing structures, ventilation system, prevailing wind direction, etc.) and probable impacts to neighboring properties; but in no case shall setbacks for indoor production and processing be less than a minimum of 20 feet from front, rear, and side property lines. Any increase of the setbacks is subject to the site specific and operational characteristics described above.
10. No indoor marijuana production or processing shall be allowed on lots or parcels less than two acres. The land used for this must be a stand-alone legal parcel.
11. Licensed indoor marijuana production, processing, and retailing shall not be permitted within one thousand (1,000) feet of the property lines of the following "sensitive uses".
 - a. Elementary or secondary schools;
 - b. Playgrounds;
 - c. Recreation centers or facilities;
 - d. Child-care centers;
 - e. Public parks and trails;
 - f. Public transit centers;
 - g. Libraries;
 - h. Game arcades (where admission is not restricted to persons age 21 or older);
 - i. Churches;
 - j. Any parcel containing a licensed marijuana retail outlet;
 - k. Retirement/senior/elder care facilities;
 - l. Hospitals and medical clinics;
 - m. Drug treatment centers;
 - n. The county fairgrounds;

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The 1000 foot buffer distance must be measured as the shortest straight line distance from the property line of the proposed business location to the property line of any of the entities aforementioned.

12. The subsequent establishment of a sensitive use listed in paragraph 11 above, within 1,000 feet of a legally established and licensed marijuana production, processing, or retail facility, shall not be prohibited by this Chapter and shall thereby not render a valid conditional use permit non-conforming.
13. Waste disposal from all structures and uses serving production and/or processing of marijuana shall conform to WAC 314-55-097, as now in effect or as hereafter amended. If any such waste may be designated dangerous waste under WAC 173-303, as now in effect or hereafter amended, then the waste generator shall bear the responsibility for waste characterization and disposal pursuant to the rules of the Washington State Department of Ecology or any other appropriate regulatory authority.
14. No fertilizers, chemicals, gases, or hazardous materials used in the growing or processing of the marijuana plants shall be allowed to enter an on-site septic system, sanitary sewer, or stormwater system, nor be released into the atmosphere where the facility is located.
15. Any soil amendments, fertilizers, other crop production aids, and pesticides used in the indoor production and processing of marijuana must comply with WAC 314-55-084.
16. In the Agricultural District, no facility engaged in marijuana production and/or processing may locate within 1,500 feet of the municipal boundaries of incorporated towns and unincorporated communities within Whitman County. Marijuana retail operations will comply with the setbacks from the underlying zoning district.
17. Upon notice of violation the County Planner may direct compliance. Upon failure to comply the permit may be suspended [per WCC 19.06.010(2)] by the Board of Adjustment or Hearing Examiner until necessary corrections are made or terminated upon failure to comply or repeated violations.

B. Outdoor Production

1. Outdoor production of marijuana requires a conditional use permit. A pre-application meeting with the Planning Department is required prior to the submittal of a conditional use application.

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2. Only marijuana producers, processors, and retailers with a current, validly issued license by the Washington State Liquor and Cannabis Board, compliant with all local development regulations, shall be allowed to apply for a conditional use permit. When a conflict exists such that the Washington State Liquor and Cannabis Board has issued a license in a location where activity is prohibited by regulation, the local regulations shall prevail.
3. Outdoor marijuana producers shall be subject to the development standards of the underlying zoning district, the Whitman County Code, and all other local and state laws except as modified in this chapter.
4. No outdoor marijuana producer shall emit odors that are detectable at or beyond the lot lines of the facility. The County Planner may issue a written notice to the holder of a conditional use permit issued pursuant to this chapter that odor has been detected in violation of this section. Any odor condition detected must be cured within seven business days of the conditional use holder's receipt of the written notice of violation. If a second violation occurs the County Planner shall take the conditional use permit holder back to the Board of Adjustment or Hearing Examiner for a review of the permit. If the odors from the outdoor grow operation cannot be contained within the property, the options for the Board of Adjustment or Hearing Examiner are to terminate or to modify the conditional use permit, such as by requiring the operation to be moved indoors to a building that conforms to the requirements of Section 19.64.050(A)(6).
5. Outdoor marijuana production areas shall be located within the confines of an opaque wall or fence. The wall or fence shall be a minimum height of eight feet.
6. Lighting for outdoor marijuana production including any required security lighting, shall be designed, installed, and maintained so as to eliminate light directly projecting across property lines.
7. The Board of Adjustment or Hearing Examiner shall determine the setback requirement for outdoor marijuana production applications based on site specific and operational characteristics (such as topography, use of structures to enhance plant growth, use of odor control systems, use of temporary growing structures, ventilation system, prevailing wind direction, etc.) and probable impacts to neighboring properties. The minimum setback for outdoor marijuana production is 200 feet from front, rear, and side property lines.

The minimum setback from an outdoor marijuana facility to existing residences for which a Rural Housing Certificate (RHC) or a Certificate of Zoning Compliance (CZC) has been issued at the time shall be 500 feet. This setback is to be measured from the foundation of a residence to the fence of the marijuana

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facility. This minimum setback distance can be increased or decreased by the Board of Adjustment. It can be decreased by up to fifty percent (50%) provided the affected property owner of record grants the reduced distance through a signed and notarized waiver, contract, covenant or other document and is executed with specific reference to the assessor parcels impacted and a copy is recorded with the Whitman County Auditor. Any increase of the setbacks is subject to the site specific and operational characteristics described above.

8. No outdoor marijuana production or processing shall be allowed on lots or parcels less than ten acres. The land used for this must be a stand-alone legal parcel.
9. Licensed outdoor marijuana producers shall not be permitted within one thousand (1,000) feet of the perimeter grounds of the following entities:
 - a. Elementary or secondary schools;
 - b. Playgrounds;
 - c. Recreation centers or facilities;
 - d. Child-care centers;
 - e. Public parks and trails;
 - f. Public transit centers;
 - g. Libraries;
 - h. Game arcades (where admission is not restricted to persons age 21 or older);
 - i. Churches with licensed day care centers;
 - j. Any parcel containing a licensed marijuana retail outlet;
 - k. Retirement/senior/elder care facilities;
 - l. Hospitals and medical clinics;
 - m. Drug treatment centers;
 - n. The county fairgrounds,

The 1000 foot buffer distance must be measured as the shortest straight line distance from the property line of the proposed business location to the property line of any of the entities aforementioned.

10. The subsequent establishment of a sensitive use listed in paragraph 9 above, within 1,000 feet of a legally established and licensed marijuana production, processing, or retail facility, shall not be prohibited by this Chapter and shall thereby not render a valid conditional use permit non-conforming.
11. Waste disposal from all structures and uses serving outdoor production of marijuana shall conform to WAC 314-55-097, as now in effect or as hereafter amended. If any such waste may be designated dangerous waste under WAC 173-303, as now in effect or hereafter amended, then the waste generator shall

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bear the responsibility for waste characterization and disposal pursuant to the rules of the Washington State Department of Ecology or any other appropriate regulatory authority.

12. No fertilizers, chemicals, gases, or hazardous materials used in the growing of the marijuana plants shall be allowed to enter an on-site septic system, sanitary sewer, or stormwater system.
13. Any soil amendments, fertilizers, other crop production aids, and pesticides used in the production of outdoor marijuana must comply with WAC 314-55-084.
14. No facility engaged in outdoor marijuana production may locate within 1/2 mile of the municipal boundaries of incorporated towns and unincorporated communities within Whitman County.

Section 19.64.060 – Conditional Use Submittal Requirements

The applicant shall submit the following to the Planning Department:

1. A site plan drawn to a standard scale. The site plan shall depict and describe the following: (a) the location and total area of the licensed facility; (b) the distances from the production (grow) areas and/or processing facilities to all adjacent buildings and property lines; (c) all existing and intended uses of any buildings or structures, grow areas, parking areas, property lines, physical land features such as roads, utilities, driveways and any critical areas; (d) the location of the security fence and the distance of the fence from the property's lot lines. The security fence must be at least 20 feet from all lot lines.
2. A location plan. The applicant shall submit a map, drawn to scale, showing that the marijuana production facility and/or processing fence line is at least 1,000 feet from the property lines of all of the entities identified in Section 19.64.050(B)(9).
3. A lighting plan. Buildings shall have internal shielding (such as blackout curtains) to prevent glare and light trespass from the building's interior walls and roof, so that lighting sources are not visible from off-site residences and public roads. Conditions of approval for any conditional use permitted under this chapter shall require compliance with the lighting plan. At the time of application for a building permit, proof of interior wall and roof shielding shall be submitted to the County Planning Department. All exterior lighting shall be designed to be downward facing and shielded to prevent light directly projecting across property lines.

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4. A security plan. A marijuana business shall meet all security requirements as required by WAC 314-55 and shall provide proof of such operational security system.
5. A waste disposal plan. All fertilizers, chemicals, gases, and hazardous materials shall be handled in compliance with all applicable local, state, and federal regulations. No fertilizers, chemicals, gases, or hazardous materials shall be allowed to enter an on-site septic system, sanitary sewer or storm sewer system, nor be released into the atmosphere where the facility is located. Waste materials generated from any facility must be disposed of in accordance with the operating plan filed as part of a marijuana license application and consistent with all applicable federal, state, and local regulations.
6. Variance to setbacks. If a variance to setbacks is requested, specify the setback distance. If the setback distance is requested to be decreased a waiver from the adjacent landowner is to be provided in the CUP application. Also include in the application the reason(s) why a variance is being sought.

Chapter 19.03 - Definitions

Section 19.03.005 - Accessory Dwelling Unit

An additional, smaller, subordinate dwelling unit on a lot with, or located in, an existing or new Single-Family Dwelling.

Section 19.03.010 - Accessory Use or Structure

A building, part of a building or structure or use which is subordinate to, and the use of which is common or incidental to that of the main building, structure or use on the same lot of record.

Section 19.03.015 – Active Surface Mining and /or Rock Crushing Operations

Mineral resources activities, existing and ongoing, is defined as having an approved and valid surface mining permit issued by the DNR; Conditional Use Permit or Administrative Use Permit issued by Whitman County; or having a continuous cycle of mining, crushing, or removal of materials.

Section 19.03.020 - Administrative Official

The building official as designated by the Whitman County Director of Public Works.

Section 19.03.025 – Agricultural Activity.

Agricultural activity includes, but is not limited to, the growing or raising, harvesting, storage, disposal, transporting, conditioning, processing, sale, and research and development of, but not limited to, the following: horticultural crops, poultry, livestock, grain, legumes such as peas, lentils and garbanzos, mint, hay, forages and feed crops, apiaries, beekeeping, equine activities, leather, fur, wool, dairy products and seed crops. (Amended July 1, 2013; Ordinance 074394) For purposes of Title 19, the term agriculture/agricultural excludes the production, processing, and sale of any controlled substances, including marijuana, cannabis and its derivatives.

Section 19.03.030 - Airport

Facilities providing for regularly scheduled commercial air transport available to the general public.

Section 19.03.040 - Airport Elevation

The highest point of an airport's usable landing area measured in feet from mean sea level.

Section 19.03.050 - Airport Hazard

Any structure, object of natural growth, or land use located in the vicinity of an airport, which obstructs the airspace required for the flight of aircraft, as established by this title.

Section 19.03.060 - Airstrip

Landing fields and accessory uses and structures providing facilities for small aircraft, but not including regularly scheduled commercial transportation available to the general public.

Section 19.03.070 - Apartment

A room or suite of two or more rooms in a multiple-family dwelling, occupied as a dwelling unit for one family.

Section 19.03.073 –Appeal

A request for a review of the interpretation of any provision of this ordinance, or a request for a variance. (Adopted May, 2003; Resolution No. 061233)

Section 19.03.075 – Applicant

A person who files an application for permit under this chapter and who is either the owner of the land on which that proposed activity would be located, a lessee of the land, or the authorized agent of the owner.

Section 19.03.080 - Area of Special Flood Hazard

The land in a flood plain subjects to a one- percent (1%) or greater chance of flooding in any given year.

