

**WHITMAN COUNTY
BOARD OF ADJUSTMENT
April 14, 2022
Zoom - CU 22-04**

MEMBERS:

**Larry Cochran, Chair
David Swannack**

**Rick Finch, Vice-Chair
Ryan Kile**

Staff: Alan Thomson, WC Planner; Grace Di Biase, Assistant County Planner; Brandon Johnson, Public Works; Elinor Huber, Clerk.

Others: Kirk Dugger and Melissa Dugger

Applicant: Kirk and Mellissa Dugger

Requests: Add additional RV spaces to existing conditional use permit **CUP 19-06**.

FINDINGS OF FACT

1. *On July 26, 2019, Kirk and Mellissa Dugger applied for a conditional use permit for the operation of a seasonal RV park. (See Exhibit 1, Conditional use application.)*
2. *On September 12, 2019, the Board of Adjustment issued CUP 19-06.*
3. *On March 29, 2022, the Duggers applied to expand the operation of their RV Park. (See Exhibit 2, Amended conditional use application.)*
4. *The applicant's parcel is located approximately 6.5 miles north of Pullman, half way between Pullman and Palouse, in the north west corner of the Palouse-Albion Road/SR27 intersection at 101 Palouse-Albion Road, in Section 27, Township 16 N., Range 45 E., W.M., Whitman County, Washington. (See Exhibit 3, Vicinity map.)*
5. *The parcel is located in the Agricultural District. The original permit allowed for 80 RV spaces in an approximate 3-acre area, split into a 2.62-acre main parking site and a 0.28-acre overflow area. The new proposal will increase the number of RVs to 100 vehicles and increase the usable area by just under four acres to a total of 6.68 acres. Up to 50 RVs are to remain on site in between game weekends. These RVs will be unoccupied between games.*
6. *RV parks are authorized in the Agricultural District as a conditional use. See Whitman County Code Chapter 19.10.090 (A) (4).*
7. *The proposed park will operate on days coinciding with football games scheduled at Washington State University, ~~primarily Fridays through Sundays~~, August to November but also including spring football games. Most years have 6 game weekends. Additional week-ends for special events such*

~~as operational week-ends might be possible during other special events like Mom's weekends, graduation.~~

Rick Finch – I'd like to make a comment about this. To the Duggers, I think if you know you are going to want to use this during other week-ends, mom's week-end, graduation, I would just think we should change the language from, "maybe," to "that you are planning to." I don't think it makes any difference as to whether or not we are going to approve your request but I think it makes it cleaner by being more specific about your intended use.

Mellissa Dugger – That's fine. I have one other thing to add on that just to clarify. A lot of RVs arrive on Thursdays of those week-ends. So, if you want to change that, as well, we do get some, probably 10 arriving on Thursdays and the rest trickle in on Fridays and Saturdays before the game. Just to clarify that it is not just Friday.

Ryan Kile -I think I read that you had put that.

Rick Finch – Then, so it is your intent if there is demand to use, you know, allow, and I think WSU now calls Mom's week-end, Family week-end and graduation. Okay.

Alan Thomson – So, how do you want to word that?

Rick Finch – "Additional week-ends for special events such as Mom's week-end, graduation."

Ryan Kile – Could we just leave it as special events? For example, if the baseball team gets really good, they might want to do it on a baseball week, too. Just throwing that out there.

Mellissa Duggar – We do get request for baseball games and at this point we haven't taken those requests just because of the limitations of our first CUP. That first CUP we did discuss Thursday through Sunday and also these additional week-ends. I think this was just included in here as a reminder of what our operation is.

Rick Finch – Yes, I just think we should make that more positive and I don't know, I don't have any issue with just saying, we could say, "football week-ends, other sporting events and special events."

Larry Cochran – I am getting the impression the Board really isn't going to limit too much on this CUP so the simpler we write it the better off it probably is.

Rick Finch – It is fine with me. If somebody else has better language to offer, I'm all for it.

Ryan Kile – Wait until golf takes off.

Alan Thomson – Okay, lets make this clear. Rick, read #7 again the way you want it to read.

Rick Finch – "Most years have 6 game weekends. Additional operational week-ends can include other sporting events and special events."

Larry Cochran – Do you want to change "Fridays" to "Thursdays?"

Alan Thomson – Do we even need to have the days in there primarily Fridays through Sundays? Is that necessary?

Rick Finch – It isn't to me unless, I mean,

Larry Cochran – Just strike, "Fridays through Sundays." Just strike that part out of there.