Section 19.03.090 - Base Flood

The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Section 19.03.093 – Basement

Any area of the building having its floor subgrade (below ground level) on all sides. (Adopted May, 2003; Resolution No. 061233)

Section 19.03.100 - Board

The Whitman County Board of Commissioners.

Section 19.03.110 - Board of Adjustment

The Whitman County Board of Adjustment.

Section 19.03.120 - Boundary

The lot lines describing a lot of record.

Section 19.03.130 - Building

Any structure for the support, shelter or enclosure of persons, animals or property of any kind.

Section 19.03.135 – Building Envelope

That portion of proposed building location regardless of square footage size of the building outward to the limits of the allowable setbacks. This definition includes projections such as porches, decks, or any appendage of a residential structure, including the garage. (Adopted 2/7/11, Ordinance # 071612)

Section 19.03.140 - Building Height

The vertical distance from the average grade of a building site to the highest point of the structure or building thereon.

Section 19.03.150 - Building Site

That part of a lot of record covered by a principal use, building or structure.

Section 19.03.153 – Carrier

Communication company or provider with equipment located on a tower. (Adopted 2/7/11, Ordinance # 071612)

Section 19.03.155 – Certificate of Occupancy

A certificate which allows occupancy of a structure after determination by the Building Official that the requirements of the Uniform Building Code (UBC) have been met; (UBC Section 308 or as here-after amended.)

Section 19.03.156 - Child Care Center

An entity that regularly provides child daycare and early learning services for a group of children for periods of less than twenty-four hours licensed by the Washington State Department of Early Learning under Chapter 170-295 WAC.

Section 19.03.~~156~~-157 - Commercial agricultural commodity warehouse

A commercial business where agricultural products from multiple farming operations are brought to be processed or sorted, stored and ultimately transported to another destination. Processing means cleaning, treating or sorting with minimal alteration of the original product. Processing does not mean altering the original product into a completely different form such as a bio fuel or a food product such as hummus. (Ammended July 1, 2013; Ordinance 074394)

Section 19.03.1578 - Commercial Wind Generating Facility

An electricity-generating facility consisting of one or more wind turbines of total capacity of more than 100 Kw and/or a tower height greater than 125 feet, under common ownership or operating control that includes substations, meteorological towers, cables/wires and other building accessories to such facility. (Adopted 11/16/09, Ordinance # 070081)

Section 19.03.160 - Commission

The Whitman County Planning Commission

Section 19.03.170 - Comprehensive Plan

The officially-adopted document and any amendments or supplements thereto adopted pursuant to State Law 36.70, which sets forth policies and standards for determining the best use of land and other resources of the county.

Section 19.03.173 – County Planner

See Planning Director, the Director of the Whitman County Planning Office or his/her designee.

Section 19.03.175 – Critical Areas

Critical Areas include the following areas and ecosystems:

- a. Wetlands
- b. Areas with a critical recharging effect on aquifers used for potable water
- c. Fish and Wildlife habitat conservation areas
- d. Frequently flooded areas
- e. Geologically hazardous areas.

Section 19.03.178 – Critical Facility

A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste. (Adopted May, 2003; Resolution No. 061233)

Section 19.03.180 - Dependent Mobile Home

A mobile home dependent upon all or part of the sanitary facilities provided in a service building.

Section 19.03.190 - Development

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Section 19.03.197 – Development Regulation

Any controls placed on development or land use activities by Whitman County, including but not limited to, zoning ordinances, official controls, and subdivision ordinances.

Section 19.03.200 - Dwelling Unit

A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. (Taken from Section R202 of the 2003 International Residential Code®)

Section 19.03.210 - Dwelling, Single-Family

A structure containing one dwelling unit.

Section 19.03.220 - Dwelling, Two-Family

A structure containing two dwelling units.

Section 19.03.230 - Dwelling, Multiple-Family

A structure containing three or more dwelling units.

Section 19.03.235 - Elementary School

A school with a physical location for early education that provides the first four to eight years of basic education and recognized by the Washington State Superintendent of Public Instruction.

Section 19.03.240 - Employee

A person whose major occupation is with the permitted use on the same site.

Section 19.03.250 - Existing Mobile Home Park or Mobile Home Subdivision

A parcel or contiguous parcels of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this title.

Section 19.03.260 - Expansion to an Existing Mobile Home Park or Mobile Home Subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

Section 19.03.269 - Farm Operators

Persons responsible for the management of a farm.

Section 19.03.270 - Feedlot

A concentrated, confined animal or poultry growing operation for meat, milk or egg production or stabling in pens or houses wherein the animals or poultry are fed at the place of confinement and crop or forage growth or production is not sustained in the area of confinement.

Section 19.03.280 - Flood, Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.

Section 19.03.290 - Flood Insurance Rate Map (FIRM)

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Section 19.03.300 - Flood Insurance Study

The official report by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

Section 19.03.310 - Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface more than one foot.

Section 19.03.312 – Footprint (Building Footprint)

That portion of the parcel which is or will be covered by the structure, including roof, awning, porches, decks or any other element protruding from the structure, as viewed from directly overhead.

Section 19.03.314 - Government Facilities and Offices

Government facilities and offices means facilities and offices owned and operated by an agency of the federal, state, or local government.

(Adopted 8/15/16, Ordinance # 078081)

Section 19.03.318 – Grading

Excavation or fill or any combination thereof, including by not limited to the establishment of a grade following the demolition of a structure or preparation of a site for construction or development.

Section 19.03.315 – Hazardous Waste

“Hazardous Waste” means and includes all dangerous and extremely hazardous waste as set forth in RCW 70.105.010.

Section 19.03.320 - Health Department

The Whitman County Department of Environmental Health.

Section 19.03.330 - Home-Based Business

A lawful enterprise carried out as a clearly secondary use within a residential dwelling unit or accessory structure. (Revised April 21, 2008; Resolution No. 068024)

Section 19.03.335 – Impacts

Effects of one thing upon another.

Section 19.03.340 - Independent Mobile Home

A mobile home independent of all those facilities provided in a service building.

Section 19.03.341 - Interest in Proposed Amendment

Persons with an interest in the amendment to the text of the zoning ordinance should be any person who can demonstrate a need for or benefit from such change and persons with an interest in amendment to the zoning map would be any property owner whose property is within or adjacent to the proposed area of change or who is seeking the change with express permission of a property owner within or adjacent to the proposed area of change.

Section 19.03.346 – Legal description

A description recognized by law which definitely locates property by reference to government surveys, coordinate systems or recorded maps and is sufficient to locate the property without oral testimony.

Section 19.03.347 – Living Space

Space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

Section 19.03.348 – LOS (Level of Service)

A qualitative measure describing operational conditions within a traffic stream, and their perceptions by motorists and/or passengers. These items are generally described as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.

Section 19.03.350 - Lot, Lot of Record

A parcel of land which is separately described by a deed instrument or sales contract, which deed or contract has been officially recorded with the Whitman County Auditor, considered as a unit of real property, and legally described in metes and bounds; or a parcel of land shown by number of an officially recorded short plat or subdivision plat.

Section 19.03.352 - Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 19.50.070(3)(a).

Section 19.03.353 - Marijuana Producer Tier 1

To produce marijuana for sale at wholesale to marijuana processor licensees and to other marijuana producer licensees. Tier 1 allows for two thousand square feet or less of dedicated plant canopy.

Section 19.03.354 - Marijuana Producer Tier 2

To produce marijuana for sale at wholesale to marijuana processor licensees and to other marijuana producer licensees. Tier 2 allows for between two thousand square feet and ten thousand square feet of dedicated plant canopy.

Section 19.03.355 - Marijuana Producer Tier 3

To produce marijuana for sale at wholesale to marijuana processor licensees and to other marijuana producer licensees. Tier 3 allows for between ten thousand square feet and thirty thousand square feet of dedicated plant canopy.

Section 19.03.356 – Marijuana

Means all parts of the plant Cannabis, as defined in Title 69.50 RCW as it now exists or may be amended. Marijuana is a controlled substance which requires greater regulatory controls than production and processing of agricultural products that are not controlled substances. Whitman County allows but

regulates the production, processing and sale of marijuana and requires marijuana operations not only to be validly licensed by the State but also to comply with local development regulations.

Section 19.03.357 - Marijuana Processor

A person licensed by the state liquor and cannabis board to process marijuana into marijuana concentrates, useable marijuana, and marijuana-infused products, package and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana, and marijuana-infused products at wholesale to marijuana retailers.

Section 19.03.358 - Marijuana Producer

A person licensed by the state liquor and cannabis board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

Section 19.03.359 - Marijuana Retailer

A person licensed by the state liquor and cannabis board to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.

Section 19.03.36055 - Micrositing

The process of final location of wind generators and all wind generating facility structures and internal roads within the approved project corridors/areas. (Adopted 11/16/09, Ordinance # 070081)

Section 19.03.36159 – Mineral Resource Area

Lands that are not already characterized by urban growth and are of long term commercial significance for the extraction of aggregate and mine resources, including: sand, gravel, and valuable metallic substances.

Section 19.03.3620 - Mobile/Manufactured Home

A structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities; but not including recreational vehicles or travel trailers. For flood management purposes only, the term also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Section 19.03.370 - Mobile/Manufactured Home Park

Any lot on which three or more mobile/manufactured homes, occupied for dwelling or sleeping purposes, are located on leased mobile/manufactured home spaces.

Section 19.03.380 - Mobile/Manufactured Home Space

A plainly marked plot of ground for the placing of a mobile/manufactured home.

Section 19.03.385 - Monopole

A freestanding or guyed single pole construction that supports such things as a wind generator, wind measuring devices, or telecommunication and radio devices. (Adopted 11/16/09, Ordinance # 070081)

Section 19.03.390 - New Construction

Structures for which the start of construction commence on or after the effective date of this ordinance.

Section 19.03.400 - New Mobile Home Park, New Mobile Home Subdivision

A parcel, or contiguous parcels, of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this ordinance.

Section 19.03.410 - Nonconforming Lot

A lot of record which was lawfully established, existing and maintained at the effective date of the provisions of this title but which, because of the application of this title to it, no longer conforms to the regulations prescribed in this title for the use district in which it is located.

Section 19.03.420 - Nonconforming Use or Structure

A building, structure or land use which was lawfully established, existing and maintained at the effective date of the provisions of this title but which, because of the application of this title to it, no longer conforms to the regulations prescribed in this title for the use district in which it is located.

Section 19.03.421 - Non-Participating Landowner

Any landowner except those on whose property all or a portion of a Wind Generating Facility is located pursuant to an agreement with the Facility Owner or Operator. (Adopted 11/16/09, Ordinance # 070081)

Section 19.03.422 - Occupied Building

A residence, school, hospital, church, public library, or other building used for public gathering that is occupied or in use when the permit application is submitted. (Adopted 11/16/09, Ordinance # 070081)

Section 19.03.423 – Off-site

“Off-site” means hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located.

Section 19.03.425 – Open Area

The area of a parcel not covered with impervious surfaces, such as crop land, wetlands, buffers, grass swales, retention ponds, septic system drainfields and vegetated or landscaped areas. Not counted as open area are all roads, circulation areas, parking and loading areas, and the space occupied by structures and outdoor storage.

Section 19.03.428 – On-site

“On-site” means the same geographically contiguous or bordering property. On-site hazardous waste treatment and storage facilities treat and store wastes generated on the same property.

Section 19.03.430 - Overlay District

A set of regulations prescribed by this title for certain defined areas of land which shall apply to all uses, buildings and structures in said areas in addition to those regulations prescribed by this title for the use district in which such areas of land are located.

Section 19.03.434 – Parcel

See Lot, Lot of Record.

Section 19.03.435 - Operation Site (mining/quarry)

A site that includes the area for rock crusher(s), stockpiles, mining operations, and haul road(s). The inclusion of the haul road(s) in this definition is for adjacent landowner notification only. The haul road(s) is not included in determining if an administrative use permit or a conditional use permit is required. (Revised 2/7/11, Ordinance #071612).