David Swannack – So this will just be used August through November. No other months?

Alan Thomson – Spring months. Spring games. That needs to stay in there.

Ryan Kile – Probably say, "including spring sporting events."

Rick Finch – The Spring scrimmage football game they are trying to make that a big deal.

Mellissa Duggar – Yes, I'm glad you got that in there. That is one of the requests we have had and that is, perhaps not listed, but yes, the spring scrimmage was one of my requests. But if we are going to include football week-ends, I guess that would be included in that.

Rick Finch – Yes, and I think the language is broad enough with other special events and sporting events, you should be good.

Larry Cochran – Okay, do we have #7 like we want it?

Rick Finch – I'm good with it.

8. *The originally proposed area is a field of grass that is maintained with weed control and mowing. It is occasionally used as farm equipment parking. The additional land is a graveled area to the west of the house. The land surrounding the parcel is farmland. The east side of the park area is bordered by SR27. To the south of the property and south of Palouse-Albion Road is another residence. (See **Exhibit 4**, Original site plan; see **Exhibit 5**, Current site plan; see **Exhibit 6**, Aerial.*
9. *The site is accessed off Palouse-Albion Road. There is an existing driveway for the residence that shall be used by the RVs as well. Just west of this driveway, located on the neighboring agricultural parcel is another access point used for farm equipment. This access just south of a group of 7 grain bins will serve as an emergency access only. If necessary due to the proximity to the Palouse-Albion Rd/SR27 intersection, WSDOT may need to place restrictions on the number of RVs that can occupy the park in case operational issues are caused at that intersection. (See **Exhibit 7**, Emergency exits plan, and **Exhibit 8**, comment from Whitman County Road Department, and **Exhibit 9**, Comment from WSDOT.)*
10. *This will be a dry camping RV park with no electrical, water, or sewer hookups provided. The applicants plan to set up portable restrooms or temporary residents provide their own wastewater disposal via RV holding tanks. Should portable toilets be provided, Whitman County Environmental Health Department recommends a minimum of 1 portable toilet per 100 people. Should future activity involve providing toilets, RV hookups, or on-site wastewater disposal*

*systems, an on-site septic system must be established through Whitman County Environmental Health. Regarding water supply, the applicants plan to offer bottled water when needed. Should future proposals involve providing potable water to the public, a public drinking water system must be established through Washington State Department of Health. (See **Exhibit 10**, Comment from Whitman County Environmental Health Department.)*

Larry Cochran – I was just thinking, if everybody is coming back from a football game and you have one portable toilet per 100 people, that could be a little slow.

Mellissa Duggar – Everybody has a bathroom in their RV and it has worked really well. I always have a minimum of two portable toilets here depending on how many people we have coming. Most of the weekend I've had four portable toilets which should serve 400 people by this math. But for the most part, everyone uses their RV.

Rick Finch – In your first proposal and I believe in the application, you mentioned that between games you have an arrangement for someone to come and empty tanks for people. I think we should probably include that in this Findings of Fact for the ones that are left there.

Mellissa Duggar – I'm glad you mentioned that. Yes, it's King's Thrones. They bring the portable toilets and then they drain the tanks on the RVs that are being stored.

Rick Finch – We don't need to mention the name of the company but, you know, what I would say is that we should say that for the ones that are left there for the season, for example, there is a plan to address that that and that is something we have already approved and it apparently worked fine for you?

Mellissa Duggar – Yes.

Alan Thomson – Do you want to include that as a new Finding?

Larry Cochran – Yes, we can find that language from the old CUP and put it in there.

Rick Finch – Yes, I think it was also in the application.

Alan Thomson – It wasn't in the previous Findings of Fact because everything that was in the previous Findings are in here right now. It came up during the hearing and it wasn't included as a Finding but we can certainly dig that language up.

Rick Finch – Right, so, to me, this Finding you know, says it is completely dry and it is all contained within their own disposal systems, which is correct but there is a plan to you know, provide that service. I don't know if we made that a condition or if it, but I remember it coming up and I did read it in the application. It was I red ink.

Alan Thomson – Again, the conditions are, everything that was in the previous CUP was there. So, this needs to be new and we can certainly put that in.

Rick Finch – That's fine. Let's put that in. In the Exhibit with the application there is some language that describes how that is done and I would say that we remove the name of the vendor.

Alan Thomson – So, just to be clear, are we going to include that in Finding #10 or do you want to put that in there as a separate Finding?

Rick Finch – That’s fine, if it is a separate Finding, that is fine with me.

Alan Thomson – Okay, so that would be Finding #11. I’ll craft the language.

Larry Cochran – Yes.

Mellissa Duggar – This is just to mention that it will be an offered service, not that it is a required condition?

Rick Finch – To me, it is a practice that you are doing and you stated in the application that it is a practice which to me, is a little different than this Finding of Fact. That’s just how I reacted to it. I think it allows you then within the permit to have a service provided like that.

Alan Thomson – It doesn’t have to be put in there as a condition. It could be put in as a Finding. We were not making it a condition. Correct?

David Swannack – Okay, explain the two differences, Alan.

Alan Thomson – If you put it in as a condition, then it has to happen.

David Swannack – Okay, and as a Finding, it is something she can do.

Alan Thomson – Yes, it is just information. The Findings are just the facts of what this is a service we could offer, sometimes we do offer but you don’t want to put it in the conditions because then it is thou shalt do this.

David Swannack – I’d rather say it as a Finding.

Mellissa Duggar – I would prefer that as well. We did have, we have had to find different vendors through the years. The one we had originally, went out of business so I don’t want, I’d prefer it to not be a condition, but a Finding would be fantastic. There area lot of games, especially later in the season, people would have their tank pumped an then they won’t use their plumbing after that just so things don’t freeze. If it is a Finding that would probably suit the situation better, I would think.

David Swannack – Yes.

Larry Cochran – Works for me. So, that will be #11 and we will just put it in the Findings and not in conditions.

11.

12. There will be live music offered to the RV campers and their guests. ~~only~~. There will be no charge to the campers and no general public will be allowed to attend. The live music will be only for one night during a weekend event and a maximum of four music events per the season.

Larry Cochran – Do you want to leave that limit on there?

Alan Thomson – That is what Mrs. Duggar and I agreed on before but if you want to change that, Mrs. Duggar?

Melissa Duggar – I’m fine with that limit. I would like to add the time frame if we could have from, “noon to 9:30 p.m.?”

Alan Thomson – That’s going to be in the conditions.

Melissa Duggar – Okay.

Rick Finch – Do you want to, I don’t think anybody is going to nit pick it but for example, a lot of people who come here and camp out, you know, their kids are students here and you know they have them out to dinner, so their guests would be welcome to attend the live music too? So, I mean you might add, there might be live music offered to campers and their “guests.”

Melissa Duggar – Yes.

Alan Thomson – We can change that Finding to add, RV campers “**and their guests.**”

13. A shuttle bus service to and from the events in Pullman is offered by the applicants.

Larry Cochran – As long as they are not using the marijuana bus, you’ll probably be all right.

Alan Cochran – The magic bus.

14. All adjacent landowners within 300 feet of the project were informed of this request and hearing by U.S. mail. At the time of this hearing, no comment has been received by Whitman County Planning concerning this notification.

Larry Cochran – Is that still true?

Alan Thomson – Yes.

Ryan Kile – I have a question. Melissa, I was just curious. Are any of your neighbors, have you talked to them about the music? I know not everybody always wants to comment or say something. I am just curious if anybody has said anything about that proposal.

Melissa Duggar – No, it has been positive feedback. I have spoken with all the neighbors. We got seven immediate neighbors. We are on good terms with all of them. Just positive feedback. Every time I talk to them, they are very supportive and I don’t think this has been an imposition to them in any regard. The music or the campers or the traffic. So, they have adjusted and they haven’t complained and they seem fine with it.

Ryan Kyle – Okay. Good to hear.

15. *A public notice of the conditional use hearing was published in the Whitman County Gazette on April 7, 2022.*
16. *Whitman County is lead agency for the State Environmental Policy Act (SEPA) and issued a Determination of Nonsignificance (DNS) for the original proposed project on August 22, 2019, and no comment was received.*
17. *The original SEPA evaluated the proposal for 100 vehicles and therefore no further SEPA review is required.*
18. *The applicants wish to have three informational documents entered into the record. (See **Exhibit 11**, Cover letter to the Board of Adjustment; **Exhibit 12**, RV Camping Registration form; and **Exhibit 13**, Business information.)*

Larry Cochran – That concluded the Findings of Fact. Are there any additions?

MOTION by Rick Finch and seconded by David Swannack to approve the Findings of Fact as amended. Motion passed.