Section 19.03.436 - Operator

The entity responsible for the day-to-day operation and maintenance of the commercial wind energy facility.

Section 19.03.438 Permit

An approval for which there is a minimum standard, as stated in any of the relevant ordinances or state law, which must be met in order for the approval to be given.

Section 19.03.440 - Person

A person, firm, trust, partnership, association or corporation.

Section 19.03.450 - Planning Director

The Director of the Whitman County Planning Office or his/her designee.

Section 19.03.451 - Playground

A public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, federal government, or metropolitan park district.

Section 19.03.452 - Public Park

An area of land for the enjoyment of the public, having facilities for rest and /or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government, or metropolitan park district.

Section 19.03.4532 – Pullman-Moscow Corridor District North and South (N-PMC & S-PMC)

See Boundary, Section 19.15.020(2) and 19.16.020(2). (Adopted May, 2003; Resolution No. 061233) (Adopted 2/7/11, Ordinance # 071612)

Section 19.03.4543 - Project Corridor/Area

The approved area within which all the components of a wind generating facility are located. This includes the turbines, all new access roads to the facility, above-and-below-ground electrical transmission lines, all buildings and uses associated with a wind energy facility including meteorological towers and temporary concrete and asphalt batch plants. (Adopted 11/16/09, Ordinance # 070081)

Section 19.03.4554 – Recreational Vehicle

A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use. (Adopted May, 2003; Resolution No. 061233)

Section 19.03.4565 - Recycling Facility

Any operation for material salvage, storage, transport or product manufacture or re-manufacture, which utilizes recyclable materials.

Section 19.03.4576 – Resource Lands

1. Definitions. Resource lands include the following:

- Agricultural land;
- Forest lands;
- Mineral lands;

These lands are further defined by the act as follows:

- A. “Agricultural land” means land primarily devoted to the commercial production of horticultural, viticulture, floriculture, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW Sections 84.33.100 through 84.33.140, or livestock, and that has long term commercial significance for agricultural production.
 - B. “Forest land” means land primarily useful for growing trees, including Christmas trees subject to the excise tax imposed under RCW Sections 84.33.100 through 84.33.140, for commercial purposes, and that has long-term commercial significance for growing trees commercially.
 - C. “Long-term commercial significance” includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of the land.
 - D. “Minerals” include gravel, sand, and valuable metallic substances.
2. Agricultural lands, as defined herein, are conserved within the jurisdictional boundaries of Whitman County. The county has identified agriculture and the family farm as the primary economic and social resources of Whitman County in the land use element of the Whitman County Comprehensive Plan. The land use element of the Whitman County Comprehensive Plan prevents “...the indiscriminate or excessive changes in land use.” Further restrictions or controls may apply by the measures, procedures, and land use criteria found in the Whitman County Zoning Code implementing the goals and objectives of the comprehensive plan.
3. Mineral lands are preserved through the implementing strategies of the county wide zoning code. The zoning code has an established policy which, prevents, limits, or discourages land uses which are not resource based in nature; agriculture, agribusiness, mineral extraction, and/or storage of related materials.
4. Nonfarm residential development, businesses not related to agriculture and which are not in conflict with higher density or urbanized development, and other types of development reliant upon urban type services are discouraged outside of the incorporated, urbanized centers of the county, or those historically recognized and established rural communities.
5. The Whitman County Zoning Code implementing the goals of the comprehensive plan, does, in fact, restrict and control nonagricultural development outside of the incorporated cities and towns and the few historically established and designated (in the comprehensive plan) unincorporated communities. The zoning code establishes certain policies and procedures which are designed to ensure that resource lands are conserved. These measures do, in fact, promote the goals and objectives of the Growth Management Act by limiting or restricting urbanization of existing agricultural or mineral lands outside of the incorporated cities and towns.

Section 19.03.458 - Secondary School

A high and/or middle school with a physical location. A school for students who have completed their primary education, usually attended by children in grades seven to twelve and recognized by the Washington State Superintendent of Public Instruction.

Section 19.03.460 - Service Building

A building or buildings having toilet facilities for men and women, with laundry and bathing accommodations.

Section 19.03.464 – Screening

See 19.15.080(6), Landscaping.

Section 19.03.467 – SEPA

The State Environmental Policy Act, as adopted by Whitman County, Title 9, February 14, 1979 and as there-after amended.

Section 19.03.470 - Setback

The distance in feet as measured from a lot line to the sill line of a building, or the closest point of a structure to the lot line. In the case where there is a leased area within a parcel of land the setback shall be measured from the lease line to the sill of a building, or the closest point of a structure to the lease line. (Adopted 6/1/09, Ordinance # 069589)

Section 19.03.475 - Shadow Flicker

Shadow flicker occurs when the blades of a turbine rotate in bright conditions, casting moving shadows resulting in alternating changes in light intensity. (Adopted 11/16/09, Ordinance # 070081)

Section 19.03.480 - Sign

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

19.03.485 – Site

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

Section 19.03.491 - Small Wind Energy Generator

A wind energy conversion system consisting of a wind turbine(s), a tower(s), and associated control or conversion electronics, which has a rated capacity of not more than 100kw and no greater than 125 feet in height which is intended to primarily reduce on-site consumption of utility power. (Adopted 11/16/09, Ordinance # 070081)

Section 19.03.492 – SPRC (Site Plan Review Committee)

See 19.15.025 (3) and (4).

Section 19.03.495 - Start of Construction

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the

installation of piles, the construction of columns, or any work beyond the stage of excavations; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Section 19.03.500 - Structure

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

Section 19.03.508 – Substantial Damage

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

Section 19.03.510 - Substantial Improvement

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

- a. Before the improvement or repair is started, or
- b. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

2. The term does not, however, include either:

- a. Any project for the improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which have been identified by County Building Inspection, Environmental Health or Planning staff and which are the minimum necessary to assure safe living conditions, or
- b. Any alteration of a structure listed in the National Register of Historic Places or a State Inventory of Historic Places. (Adopted May, 2003; Resolution No. 061233)

Section 19.03.515 – Treatment and storage

"Treatment and storage" means hazardous waste management facilities requiring a state dangerous permit under the provisions of WAC Chapter 173-303.

Section 19.03.520 - Turbine Height

The distance measured from grade level of the tower foundation to the highest point of the turbine rotor plane. (Adopted 11/16/09, Ordinance # 070081)

Section 19.03.910 – Urban Governmental Services

Those services typically delivered by cities, such as storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, and public transit services.

Section 19.03.930 – Variance

A variance is the means by which an adjustment may be made in the application of the specific regulations of this Code to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the vicinity and similar zone classification and which adjustment remedies the difference in privileges; provided, however, that a variance granted shall not authorize a use otherwise prohibited in the zone classification in which the property is located. For the purposes of applying the regulations prescribed by the Flood Management Overlay District of this title, variance shall mean a grant of relief from those requirements which permits construction in a manner that would otherwise be prohibited by that Overlay District. (Adopted May, 2003; Resolution No. 061233)

Section 19.03.950 – Vicinity Map

A map which shows the location of the proposed site in relation to a recognized landmark, such as the nearest city, town, airport, identified road intersections, or physical feature such as a mountain, river/creek confluence, etc.

Section 19.03.960 - Wind Turbine

A wind energy conversion system that converts wind energy into electricity. (Adopted 11/16/09, Ordinance # 070081)

(Revised 4/30/07 Ordinance #066838, effective 5/15/07)

Chapter 19.10 - AGRICULTURAL DISTRICT

Revised 3/31/14 Ordinance #075323. Revised 7/3/17, Ordinance # 079100.
Revised 4/1/19 Ordinance # 081400.

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.

19.10.020 - Permitted Uses.

- A. 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) For purposes of this Chapter, the term agriculture/agricultural excludes the production, processing, and sale of any controlled substances, including marijuana, cannabis and its derivatives.

- B. 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)

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

- D. 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.

- E. 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)
- F. 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)
- G. Inert fill (earth only) of under 2,000 cubic yards of material removed from roadside ditch cleaning may be placed on any farmland with the landowner's permission.
Or, inert fill (earth only) of under 2,000 cubic yards of material removed from roadside ditch cleaning may be placed in active quarries and/or mines in compliance with approved reclamation. An additional under 2,000 cubic yards of roadside ditch cleaning materials may be placed on a separate parcel adjacent to the mining/quarry operation for future reclamation. (Adopted 7/1/13, Ordinance #074394)
- H. Private quarries under three (3) acres for uses related to agricultural activities by the land owner, for example farm access construction and maintenance.
- I. Accessory Dwelling Units conforming to provisions of Section 19.10.065.
- J. Level 1 and level 2 Electric Vehicle Charging Stations. (Revised 10/17/11 Ordinance #072330)
- K. Government facilities, offices, and the County fairgrounds.

19.10.030 - Lot Size Requirements.

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

19.10.040 - Setback Requirements.

- A. 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.
- B. 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)

- C. 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)
- D. 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.

19.10.050 - Height of Buildings.

- A. The maximum height of non-residential buildings and related accessory structures in this district shall be fifty (50) feet with the exception of agricultural grain bins or elevators. (Revised 8/1/11, Ordinance #072095)
- B. The maximum height of rural residences and related accessory structures in this district shall be thirty-five (35) feet.
- C. Antenna support structures shall not exceed 350 feet in height.

19.10.060 - Rural Residential Use.

One single-family dwelling per parcel shall be a permitted use whenever the requirements of this Title are fulfilled except when there are two existing houses within 500 feet of each other, and there is an existing zoning permit allowing for two residences, or the two residences are non-conforming grandfathered uses, then a short plat containing the two houses is allowed. The Planning Director shall certify through the Rural Housing Certificate (RHC) process that all requirements of this Title have been met. (Revised April 19, 2010, Ordinance #070610) (Revised 3/31/14 Ordinance #075323) (Revised 3/31/14 Ordinance #075323)

- A. Development requiring Certification
 - 1. Issuance of a Rural Housing Certificate shall be required for:
 - a. Creation of a new residential parcel that has no house on it yet. An RHC is also required for the creation of a new residential parcel on which will be located existing residence(s), except that such new parcel with existing residence(s), need not comply with the provisions of 19.10.060 (B) (1) (b) viewshed, (B) (2) (f) development buffer where the available land to be used as a buffer is not owned by the applicant, (B) (2) (g) setbacks where the available land to be used as a buffer is not owned by the applicant, and (B) (2) (i) highly visible locations. Excepted are land divisions greater than 20 acres (large lot subdivisions) with existing residence(s).
 - b. Alteration of an existing residential parcel less than 20 acres via a boundary line adjustment except when additional land is added to the parcel. Also excepted

are boundary line adjustments on agricultural parcels greater than 20 acres containing a residence, which either increases or decreases the parcel size. This boundary line adjustment example will still need to meet zoning code setback requirements and the Whitman County Environmental Health Department's requirements regarding drainfield and well placement; (Revised 3/31/14 Ordinance #075323) (Revised 3/31/14 Ordinance #075323) or

c. Construction of a residence on an existing parcel which has not been certified. In this circumstance, if the size and shape of the existing parcel, and wetlands or flood hazard areas limit the location of a new residence so that it is not possible to meet the agricultural buffer or 100-foot house setback distance from the road, these specific regulations shall not apply except that the greatest adherence to these distances possible is encouraged. (Revised 10/27/08, Ordinance #068837)

2. 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 a new accessory structure is built and an existing residence 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. (Revised 2/7/11, Ordinance #071612).

Because of limitations due to the size, shape, or existing vegetation of/on the parcel it may be necessary to replace the residence further than 50 feet from the original footprint. In this circumstance, if it is possible to meet the siting requirements for a rural housing certificate such as buffers, setbacks, viewshed, and no structures on hilltops or ridges, then they must be met. If meeting these siting requirements is not possible then those regulations shall not apply except that the greatest adherence possible to these regulations is encouraged. The parcel shall be reviewed for compliance with all applicable ordinances, including those which regulate setbacks, road access, preservation or expansion of the septic system, drainfield and replacement drainfield area, flood hazard, wetlands, aquifer recharge, and habitat conservation areas. However, no notice to adjacent landowners is required, and the size and other constraints of the parcel may prevent full compliance with hilltop prohibitions, the house 100-foot road setback distances, and buffer or setback distances required from other property; in which case these requirements do not apply. This review shall be termed Rural Residential Site Review (RRSR) and files shall be kept as proof of review and for future reference. (Revised 10/27/08, Ordinance #068837)

An RRSR will be required for boundary line adjustments that increase the size of a residential parcel containing less than 20 acres.