CONCLUSIONS OF LAW

1. *The Board of Adjustment has been granted authority to render this decision.*
2. *As conditioned, the proposed use is consistent with the intent, purposes, and regulations of the Whitman County Code and Comprehensive Plan.*
3. *As conditioned, the proposal does conform to the standards specified in Whitman County Code.*
4. *As conditioned, the use will comply with all required performance standards as specified in Whitman County Code.*
5. *As conditioned, the proposed use will not be contrary to the intent or purposes and regulations to the Whitman County Code or the Comprehensive Plan.*
6. *Any Finding of fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.*

DECISION

*Based on the above Findings of Fact and Conclusions of Law, conditional use permit application **CUP 22-04**, Kirk and Melissa Duggar RV Park is hereby APPROVED subject to the following Conditions of Approval.*

CONDITIONS OF APPROVAL

- 1. The applicant shall obtain any necessary permits from Whitman County (Building Permit) and other permitting agencies. This conditional use permit is not to be construed as approval for these other agencies. The applicant must contact and obtain these necessary permits of approvals. Failure to obtain these permits is basis for revoking this conditional use permit.*
- 2. This conditional use permit shall be continuous with the ownership of the property. Should the ownership change, Whitman County must be notified. The conditions apply to the land regardless of transfer of owners.*
- 3. The Whitman County Road Department will require that the emergency exit route will be signed as noted and is to remain clear of parked vehicles, farm implements, or any other obstruction during any RV park events. The Road Department is not requesting either access point to be re-permitted or improved, as long as the RV Park remains seasonal (related to game days and other WSU events.) If at any point, the RV Park becomes a daily commercial operation a re-permitting of the access/approaches will be required.*
- 4. If necessary due to the proximity to the Palouse-Albion Rd/SR27 intersection, WSDOT may need to place restrictions on the number of RVs that can occupy the park in case operational issues are caused at that intersection. There shall be no parking on SR 27 and on Palouse-Albion Road and no direct access from the RV Park on SR 27. WSDOT approved signage alerting motorists of events will be placed on SR 27 north and south of the intersection of SR 27 and the Palouse/Albion Road during events.*
- 5. The shuttle bus service to and from Pulman will continue to be provided during music events.*
- 6. Portable restrooms will be set up and bottled water will be offered when needed. At this point in time the applicants do not propose to use well water for public consumption or the use of public restrooms. If those plans change in the future the applicants need to contact the Whitman County Environmental Department to discuss specific plans and the permitting process for a new septic system and a new water access.*
- 7. Any outdoor lighting will be full cut-off.*
- 8. The applicant will develop a fire evacuation plan for the RV Park, with the local fire district.*

Larry Cochran – I was concerned about that and was glad to see that in the Conditions.

9. The applicant will develop an emergency access plan with alternative routes with the local emergency responders.

10. This permit allows for maximum capacity of 100 RVs.

11. Up to 50 RVs will remain on site between game weekends. They are not to be occupied during this time and will be removed after the season ends.

12. For live music events, there will be a maximum of four events per season to be held between the hours of ~~6:30 p.m. from~~ noon to 9:30 p.m. There will be no charge to the RV campers. Only one music event per weekend.

13. Quiet time will be observed between the hours of 10:00 p.m. and 7:00 a.m.

Alan Thomson – I think Mrs. Duggar might want to change the hours of the music. Is that correct, Mrs. Duggar?

Melissa Duggar – Yes, for #12, can we change that from “noon” to 9:30 p.m.?”

Rick Finch – I have no objections.

Larry Cochran – Okay, noon to 9:30 p.m.

Ryan Kile – On #11, we state the RVs will be removed after the season ends, but since we modified what Rick was discussing earlier about the type of events, do we need to modify instead of saying when the season ends. Should it say, when the special event ends, or I don’t want to pigeon hole it.

Melissa Duggar – The last football game would be the last WSU event that I know of.

Ryan Kile – Sure, and what I am thinking of is, for example, baseball season if it starts getting busy, basically what we are doing is precluding that is pretty much limited to only football season. So, if something was to get busy and you start having a lot of demand, I guess, we would be outside of #11 if people wanted to leave theirs during the part of the baseball season or something. I’m not saying we have to change it but I just don’t want to limit it.

Rick Finch – I think you are right, Ryan. We could put a date in there, the latest home game here was first week in December, you know, you could put in December 15th and then another date, a week or so after graduation, which would probably be May 15th.