No RRSR will be required for boundary line adjustments that increase or decrease the size of a parcel greater than 20 acres, which contains a residence. (Revised 3/31/14 Ordinance #075323)

B. Certification Approval - Issuance of a Rural Housing Certificate shall be granted when a proposal meets all of the following conditions:

1. Approval of Residence Location.
 - a. New rural residences may be sited in locations which meet requirements for a viewshed site or meet requirements for a residential group.
 - b. Viewshed Site - 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.
 - i. 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.
 - ii. 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.
 - c. Residential Group.
 - i. 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.)
 - ii. 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.

- iii. An existing residential group may be expanded to a maximum of nine houses.
 - d. 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 120 business 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.
- 2. Approval of Parcel Configuration.
 - a. 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.
 - b. 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.
 - c. Access to an improved road: All residential parcels shall be accessible from an improved County road or State highway.
 - d. 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.
 - e. Driveways
 - i. Any driveway that serves more than two residences shall be designed and constructed to ensure safe access for emergency vehicles by and under oversight by a professional engineer licensed in the State of Washington.
 - ii. Driveways shall be designed to fit existing land contours.
 - iii. 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.
 - f. Development Buffers
 - i. Residential development other than of the types listed in (f)(iv)(1) through (11), 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."

- ii. Development buffers shall appear on the short plat of the parcel and any other surveys subsequently produced.
 - iii. The width of an adjacent road's right-of-way may be included as part of the development buffer.
 - iv. Structures and activities related to residential living shall not be allowed within the development buffer. 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:
 - 1) Garages
 - 2) Storage sheds
 - 3) Equipment sheds
 - 4) Driveways
 - 5) Wells, if not part of a Group A or B water system
 - 6) Septic system drain fields
 - 7) Stables
 - 8) Livestock pens and corrals
 - 9) Hay storage
 - 10) Vegetation compatible with adjacent agricultural uses, including pasture, wildlife areas, hay land and native plants.
 - 11) Windbreaks and shelterbelts
 - v. The residential owner may lease the development buffer for agricultural uses such as farming, grazing and so forth.
- g. Setbacks.
- i. 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 Bituminous Surface Treatment/Asphalt Concrete Pavement (BST/ACP) road. (Revised 3/31/14 Ordinance #075323)
 - ii. 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.
- h. Water and Sanitation. 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.

- i. Highly visible locations. All 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. No part 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.
3. 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.
 - a. New lighting fixtures must be shielded, hooded and oriented towards the ground.
 - b. Use of motion-sensing devices and/or timers is encouraged.
 - c. No new lighting shall blink, flash or be of an usually high intensity or brightness.
 - d. All new lighting fixtures shall be appropriate in scale, intensity and height to their use.
 4. Weed Control.
 - a. It is the responsibility of the owner(s) of rural land to control weeds.
 - b. 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.
 5. Receipt of Affidavit of Acknowledgement of Agricultural Practices.
 - a. The deed restriction and/or easement sample as stated below shall be used when rural residential parcels are created, and when there is a residential building permit and/or conveyance of a rural residential property:

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

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

The party(ies) who sign this acknowledgement, and their successors, hereby waive all common law rights to object to normal and necessary agricultural management activities legally conducted on agricultural land that may conflict with the use of this property for residential purposes.

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

Legal description of land:

A certification by the property owner is necessary to obtain a Rural Housing Certificate, and prior to all building permits issued for this property. Whitman County Zoning Ordinance Section 19.10.

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

Printed name of land owner: _____

Land owner signature: _____ Date: _____

ACKNOWLEDGMENT

STATE OF WASHINGTON)
) ss
COUNTY OF WHITMAN)

On this ____ day of _____, 20____, before _____ a Notary Public in and for the aforesaid state, personally appeared before me

_____ ; to me known to be the person(s) who executed the foregoing certificate and that they signed the same as their free and voluntary act and deed in witness whereof, and date above written.

Notary Public In and For the State of Washington
Residing at _____
My commission expires _____

- b. The following steps are required for this compliance:
 - i. _____ Completing and signing this Certification
 - ii. _____ Obtaining Planning Office review
 - iii. _____ Filing this Certification with the County Auditor
 - iv. _____ Providing proof from the County Auditor for the Planning and/or Building Inspection office(s) that this Certification has been filed
- c. The existence of this Certification must be conveyed to each future owner of this property.

C. Vesting.

- 1. Upon receipt of fees and a complete application, the Planning Director shall grant to the applicant a temporary development right. The Planning Office shall not accept any additional Rural Housing Certificate applications for residences within the viewshed of the proposed residence until the Planning Director has either granted or denied a Rural Housing Certificate for the proposed residence.
- 2. 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.

19.10.065 - Accessory Dwelling Units.

- A. Purpose. 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.
- B. Applicability. 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.

C. Development Standards.

1. 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.
2. No Accessory Dwelling Unit is allowed if there are two primary residences on one parcel of land. (Revised April 19, 2010, Ordinance #070610).
3. 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.
4. 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.
5. An Accessory Dwelling Unit may be created through:
 - a. Internal conversion within an existing dwelling.
 - b. The addition of new square footage to the existing house or to a garage and any addition thereto.
 - c. Conversion of an existing structure.
 - d. Inclusion in the development plans for, or as part of, the construction of a new single-family detached dwelling unit.
 - e. A separate detached dwelling unit on the same lot as the primary dwelling unit.
 - 1) 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.
 - 2) 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.
 - 3) The total gross floor area of an Accessory Dwelling Unit shall not exceed either 1,200 square feet or 50% of the total gross floor area of the primary residence, whichever is less.
 - 4) An Accessory Dwelling Unit shall not contain more than two (2) bedrooms.

- 5) 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.

D. Historic Structures.

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:

- a. Exterior materials should be of the same type, size and placement as those of the primary dwelling structure.
- b. 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.
- c. 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).
- d. 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.

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:

- A. Residential short plats in the Agricultural District must comply with the requirements of Section 19.10.060(B)(1) regarding viewsheds and groupings. A short plat means the division or re-division of land into four or less buildable lots.
- B. No long subdivision plat shall be approved within the Agricultural District.
- C. 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.
- D. The creation of parcels of less than twenty (20) acres in area is permitted for non-residential, agricultural, conservation and/or habitat purposes. It is also permitted for isolating non-agricultural features for separate ownership purposes such as a well, a residential wind turbine and similar features.
 1. Language describing the use limitations for agriculturally related short plats shall be placed on the plat. 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. 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. (Amended 9/10/12, Ordinance #073358)

19.10.090 - Conditional Uses and Administrative Permits.

- A. 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)
 1. Public or private substations, renewable energy generating facilities, energy storage facilities and energy facilities fueled by natural gas. (Revised 11/16/09, Ordinance #070081) and (Amended 9/10/12, Ordinance #073358)
 2. Small wind energy generators greater than 125 feet in height and greater than 100 Kw. cumulative generating capacity. (Revised 10/20/08, Ordinance #068810)
 3. Utility storage and transportation facilities.
 4. Private and public recreational facilities such as campgrounds, golf courses, rifle ranges, and similar uses.
 5. Churches.
 6. Airstrips.
 7. Solid waste site or transfer station.
 8. Feedlots.
 9. Commercial agricultural commodity warehouse. (Adopted 7/1/13, Ordinance # 074394)
 10. Veterinary clinics, boarding kennels, and similar uses.
 11. Surface mining and crushing subject to the minimum standards listed in Sections 19.59 and 19.60.
 12. 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)
 13. Gun clubs and fraternal organizations.

14. Agricultural repair shops
15. 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.
16. 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(C)].
17. 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)
18. 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)
19. 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.

20. Marijuana production and processing.

- B. An Administrative Use Permit shall be required for:
1. Surface mining and crushing subject to the minimum standards listed in Section 19.59 and Section 19.60.
 2. Mining located more than one mile from an incorporated community or designated unincorporated rural community.
 3. Landfill for inert materials (earth, concrete and asphalt) of less than 2,000 cubic yards of materials.
 4. Natural topsoil and subsoil fill materials on agricultural lands. (Revised 12/21/15, Ordinance # 077293).
 5. 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).

6. Level 3 Electric Vehicle Charging Stations. (Revised 10/17/11, Ordinance #072330)
7. Temporary asphalt and/or concrete batch plants. (Revised 8/17/15, Ordinance #076901)

19.10.100 - Natural Topsoil and Subsoil Fill Materials on Agricultural Lands.

- A. PURPOSE: The intention of this section is to allow by an administrative process natural top soil and subsoil such as clay, silt, sand or gravel to be deposited on agricultural lands and have the land continue in agricultural use. The topsoil or subsoil fill may come from any offsite development or land restoration project but subject to the following requirements:
1. The soil deposited can only be top soil or clean earth. No manmade materials such as concrete, asphalt, glass, tires or woody vegetation is allowed.
 2. Best Management Practices (BMP's) are required to control stormwater runoff and airborne soil erosion. An erosion control plan must be submitted and approved by the Planning Department before the administrative use permit is issued.
 3. The fill site is to be monitored by the County Environmental Health Department and subject to their requirements for clean earth.
 4. A road haul permit may be required from the Public Works Department for protection of county roads.
 5. Fills shall be placed in lifts not to exceed two feet to at least 90% compaction as determined by ASTM D-1557 Modified Proctor.
 6. 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.
 7. 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.
 8. Fill cannot be placed on slopes steeper than 4:1 without constructing a basal key and benching the fill to improve slope stability.
 9. Fill that is placed and compacted in this manner will not be deemed suitable for installation of gravity septic drainfields in the future.
 10. Any future development of the fill area will require a full geotechnical engineering evaluation prior to permitting for construction.
 11. Fill placed within four feet of the completed final ground surface need only be lightly compacted to allow for ongoing agricultural use.

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

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

development, intended for special site locations, conditions and circumstances, in concert with WCO Chapter 18.50, Subdivision Ordinance - Planned Residential Development, and:

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

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

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

Township 20 N. Ranges E. 39, 40, 41, 42, and 43;
Township 19 N. Ranges E. 39, 40 and 41;
Township 18 N. Ranges E. 39 and 40;
Township 17 N. Ranges E. 39 and 40;
Township 16 N. Ranges E. 38, 39 and 40;
Township 15 N. Ranges E. 37, 38, 39 (except sections 24, 25 and 36),
41, 42, and 43;
Township 14 N. Ranges E. 36, 37, 38, 39, 40, 41, 42 and 43;
Township 13 N. Ranges E. 37, 38, 39, 40, 43 and 44;
Township 12 N. Ranges E. 44, 45 and 46; or,
Township 11 N. Ranges E. 45 and 46

2. Within the above described general areas only a proposed PRD parcel meeting the following criteria shall be allowed a special conditional use permit.
 - a. Not more than 25% of the proposed PRD parcel shall contain prime farm land, defined as land used for the production of a crop on which the average yield for

the preceding three years exceeded the Whitman County average by 20%.

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

Chapter 19.15 - NORTH PULLMAN-MOSCOW CORRIDOR DISTRICT (N-PMC)

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.

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.

19.15.020 - Description.

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

B. 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.

C. Map.

19.15.025 - Site Plan Review Process.

- A. 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).

- B. Applicability. All applicants for a 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 19.15.060. 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 and 3/18/13, Ordinance # 074015)

- C. Composition of the Site Plan Review Committee.
 - 1. 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.
 - 2. 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.

- D. Authority and Responsibilities.
 - 1. 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.

2. 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 Health 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. (Revised 3/18/13, Ordinance # 074015)

E. 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:

1. Receive information necessary for the SPRC to assess the merit or impact of a project or proposal.
2. Arrange for the applicant to present projects and proposals for consideration by the SPRC.
3. Schedule meetings of the SPRC, including pre-application conferences.
4. Act as a liaison between the SPRC and the Board of Adjustment.
5. Prepare written findings on a project proposal.
6. 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.

7. Review minor change request(s) for approval or denial pursuant to Section 19.15.025(I).
Revised 3/18/13. Ordinance # 074015)

F. Responsibilities of Planning Department for Existing Businesses.

1. 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:
 - a. Storm water run-off control capacity
 - b. Adequate parking
 - c. Adequate area for loading/unloading and vehicular circulation
 - d. Snow storage capacity
 - e. Landscaping
 - f. Traffic impacts within the development and externally upon the adjoining public roads
 - g. 25% open area
 - h. Excessive noise or other potential impacts upon surrounding land uses
 - i. Other compatibility issues with surrounding land uses
2. 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.

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.

3. Proposed modifications that may be decided administratively in this matter include:
 - a. expansion of structures
 - b. replacement of structures
 - c. increase in height
 - d. placement or modification of signs

- G. 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.

- H. 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.

- I. 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(J).

- J. 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.

- K. Length Of Time Of Board of Adjustment Approval.
 1. 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(I), 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. An exception to this are legal lots created for sale which have no immediate specific business proposal. Two year administrative extensions are still required based on the owner of the parcels actively marketing them.

2. 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.
3. 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.

- L. 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.

19.15.027 - Non-Structural Fill Placement Permit.

- A. 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.

- B. 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.
- C. 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.

D. Responsibilities of Building and Planning Departments. The Building Official (in conjunction with the County Planner) will be responsible to:

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

E. 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.

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

1. Topsoil shall be stripped from the fill area, and replaced after fill, to allow for continued agricultural use.
2. 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.
3. 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.
4. 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.

5. Final contours shall be completed in a way that eliminates ponding of water and preserves the natural drainage of the land.
6. Fill cannot be placed on slopes steeper than 4:1 without constructing a basal key and benching the fill to improve slope stability.
7. Fill that is placed and compacted in this manner will not be deemed suitable for installation of gravity septic drainfields in the future.
8. Any future development of the area filled will require a full geotechnical engineering evaluation prior to permitting for construction.
9. Fill placed within four (4) feet of the completed final ground surface need only be lightly compacted to allow for ongoing agricultural use.
10. Erosion and sediment control devices (approved by Whitman County) will be required for exposed soil surfaces during winter months, typically November through April.

19.15.030 - Site Plan Submittals.

- A. Purpose. The site plan submittal initiates the process by which a development proposal is reviewed for compliance with Whitman County land use regulations.
- B. 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.
- C. 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.
- D. 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.
 1. Administration - Site plans must include:
 - a. Name, address and phone number of the applicant and property owner(s).

- b. Names and addresses of adjacent property owners within 300 feet. The applicant shall obtain these from the County Assessor's Office.
 - c. Name of proposed action or development.
 - d. Description of the proposed land use.
 - e. Legal description of subject property.
 - f. Vicinity map showing location of subject property.
 - g. North arrow and graphic scale.
 - h. Any easements and/or dedications on the site.
 - i. Soil and surface geological conditions.
 - j. 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.
 - k. 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.
2. Site preparation - Site plans must show:
- a. Area of subject property.
 - b. Property boundary and all existing and proposed parcels and easements.
 - c. Dimensions of existing and proposed parcels and easements.
 - d. Boundaries of adjacent properties, as applicable.
 - e. Right-of-way of all existing and proposed public roads.
 - f. Existing topography and preliminary grading.
 - g. Proposed final grades and/or elevations.
 - h. Preliminary and final grading plans, prepared by a licensed engineer or architect.
 - i. Major drainage ways and proposed protection measures for drainages.
 - j. Site features such as water bodies, drainage ditches and wetlands.

- k. Dimensions of setbacks from designated environmentally sensitive areas, critical areas, including the floodplain and buffer areas.
 - l. Location and area of any dedicated open area.
3. Circulation - Site plans must show, if applicable:
 - a. Proposed bicycle access route.
 - b. Interior circulation, showing routes for large delivery trucks, passenger cars, bicycles, and expected pedestrian corridors.
 - c. Pedestrian facilities including crosswalks, curb cuts, vehicle barriers, warning signs and design features intended to connect parking areas with the accessible entrances.
4. Infrastructure - Site plans must indicate:
 - a. The location and capacity of existing and proposed wells or other water sources.
 - b. The location and design of existing and proposed septic systems and drainfields, sewage lagoons or other sewage disposal systems.
 - c. The location, design and capacity of existing and proposed water retention systems.
 - d. The location of existing and proposed utilities or utility easements on the site.
5. Structures - Site plans must describe:
 - a. The location and area (percentage) of proposed parcel coverage.
 - b. Existing structures on site and any proposed demolition.
 - c. Location and footprint (see Section 19.03.312).
 - d. Height of all proposed structures.
 - e. Proposed outdoor storage areas, screening, fences, any other accessory features and vehicle loading, parking and driveway areas.
 - f. Primary building materials, colors and any other relevant design information.
 - g. Dimensions between buildings or structures.
 - h. Setbacks from property lines, rights-of-way, easements and water bodies.
 - i. Buildings and other structures within 100 feet of the site shall be indicated.
6. Landscaping - Site plans must show:
 - a. Existing trees and significant shrubs to be retained and/or removed.
 - b. Proposed landscaped areas, including dimensions of planting areas and height of berms, if applicable.

- c. Proposed plant materials, both type and mature size (planting plan).
 - d. Proposed irrigation method.
 - e. Erosion control measures to be used after construction.
 - f. Proposed run-off control measures such as grass swales, retention ponds, etc., with dimensions and proposed plant materials or other treatment.
 - g. Any proposed site fixtures and associated equipment or furnishings.
7. Signs and lighting - Site plans must show:
- a. Location and dimensions of all proposed signs visible from public rights-of-way.
 - b. Design of proposed signs, including illumination, color, typefaces and illustrations or logos.
 - c. Design, location and times of display for any temporary displays.
 - d. Design and location of exterior lighting.

19.15.040 - Permitted Uses.

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

- A. Agriculture, including but not limited to, cropping, grazing of livestock, horticulture and floriculture. Feedlots, farrowing operations and dairying shall not be allowed. For purposes of this Chapter, the term agriculture/agricultural excludes the production, processing, and sale of any controlled substances, including marijuana, cannabis and its derivatives.
- B. Temporary stands for the sale of agricultural non-livestock products produced on the premises.
- C. 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.
- D. Accessory dwelling units conforming to the requirements of Section 19.10.065 in the Agricultural District code. (Amended September 10, 2012, Ordinance #073358)
- E. 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)

- F. 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)
- G. Level 1 and Level 2 Electric Vehicle Charging Stations. (Amended October 17, 2011, Ordinance 072330)

19.15.050 - Conditional Uses.

- A. 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.
- B. All uses must demonstrate compliance or it will be denied.
- C. All conditional uses shall require SEPA review.
- D. 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.
- E. Authorized Conditional Uses and Mandatory Conditions: (Amended July 7, 2008, Ordinance 068376)
 - 1. Campgrounds.
 - 2. Carpet dealer and floor coverings.
 - 3. Child care.
 - 4. Communications towers and facilities. (Antenna support structures reference Applicability [19.15.025(B)] and Chapter 19.58). (Revised 5/14/01, Ordinance # 058050 and 3/18/13, Ordinance # 074015)
 - 5. Assisted Care facilities, nursing homes and similar uses.
 - 6. Hospitals (if urban-level water, sewer and fire services are utilized).
 - 7. Hotels/Motels/Inns (if urban-level water, sewer and fire services are utilized).

8. Light manufacturing and assembly operations.
9. Manufactured homes sales and services.
10. Moving and storage.
11. Office buildings.
12. Plumbing, heating and electrical supplies.
13. Churches.
14. Professional services as listed:
 - a. Accounting
 - b. Advertising
 - c. Architects, engineers, surveyors and planners
 - d. Attorneys
 - e. Banks, savings & loans
 - f. Consultants
 - g. Counseling
 - h. Employment services and human resources
 - i. Government offices
 - j. Home health services
 - k. Insurance
 - l. Interior design
 - m. Internet services
 - n. Investment brokering and securities
 - o. Mail order services
 - p. Market research
 - q. Medical, doctors, dentists and emergency healthcare
 - r. Pharmacies
 - s. Real estate agencies
 - t. Title companies
 - u. Travel agencies
 - v. Veterinarians and veterinary clinics
 - w. Level 3 electric vehicle charging stations
(Amended October 17, 2011, Ordinance 072330)
15. Recreational non-motorized trails, paths, bikeways and parks.
16. Recreational vehicle dealers for:
 - a. Bicycles
 - b. Boats/water craft
 - c. Campers
 - d. Motorcycles
 - e. Recreational vehicles (RVs)
 - f. Snowmobiles and winter sports equipment
17. Recreational vehicle parks.
18. Research and development.
19. Retail uses as listed:
 - a. Automotive general merchandise, parts and service
 - b. Automobile renting (secondary sales as an accessory use)

- c. Books, recorded music, sheet music and videos/compact disks (excluding those selling merchandise restricted from sales to minors)
- d. Building material supplies
- e. Cabinet shop
- f. Clothing and accessories
- g. Computers and electronics - sales/installation and repair
- h. Contractors equipment and supplies (dealers & service)
- i. Crafts, such as craft supplies and finished craft goods, ceramic supplies and finished ceramic goods, art works and art supplies
- j. Department stores selling any products listed in this chapter
- k. Discount stores selling any products listed in this chapter
- l. Fabric stores and sewing supplies
- m. Farm equipment sales and/or service
- n. Florists
- o. Food and grocery stores
- p. Franchised automobile and truck dealerships sales and service
- q. Furniture sales
- r. Garden centers, nurseries, landscaping, lawn & garden equipment and supplies
- s. Gift stores
- t. Hardware
- u. Hobby stores
- v. Houseware stores
- w. Import stores selling home décor, furniture, housewares, holiday decorations
- x. Jewelry stores
- y. Lumber yards
- z. Marijuana retail stores and indoor marijuana production and processing.
- aa. Motion-picture theatres (indoor)
- bb. Not-for-profit (non-profit) re-use organizations
- cc. office furniture and supplies
- dd. Pet stores including sale of pet food, pets, associated supplies, and offering temporary pet accommodations and grooming
- ee. Rental service store
- ff. Restaurants with inside seating and excluding those defined as bars or taverns
- gg. Wineries, breweries, and distilleries (Amended 6/29/15 Ordinance #076764)

- hh. Shoe store
 - ii. Specialty stores specializing in a single category of products listed in this chapter
 - jj. Sporting goods
 - kk. Stationery
 - ll. Tire sales and service
 - mm. Toy and game store
 - nn. Multi-use retail business of any or all of the above
20. Warehousing and distribution.
 21. Wholesale trade.
 22. Utilities (secondary to another primary use).
 23. Utility maintenance center.
 24. Utility substation.
 25. Utility transmission lines.
 26. 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.
 27. 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(F). If the proposed expansion does not meet the requirements of 19.15.025(F), 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. A change of business use to an existing conditional use permit or grandfathered use can be done through an

administrative use permit if there are no increased impacts to adjacent landowners, to be determined at the sole discretion of the County Planner, and the proposed use complies with the requirements of all other permitting agencies. If there is doubt about the degree of impacts to adjacent landowners, the County Planner shall recommend that a conditional use permit be sought from the Board of Adjustment. (Revised 2/7/11, Ordinance #071612 and 3/18/13, Ordinance # 074015)

28. 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)

19.15.060 - Nonconforming Uses.

- A. 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.
- B. Special Provisions for Nonconforming Uses Within the N-PMC.
1. Any state or federal government environmental improvement mandate for an established use is exempt from the minimum requirements of this chapter.
 2. 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.
 3. Freestanding billboards are prohibited. No new non-conforming signs or billboards will be allowed.