Melissa Duggar – Mom’s week-end was two weeks ago, in April. I’m thinking how to phrase it. Maybe we could state, “no storage after or between December 15th to April 1st.” That gives them the ability to

come for Mom's week-end and leave it here for graduation week-end. I don't know. Just throwing ideas out there.

Rick Finch – You might want to make it a little earlier, I mean, just because baseball season does start a little earlier than that. I don't know how much you are going to get into that but you can pick the date. The point is you are wanting to say that you are not going to do RV storage out there and that you intend to have them removed and so. That language is fine.

David Swannack – Since we have the season for football, then you are talking about a spring season, so it will last until graduation gets done. Can we just leave it as, removed after the season ends and not specify the season? Because it doesn't really specify a season.

Ryan Kile – That's true.

Larry Cochran – It doesn't say, spring season or fall season or, spring.

Ryan Kile – I asked a question and it has already been answered. I think that makes sense. Thanks, David.

Alan Thomson – On Condition #3, it does mention there that, *“the RV park remains seasonal (related to game days and other WSU events.)”*

Ryan Kile – I think that covers it.

Alan Thomson – It doesn't specify any months, only events.

David Swannack – Good.

Rick Finch – I'm fine with the language.

Larry Cochran – Anything else?

David Swannack – I've got one more question for Mellissa. It says up to 50 RVs. That is after this increase in number of RVs that you are planning on having?

Melissa Duggar – Yes, so if we have a total of 100 RVs allowed on the permit to come every week-end, we'd like to offer up to 50 RVs can stay for the, the intent is just for the football season. I appreciate that we are leaving the language open, but that is our intent and quite honestly, by the end of the football season we are ready for all the RVs to go home. So, we claim our farm yard. But we do have a lot of requests for storage and for the season storage. Not year-end storage.

David Swannack – Do you think it could every exceed 50?

Melissa Duggar – Perhaps. I learned that at the last meeting we had together but when I limit myself, I get surprised later on by how things grow and change.

Rick Finch – Then you'll have to come back and see us again.

Mellissa Duggar – I'm not sure you are happy about that, but yes, perhaps it would but we feel 50 is sufficient.

David Swannack – If you're happy, I'm happy.

Larry Cochran – If you get any more than that, you won't have any place for the farm equipment. Okay, anything else?

MOTION by Rick Finch and seconded by Ryan Kile to accept the Conditions of **CU 22-04** as amended. Motion passed. Your CUP has been approved.

Mellissa Duggar – Thank you. Thanks to the Board and especially thank you to Alan Thomson. He put a lot of time and energy into this and a lot of conversations with me and I really appreciate his professionalism and he is great to work with.

Alan Thomson– Thank you.

Rick Finch – We'll pass that along to Mark.

Alan Thomson – He gets my evaluation. I just want to let Mrs. Duggar know that once I get the minutes back from this hearing, which will probably be the beginning of next week, then I sign off on that and I will be sending you this permit.

Then there will be a 21-day appeal period and that will be specified in the letter what those dates are. Since nobody showed up tonight, it is highly unlikely that an appeal would happen. So, technically though you are supposed to wait until the appeal period is over with. If you don't, that is kind of at your own risk, but I don't really see that anybody is going to appeal this. That is just for your information.

Mellissa Duggar – Okay.

Larry Cochran – Thanks, Mellissa.

Mellissa Duggar – Thank you. Are we done?

Larry Cochran – Yes, thank you. Alan, do you have anything else for us?

Alan Thomson – No, nothing going right now. We don't have any conditional uses at this moment in time but stay tuned. I'll let you know if anything crops up.

Larry Cochran – I was just thinking if that rock pit ever gets in place which is just around the corner from the RV park.

Alan Thomson – Well, Mrs. Duggar knew all about it. A bunch of neighbors were not very happy with that process but it went ahead and got the conditional use and it is right now. Have you been out there at all, Larry? Is it operational?

Larry Cochran – I haven't seen anything. Nothing is going on out there that I can tell.

Alan Thomson – I wonder why, because they were really anxious to get the permit and get going on it. It's been over a year and a half or so. Maybe two years. Maybe nothing will happen there.

Larry Cochran – I know the County has complained they don't have enough rock piles.

Alan Thomson – Things are not working out for them for whatever reason. That's all I have for you. Thank you everybody.

Hearing closed – 7:43 p.m.

These minutes have been approved by Planning Staff:

Name	Title	Date
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