19.15.070 - Site Requirements.

- A. 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.
- B. Minimum parcel size. The minimum parcel size for development in the N-PMC is two (2) 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. (Revised 3/18/13, Ordinance # 074015)

C. Front setbacks.

1. 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.
2. 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(H)(2)(d)). Where a public or private road is located within the State right-of-way, the most restrictive front setback requirement will apply. (Revised 3/18/13, Ordinance # 074015)
3. 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.

B. 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.

C. 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.

19.15.080 - Development Requirements.

A. 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.

B. Site Preparation.

1. Required grading practices are:
 - a. 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.
 - b. Grading shall not create an erosion hazard or be a source of sedimentation to any adjacent land or water course.
 - c. Topsoil shall, to the extent possible, be retained on-site and reused after grading.
 - d. 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.
2. Drainage and storm water control requirements apply to projects both during and after construction:
 - a. Site drainage shall not endanger designated environmentally sensitive areas.
 - b. Site drainage shall comply with all other provisions of this chapter, as well as environmental regulations controlling surface and ground water quality.
 - c. Existing natural drainages shall be identified on the grading plan and shall be retained wherever feasible.
 - d. 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.
3. Fill - Fill operations are governed by the following requirements:

- a. 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.
- b. Fill must consist of clean materials that will not result in the leaching of harmful chemical or solid contaminants into surface or ground water.
- c. 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.

C. Infrastructure.

1. Water use:

- a. An applicant will provide data on anticipated water use for a development proposal.
- b. 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.
- c. 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:
 - i. Water conservation measures which will demonstrably decrease typical water consumption patterns for the proposed use.
 - ii. Plans to utilize treated effluent or water rights from Paradise Creek as a secondary water source.

2. Sewage disposal

- a. 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.

- b. A sewage system design of appropriate quality and capacity must be approved by the permitting authority prior to issuance of a building permit.
3. Utilities
- a. 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.
 - b. Utilities shall be located underground where possible, with the following exceptions:
 - i. Existing overhead electrical utilities may be maintained, replaced or upgraded.
 - ii. 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.
 - iii. 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.
 - iv. 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.
 - v. 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.

- vi. Temporary overhead service is allowed for construction purposes. A Certificate of Occupancy will not be issued until the temporary overhead service is removed.
- vii. In the situation where on-going mining exists, overhead distribution of electrical facilities is allowed.

D. Traffic Access and Flow.

1. State Route 270 access:

- a. 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.
- b. Approach permits to SR 270 shall be required from the WSDOT prior to project approval.
- c. 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.
 - i. 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.

- ii. 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.
 - iii. 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.
- 2. Frontage roads:
 - a. 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.
 - b. Service roads, private roads, connector roads and service drives should be at right angles to the frontage road.
 - c. Maximum grade for public access roads is twelve percent.
 - d. 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.
- 3. 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.
- 4. Parking and pedestrian access:
 - a. Parking:
 - i. 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).

- ii. Parking areas should be broken up into units of no more than 60 spaces, separated by interior landscaping, buildings, walkways and/or berms.
- iii. Smaller, distinct islands of parking may be scattered around the site to access dispersed destination points.
- iv. 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.
- v. Parking and loading areas must provide for snow removal access and drainage with a grade of at least two percent (2%).
- b. 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(F).
- c. Pedestrian facilities:
 - i. 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.
 - ii. Pedestrian walkways shall be separated from vehicle traffic by curbing, landscaping, and/or other physical barriers.
 - aa. Rolled curbs or other means shall be used to define the pedestrian zone without obstructing emergency access.
 - bb. 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.
 - cc. 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.

E. Structures. 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.

G. 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.

1. Landscape requirements - Screening can mean a filtered or blocked view:
 - a. 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.
 - b. Additional screening may be required between dissimilar land uses, at the discretion of the SPRC.

- c. Additional buffer areas may be required to shield designated environmentally sensitive areas from incompatible land uses, at the discretion of the SPRC.
 - d. Internal landscaping shall shield views of outdoor storage, service, parking and loading areas from the road and from adjacent uses.
 - e. 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.
 - f. 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.
2. Landscape requirements - Materials and design:
- a. 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.
 - b. Existing trees shall be retained when possible.
 - c. Fencing materials shall be attractive and durable and should compliment or blend with the natural colors of the surrounding environment.
 - d. 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.
 - e. 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.
 - i. 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.
 - ii. 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.

- iii. It should avoid obstructing views of crosswalks, intersections and streetlights.
 - iv. The minimum size of shrubs at planting shall be one foot in height.
 - v. Trees shall be set back a minimum of three feet (3') from curbs and shall be a minimum of four feet tall at planting.
3. Landscape requirements - Maintenance
- a. Provisions shall be made for the on-going maintenance, including irrigation of landscaped areas as necessary.
 - b. Trees and shrubs which die within twelve months of planting must be replaced no later than the next growing season.

H. 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:

- 1. Shared parking.
- 2. Shared private access roads and/or service drives.
- 3. Clustering of structures so as to provide significant, dedicated open areas.

I. 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.

- 1. Sign requirements - Type, design and content:
 - a. All permanent signs must be of a durable nature; the on-going use of temporary and/or portable signs is prohibited.
 - b. 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.

- c. Sign content shall be restricted to the business name, primary business purpose and business address of the operation.
 - d. 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.
 - e. No blinking, flashing or similar intermittent lighting or revolving signs are allowed. Electronic changeable copy signs are allowed.
 - f. 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.
 - g. 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.
2. Sign requirements - Quantities, dimensions and location:
- a. Wall signs, wall-mounted signs, roof signs and free standing signs shall not exceed 120 square feet in size, per side.
 - b. 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.
 - c. 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.
- d. Signs must meet setback requirements of ten feet.
 - e. For shopping centers or industrial parks the Planning Director may approve a sign plan that deviates from the requirements of this section [Section 19.15.080(H)]. (Revised 3/18/13. Ordinance # 074015)
 - f. In the event of there being more than one entrance to a development such as a shopping center, there will be allowed a free standing sign at each entrance. If because of circumstances such as topography or visibility to the public, more than one sign is sought at an entrance, the Planning Director may approve such a request.
3. Lighting requirements - Location and design:
- a. Lighted signs are subject to the requirements listed above.
 - b. Exterior site lighting may be required for surveillance purposes, at the discretion of the SPRC.
 - c. Exterior site lighting shall be arranged so it is deflected away from adjacent properties.
 - d. Exterior lighting shall not create glare which would interfere with safe transportation in the N-PMC.
 - e. 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 DISTRICT (S-PMC)

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.

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.

19.16.020 Description.

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

B. 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:

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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 $\frac{1}{4}$ 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 $\frac{1}{4}$ corner of said Section 2 (and being the N $\frac{1}{4}$ 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$ 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$, to the N-S subdivision line of the SE $\frac{1}{4}$ 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 2; thence N 89°08'08" E 385.91 feet, along the northerly boundary of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ 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 $\frac{1}{4}$ of said Section 2; thence S 89°07'56" W 1706.88 feet, along the southerly boundary of the SE $\frac{1}{4}$ of said Section 2, to the point of beginning. Area of said described parcel of land is 54.4 acres;

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C. Map

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19.16.025 Site Plan Review Process.

- A. 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).
- B. Applicability. All applicants for a 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 19.16.070. 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 and 3/18/13, Ordinance # 074015)
- C. Composition of the Site Plan Review Committee.
1. 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.
 2. 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.
- D. Authority and Responsibilities.
1. 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

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sewage disposal system or connects to a city sanitary sewer system.

2. 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 Health 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. (Revised 3/18/13, Ordinance # 074015)

E. 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:

1. Receive information necessary for the SPRC to assess the merit or impact of a project or proposal.
2. Arrange for the applicant to present projects and proposals for consideration by the SPRC.
3. Schedule meetings of the SPRC, including pre-application conferences.
4. Act as a liaison between the SPRC and the Board of Adjustment.
5. Prepare written findings on a project proposal.
6. 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.
7. Review minor change request(s) for approval or denial pursuant to 19.16.025(I).

F. 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:

1. Storm water run-off control capacity
2. Adequate parking
3. Adequate area for loading/unloading and vehicular circulation
4. Snow storage capacity
5. Landscaping

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6. Traffic impacts within the development and externally upon the adjoining public roads
7. 25% open area
8. Excessive noise or other potential impacts upon surrounding land uses
9. 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.

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:

1. expansion of structures
 2. replacement of structures
 3. increase in height
 4. placement or modification of signs
- G. 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.
- H. 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.
- I. 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

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approval. Minor changes are those which do not require a plan amendment as set forth in 19.16.025(J).

- J. 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.
- K. Length Of Time Of Board of Adjustment Approval.
 - 1. 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(I), 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. An exception to this are legal lots created for sale which have no immediate specific business proposal. Two year administrative extensions are still required based on the owner of the parcels actively marketing them. (Revised 3/18/13, Ordinance # 074015)
 - 2. 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.
 - 3. 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.
- L. Variances. A variance may be granted if it is determined that practical difficulties, unnecessary hardships, and/or results

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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.

19.16.027 Non-Structural Fill Placement Permit

- A. 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.
- B. 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.
- C. 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

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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.

- D. Responsibilities of Building and Planning Departments. The Building Official (in conjunction with the County Planner) will be responsible to:
1. collect and surmise information pertinent to the application
 2. assess any impacts to private property owners in the vicinity of the proposal
 3. set acceptable hours and days of operation in accordance with other similar earth moving operations in the N-PMC
 4. Set conditions of operation to protect the rights of adjacent landowners, such as dust abatement requirements
- E. 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.
- F. General Permit Conditions. The following shall apply to all fills placed under the Non-Structural Fill Placement Permit:
1. Topsoil shall be stripped from the fill area, and replaced after fill, to allow for continued agricultural use.
 2. 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.
 3. 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.
 4. 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.
 5. Final contours shall be completed in a way that eliminates ponding of water and preserves the natural drainage of the land.
 6. Fill cannot be placed on slopes steeper than 4:1 without constructing a basal key and benching the fill to improve slope stability.

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7. Fill that is placed and compacted in this manner will not be deemed suitable for installation of gravity septic drainfields in the future.
8. Any future development of the area filled will require a full geotechnical engineering evaluation prior to permitting for construction.
9. Fill placed within four (4) feet of the completed final ground surface need only be lightly compacted to allow for ongoing agricultural use.
10. Erosion and sediment control devices (approved by Whitman County) will be required for exposed soil surfaces during winter months, typically November through April.

19.16.030 Site Plan Submittals.

- A. Purpose. The site plan submittal initiates the process by which a development proposal is reviewed for compliance with Whitman County land use regulations.
- B. 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.
- C. 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.
- D. 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 19.16.070.
 1. Administration - Site plans must include:
 - a. Name, address and phone number of the applicant and property owner(s).
 - b. Names and addresses of adjacent property owners within 300 feet. The applicant shall obtain these from the County Assessor's Office.
 - c. Name of proposed action or development.
 - d. Description of the proposed land use.
 - e. Legal description of subject property.
 - f. Vicinity map showing location of subject property.
 - g. North arrow and graphic scale.
 - h. Any easements and/or dedications on the site.
 - i. Soil and surface geological conditions.
 - j. 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,

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protection of designated environmentally sensitive areas and on-site sewage disposal will be accommodated.

- k. 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.
2. Site preparation - Site plans must show:
 - a. Area of subject property.
 - b. Property boundary and all existing and proposed parcels and easements.
 - c. Dimensions of existing and proposed parcels and easements.
 - d. Boundaries of adjacent properties, as applicable.
 - e. Right-of-way of all existing and proposed public roads.
 - f. Existing topography and preliminary grading.
 - g. Proposed final grades and/or elevations.
 - h. Preliminary and final grading plans, prepared by a licensed engineer or architect.
 - i. Major drainage ways and proposed protection measures for drainages.
 - j. Site features such as water bodies, drainage ditches and wetlands.
 - k. Dimensions of setbacks from designated environmentally sensitive areas, critical areas, including the floodplain and buffer areas.
 - l. Location and area of any dedicated open area.
 3. Circulation - Site plans must show, if applicable:
 - a. Proposed bicycle access route.
 - b. Interior circulation, showing routes for large delivery trucks, passenger cars, bicycles, and expected pedestrian corridors.
 - c. Pedestrian facilities including crosswalks, curb cuts, vehicle barriers, warning signs and design features intended to connect parking areas with the accessible entrances.
 4. Infrastructure - Site plans must indicate:
 - a. The location and capacity of existing and proposed wells or other water sources.
 - b. The location and design of existing and proposed septic systems and drainfields, sewage lagoons or other sewage disposal systems.
 - c. The location, design and capacity of existing and proposed water retention systems.

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- d. The location of existing and proposed utilities or utility easements on the site.
5. Structures - Site plans must describe:
 - a. The location and area (percentage) of proposed parcel coverage.
 - b. Existing structures on site and any proposed demolition.
 - c. Location and footprint (see Section 19.03.312).
 - d. Height of all proposed structures.
 - e. Proposed outdoor storage areas, screening, fences, any other accessory features and vehicle loading, parking and driveway areas.
 - f. Primary building materials, colors and any other relevant design information.
 - g. Dimensions between buildings or structures.
 - h. Setbacks from property lines, rights-of-way, easements and water bodies.
 - i. Buildings and other structures within 100 feet of the site shall be indicated.
6. Landscaping - Site plans must show:
 - a. Existing trees and significant shrubs to be retained and/or removed.
 - b. Proposed landscaped areas, including dimensions of planting areas and height of berms, if applicable.
 - c. Proposed plant materials, both type and mature size (planting plan).
 - d. Proposed irrigation method.
 - e. Erosion control measures to be used after construction.
 - f. Proposed run-off control measures such as grass swales, retention ponds, etc., with dimensions and proposed plant materials or other treatment.
 - g. Any proposed site fixtures and associated equipment or furnishings.
7. Signs and lighting - Site plans must show:
 - a. Location and dimensions of all proposed signs visible from public rights-of-way.
 - b. Design of proposed signs, including illumination, color, typefaces and illustrations or logos.
 - c. Design, location and times of display for any temporary displays.
 - d. Design and location of exterior lighting.

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.

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19.16.050 Permitted Uses.

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

- A. Agriculture, including but not limited to, cropping, grazing of livestock, horticulture and floriculture. Feedlots, farrowing operations and dairying shall not be allowed. For purposes of this Chapter, the term agriculture/agricultural excludes the production, processing, and sale of any controlled substances, including marijuana, cannabis and its derivatives.
- B. Temporary stands for the sale of agricultural non-livestock products produced on the premises.
- C. 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.
- D. Accessory dwelling units conforming to the requirements of Section 19.10.065 in the Agricultural District code. (Amended September 10, 2012, Ordinance #073358)
- E. 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)
- F. Level 1 and Level 2 Electric Vehicle Charging Stations. (Revised October 17, 2011, Ordinance #072330)

19.16.060 Conditional Uses.

- A. 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.
- B. All uses must demonstrate compliance or it will be denied.
- C. All conditional uses shall require SEPA review.
- D. 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.
- E. Authorized Conditional Uses and Mandatory Conditions:
 1. Campgrounds.
 2. Carpet dealer and floor coverings.
 3. Child care.
 4. Communications towers and facilities. (Antenna support structures reference Applicability [19.16.025(B)] and Chapter 19.58). (Revised 5/14/01, Ordinance # 058050 and 3/18/13, Ordinance # 074015))
 5. Assisted Care facilities, nursing homes and similar uses.
 6. Hospitals (if urban-level water, sewer and fire services are utilized).

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7. Hotels/Motels/Inns (if urban-level water, sewer and fire services are utilized).
8. Light manufacturing and assembly operations.
9. Manufactured homes sales and services.
10. Moving and storage.
11. Office buildings.
12. Plumbing, heating and electrical supplies.
13. Churches.
14. Professional services as listed:
 - a. accounting
 - b. advertising
 - c. architects, engineers, surveyors and planners
 - d. attorneys
 - e. banks, savings & loans
 - f. consultants
 - g. counseling
 - h. employment services and human resources
 - i. government offices
 - j. home health services
 - k. insurance
 - l. interior design
 - m. Internet services
 - n. investment brokering and securities
 - o. mail order services
 - p. market research
 - q. medical, doctors, dentists and emergency healthcare
 - r. pharmacies
 - s. real estate agencies
 - t. title companies
 - u. travel agencies
 - v. veterinarians and veterinary clinics
 - w. level 3 electric vehicle charging stations.(Revised October 17, 2011, Ordinance #072330)
15. Recreational non-motorized trails, paths, bikeways and parks.
16. Recreational vehicle dealers for:
 - a. bicycles
 - b. boats/watercraft
 - c. campers
 - d. motorcycles
 - e. recreational vehicles (RVs)
 - f. snowmobiles and winter sports equipment
17. Recreational vehicle parks.
18. Research and development.
19. Retail uses as listed:
 - a. automobile renting (secondary sales as an accessory use)
 - b. building material supplies
 - c. cabinet shop
 - d. contractors equipment and supplies (dealers & service)
 - e. electronic sales/installation and repair

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- f. farm equipment sales and/or service
 - g. franchised automobile and truck dealerships sales and service
 - h. furniture sales
 - i. garden centers, nurseries, landscaping, lawn & garden equipment and supplies
 - j. grocery store
 - k. hardware
 - l. lumber yards
 - m. office furniture and supply
 - n. rental service store
 - o. sporting goods
 - p. tire sales and service
 - q. not-for-profit (non-profit) re-use organizations
 - r. Restaurants
 - s. Multi-use retail business of any or all of the above
 - t. Marijuana retail stores
 - U. Indoor marijuana production and processing.
- 20. Warehousing and distribution.
 - 21. Wholesale trade.
 - 22. Utilities (secondary to another primary use).
 - 23. Utility maintenance center.
 - 24. Utility substation.
 - 25. Utility transmission lines.
 - 26. 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.
 - 27. 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(F). If the proposed expansion does not meet the requirements of 19.16.025(F), 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. A change of business use to an existing conditional use permit or grandfathered use can be done through an administrative use permit if there are no increased impacts to adjacent landowners, to be determined at the sole discretion of the County Planner, and the proposed use complies with the

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requirements of all other permitting agencies. If there is doubt about the degree of impacts to adjacent landowners, the County Planner shall recommend that a conditional use permit be sought from the Board of Adjustment. (Revised 2/7/11, Ordinance #071612 and 3/18/13, Ordinance # 074015)).

28. Recycling facilities.

19.16.070 Non-Conforming Uses.

- A. 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.
- B. Special Provisions for Nonconforming Uses Within the S-PMC.
 - 1. Any state or federal government environmental improvement mandate for an established use is exempt from the minimum requirements of this chapter.
 - 2. 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.
 - 3. 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.

19.16.080 Site Requirements.

- A. 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.
- B. Minimum parcel size. The minimum parcel size for development in the S-PMC is two (2) 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. (Revised 3/18/13, Ordinance # 074015)
- C. Front setbacks.
 - 1. 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-

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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.

2. 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(H)(2)(d)). 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. (Revised 3/18/13, Ordinance # 074015)
3. 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.
- D. 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.
- E. 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.

19.16.090 Development Requirements.

- A. 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.
- B. Site Preparation.
 1. Required grading practices are:
 - a. 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.

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- b. Grading shall not create an erosion hazard or be a source of sedimentation to any adjacent land or water course.
 - c. Topsoil shall, to the extent possible, be retained on-site and reused after grading.
 - d. 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.
2. Drainage and storm water control requirements apply to projects both during and after construction:
- a. Site drainage shall not endanger designated environmentally sensitive areas.
 - b. Site drainage shall comply with all other provisions of this chapter, as well as environmental regulations controlling surface and ground water quality.
 - c. Existing natural drainages shall be identified on the grading plan and shall be retained wherever feasible.
 - d. 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.
3. Fill - Fill operations are governed by the following requirements:
- a. 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.
 - b. Fill must consist of clean materials that will not result in the leaching of harmful chemical or solid contaminants into surface or ground water.
 - c. 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.

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C. Infrastructure.

1. Water use:

- a. An applicant will provide data on anticipated water use for a development proposal.
- b. 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.
- c. 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:
 - i. Water conservation measures which will demonstrably decrease typical water consumption patterns for the proposed use.
 - ii. Plans to utilize treated effluent or water rights from Paradise Creek as a secondary water source.

2. Sewage disposal -

- a. 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.
- b. A sewage system design of appropriate quality and capacity must be approved by the permitting authority prior to issuance of a building permit.

3. Utilities -

- a. 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.
- b. Utilities shall be located underground where possible, with the following exceptions:
 - i. Existing overhead electrical utilities may be maintained, replaced or upgraded.
 - ii. 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.
 - iii. 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.
 - iv. As road improvements are made within the S-PMC, it is recommended that utility companies

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(electrical, telephone, television cable, natural gas) work with the road agency to lay conduit in anticipation of future needs.

- v. 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.
- vi. Temporary overhead service is allowed for construction purposes. A Certificate of Occupancy will not be issued until the temporary overhead service is removed.
- vii. In the situation where on-going mining exists, overhead distribution of electrical facilities is allowed.

D. Traffic Access and Flow.

1. State Route 270 access:

- a. 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.
- b. Approach permits to SR 270 shall be required from the WSDOT prior to project approval.
- c. 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.
 - i. 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

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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.

- ii. 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.
 - iii. 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.
2. Frontage roads:
- a. 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.
 - b. Service roads, private roads, connector roads and service drives should be at right angles to the frontage road.
 - c. Maximum grade for public access roads is twelve percent.
 - d. 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.
3. 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.
4. Parking and pedestrian access:
- a. Parking:

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- i. 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).
 - ii. Parking areas should be broken up into units of no more than 60 spaces, separated by interior landscaping, buildings, walkways and/or berms.
 - iii. Smaller, distinct islands of parking may be scattered around the site to access dispersed destination points.
 - iv. 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.
 - v. Parking and loading areas must provide for snow removal access and drainage with a grade of at least two percent (2%).
 - b. 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(F).
 - c. Pedestrian facilities:
 - i. 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.
 - ii. Pedestrian walkways shall be separated from vehicle traffic by curbing, landscaping, and/or other physical barriers.
 - aa. Rolled curbs or other means shall be used to define the pedestrian zone without obstructing emergency access.
 - bb. 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.
 - cc. 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.
- E. Structures. 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.

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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.
- F. 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.
1. Landscape requirements - Screening can mean a filtered or blocked view:
 - a. 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.
 - b. Additional screening may be required between dissimilar land uses, at the discretion of the SPRC.
 - c. Additional buffer areas may be required to shield designated environmentally sensitive areas from incompatible land uses, at the discretion of the SPRC.
 - d. Internal landscaping shall shield views of outdoor storage, service, parking and loading areas from the road and from adjacent uses.
 - e. 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.

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- f. 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.
- 2. Landscape requirements - Materials and design:
 - a. 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.
 - b. Existing trees shall be retained when possible.
 - c. Fencing materials shall be attractive and durable and should compliment or blend with the natural colors of the surrounding environment.
 - d. 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.
 - e. 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:
 - i. 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.
 - ii. 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.
 - iii. Avoid obstructing views of crosswalks, intersections and streetlights.
 - iv. Minimum size of shrubs at planting shall be one foot in height.
 - v. Trees shall be set back a minimum of three feet (3') from curbs and shall be a minimum of four feet tall at planting.
- 3. Landscape requirements - Maintenance
 - a. Provisions shall be made for the on-going maintenance, including irrigation of landscaped areas as necessary.
 - b. Trees and shrubs which die within twelve months of planting must be replaced no later than the next growing season.

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- G. 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:
1. Shared parking.
 2. Shared private access roads and/or service drives.
 3. Clustering of structures so as to provide significant, dedicated open areas.
- H. 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.
1. Sign requirements - Type, design and content:
 - a. All permanent signs must be of a durable nature; the on-going use of temporary and/or portable signs is prohibited.
 - b. 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.
 - c. Sign content shall be restricted to the business name, primary business purpose and business address of the operation.
 - d. 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.
 - e. No blinking, flashing or similar intermittent lighting or revolving signs are allowed. Electronic changeable copy signs are allowed.
 - f. 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.

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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

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.

19.20.020 - Permitted Uses.

- A. Transportation providers, such as motor vehicle freight-lines and similar uses.
- B. Automotive and agricultural equipment dealerships, auto and agricultural repair shops.
- C. Storage facilities for personal property, commercial goods or commodities such as warehouses, or mini-warehouses and similar uses. (Revised 3/24/03, Ordinance # 060953)
- D. 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)
- E. Concrete and asphalt plants.
- F. Seed packaging, storage and sales.
- G. 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.
- H. 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.
- I. 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.
- J. 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)
- K. Levels 1, 2 and 3 Electric Vehicle Charging Stations. (Revised 10/17/11, Ordinance # 072330)
- L. Unclassified Uses.
 1. It is recognized that all possible uses and variations of uses that might arise cannot reasonably be listed or categorized. In the event a use is proposed which is not listed in this chapter as permitted, the County Planner may determine whether the use should or should not be treated as one of the listed uses. Such determination shall be based on it being similar in intensity and character to the list of permitted uses and consistent with the intent of

the district, and with the concurrence of the Public Works Director.

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.

- A. 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)
- B. The 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) (Revised 3/24/03, Ordinance # 060953)

Section 19.20.050 - Height of Buildings.

The maximum height of buildings and structures in this district shall be 50 feet, excepting grain elevators. Antenna support structures shall not exceed 350 feet. (Revised 5/14/01, Ordinance # 058050)

Section 19.20.060 - Approach Requirements. (Revised 3/24/03, Ordinance # 060953)

- A. Access shall be designed to Whitman County standards.
- B. Access for all new Heavy Commercial uses, buildings or structures shall be directly from the right-of-way of a Class I-IV road to the lot on which the principle use exists, without intervening properties of separate ownership, provided that adjacent uses shall use one common access point to the right-of-way.
- C. 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.
- D. No person shall create any access without first obtaining an approach permit and meeting the approach general provisions.
- E. Compliance with Chapter 19.52 - Transportation shall be completed prior to issuance of permits. (This section was revised 10/15/01, Ordinance # 058775)

Section 19.20.070 - Screening & Maintenance Requirements.

- A. The purpose of this section is to establish landscape, screening and property maintenance standards to enhance the aesthetic appearance of property throughout the County.
- B. 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.
- C. Perimeter screening shall be provided as follows:
 - 1. 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.
 - 2. Avoid obstructing views of crosswalks, intersections and streetlights.
 - 3. 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.
 - 4. 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
 - 5. 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.
 - 6. 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 19.20.080 - Conditional Uses and Administrative Permits.

- A. Because of considerations of traffic, noise, lighting, hazards, health and environmental issues, the following uses shall not be permitted in the Heavy Commercial 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:
 - 1. One single-family dwelling unit or mobile home to be occupied only by an employee or owner of a permitted use.
 - 2. Surface mining and/or rock crushing that is not associated with preparing a suitable site for construction. All surface mining and/or rock crushing activities shall meet the requirements of Chapter 19.59 - Surface Mining and Rock

Crushing and Chapter 19.60 - Blasting or Explosive Demolition. (Revised 3/24/03, Ordinance # 060953)

3. 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.
4. 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)]
5. Home-based businesses that exceed the threshold of a permitted use may be allowed as a conditional use. (For more information on home-based businesses permitting, see Chapter 19.56.) (Revised April 21, 2008; Resolution No. 068024)

6. Indoor marijuana production and processing.

- B. An Administrative Use Permit shall be required for:
 1. 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.
 2. Home-based businesses that exceed the threshold of a permitted use may be allowed as an administrative use. (For more information on home-based businesses permitting, see Chapter 19.56.) (Revised April 21, 2008; Resolution No. 068024)
 3. 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 3/24/03, Ordinance # 060953) (Revised 2/7/11, Ordinance #071612).

Chapter 19.30 - LIGHT INDUSTRIAL DISTRICT

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 they do not cause hazardous or unsafe conditions due to emissions, or outdoor storage of materials.

19.30.020 - Permitted Uses.

- A. The manufacture, processing, compounding, storage, packaging, or treatment of food products.
- B. 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.
- C. Research, experimental or testing laboratories.
- D. Professional services associated with the construction industry such as: architects, engineers, construction management, developers and planners.
- E. Transportation providers, such as motor freightlines.
- F. Wholesale businesses selling finished goods stored within buildings.
- G. Storage facilities for personal property (mini storage units), commercial goods or commodities such as warehouses, or mini-warehouses and similar uses. (Revised 12/21/15, Ordinance # 077293).
- H. Businesses providing services such as: repair, technical or facility maintenance services.
- I. Accessory uses and structures incidental to the above-mentioned uses.
- J. 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).
- K. Levels 1, 2 and 3 Electric Vehicle Charging Stations.
- L. Wineries, breweries, and distilleries.
- M. Nursery/greenhouse/wholesale.
- N. Woodworking, cabinet shop/wholesale.
- O. Child day-care center.
- P. Exercise facility/gym/athletic club.
- Q. Communication service systems.
- R. Radio and TV stations.
- S. Welding, sheet metal shops.
- T. Espresso stands.

- U. Veterinary clinics.
- V. Animal shelters.
- W. Dog boarding and grooming.
- X. Boat building and repair.
- Y. Unclassified Uses.

1. It is recognized that all possible uses and variations of uses that might arise cannot reasonably be listed or categorized. In the event a use is proposed which is not listed in this chapter as permitted, the County Planner may determine whether the use should or should not be treated as one of the listed uses. Such determination shall be based on it being similar in intensity and character to the list of permitted uses and consistent with the intent of the district, and with the concurrence of the Public Works Director. (Revised 8/15/16, Ordinance #078081).

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.

19.30.040 - Yard Requirements.

- A. 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.
- B. 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)

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)

19.30.060 - Approach Requirements.

- A. 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.
- B. Access shall be designed to Whitman County standards.
- C. 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.

- D. No person shall create any access without first obtaining an approach permit and meeting the approach general provisions.
- E. Compliance with Chapter 19.52 - Transportation shall be completed prior to issuance of permits. (This section was revised 10/15/01, Ordinance # 058775)

19.30.070 - Screening & Maintenance Requirements.

- A. The purpose of this section is to establish landscape, screening and property maintenance standards to enhance the aesthetic appearance of property throughout the County.
- B. 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.
- C. Perimeter screening shall be provided as follows:
 - 1. 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.
 - 2. Avoid obstructing views of crosswalks, intersections and streetlights.
 - 3. 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.
 - 4. 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
 - 5. 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.
 - 6. 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)

19.30.080 - Conditional Uses and Administrative Permits.

- A. Conditional Uses. 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.

1. One single-family dwelling unit or mobile home to be occupied by an employee or owner of a permitted use.
2. Eating establishments. (Revised 3/24/03, Ordinance # 060953)
3. Retail sales incidental to the permitted uses. (Revised 3/24/03, Ordinance # 060953)
4. Public facilities, such as utility substations and storage yards.
5. Agricultural uses. For purposes of this Chapter, the term agriculture/agricultural excludes the production, processing, and sale of any controlled substances, including marijuana, cannabis and its derivatives.
6. 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)];
7. 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.
- ~~98.~~ Home-based businesses that exceed the threshold of a permitted use may be allowed as a conditional use. (For more information on home-based businesses permitting, see Chapter 19.56.) (Revised April 21, 2008; Resolution No. 068024)

9. Indoor marijuana production and processing.

B. An Administrative Use Permit shall be required for:

1. 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)
2. Home-based businesses that exceed the threshold of a permitted use may be allowed as an administrative use. (For more information on home-based businesses permitting,

see Chapter 19.56.) (Revised April 21, 2008; Resolution No. 068024)

3. 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).
4. Temporary asphalt and/or concrete batch plants.

Chapter 19.31 - HEAVY INDUSTRIAL DISTRICT

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.

19.31.020 - Permitted Uses.

- A. Transportation providers, such as motor vehicle freight-lines and similar uses.
- B. Storage facilities for personal property, commercial goods or commodities such as warehouses, or mini-warehouses and similar uses.
- C. Sales of services to the agricultural sector, such as agriculture supply cooperatives, custom fertilizer application services, and similar uses.
- D. Concrete and asphalt plants.
- E. Seed packaging, storage and sales.
- F. 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.
- G. The manufacture, processing, compounding, storage, packaging or treatment of food products.
- H. 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.
- I. Research, experimental or testing laboratories.
- J. Professional services associated with the construction industry such as: architects, engineers, construction management, developers and planners.
- K. Wholesale businesses selling finished goods stored within buildings.
- L. Warehouses.
- M. Businesses providing services to industries and business such as: repair, facility maintenance services.
- N. Utility storage and transportation facilities, e.g. Inland, Avista.
- O. Utility substations.
- P. 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.

- Q. 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.
- R. 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)
- S. 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).
- T. Levels 1, 2 and 3 Electric Vehicle Charging Stations. (Revised 10/17/11, Ordinance # 072330)
- U. Unclassified Uses.
 - 1. It is recognized that all possible uses and variations of uses that might arise cannot reasonably be listed or categorized. In the event a use is proposed which is not listed in this chapter as permitted, the County Planner may determine whether the use should or should not be treated as one of the listed uses. Such determination shall be based on it being similar in intensity and character to the list of permitted uses and consistent with the intent of the district, and with the concurrence of the Public Works Director.

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.

19.31.040 - Yard Requirements.

- A. 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:
 - 1. Fences shall have a minimum setback of 10 feet from a public right-of-way;
 - 2. No setback shall be required from waterfronts or spur rail lines.

3. 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)
- B. The minimum setback from all other public roads shall be 10 feet from the right-of-way.
- C. 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.
- D. The minimum rear-yard setback shall be 10 feet, except where a larger setback is required by Section 19.31.040[1] above.

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)

19.31.060 - Approach Requirements.

- A. 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.
- B. Access shall be designed to Whitman County standards.
- C. 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.
- D. No person shall create any access without first obtaining an approach permit and meeting the approach general provisions.
- E. Compliance with Chapter 19.52 - Transportation shall be completed prior to issuance of permits. (This section was revised 10/15/01, Ordinance # 058775)

19.31.070 - Screening and Maintenance Requirements.

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

- C. Perimeter screening shall be provided as follows:
1. 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.
 2. Avoid obstructing views of crosswalks, intersections and streetlights.
 3. 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.
 4. 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
 5. 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.
 6. 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)

19.31.080 - Conditional Uses and Administrative Permits.

- A. 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:
1. One single-family dwelling unit or mobile home to be occupied by an employee or owner of a permitted use.
 2. Eating establishments. (Revised 3/24/03, Ordinance # 060953)

3. Auto wrecking and salvage yards, including storage of junk and scrap iron.
 4. Storage, manufacture or distribution of ammunition, explosives or other products with a designated destructive potential.
 5. Manufacture or refining of asphalt, adhesives, glues, sizes or cements or component parts thereof.
 6. Solid waste disposal.
 7. Cement, lime, gypsum or plaster of paris manufacture.
 8. Surface mining and/or rock crushing subject to the minimum standards listed in Section 19.06.015 or Section 19.05.015.
 9. 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)];
 10. Home-based businesses that exceed the threshold of a permitted use may be allowed as a conditional use. (For more information on home-based businesses permitting, see Chapter 19.56.) (Revised April 21, 2008; Resolution No. 068024)
 11. Indoor marijuana production and processing.
- B. An Administrative Use Permit shall be required for:
1. 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)
 2. Home-based businesses that exceed the threshold of a permitted use may be allowed as an administrative use. (For more information on home-based businesses permitting, see Chapter 19.56.) (Revised April 21, 2008; Resolution No. 068024)
 3. 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).