AGRICULTURAL LAND USE

GOAL 1

PRESERVE PRODUCTIVE AGRICULTURAL LAND AND THE FAMILY FARM AS THE PRIME ECONOMIC AND SOCIAL RESOURCES OF WHITMAN COUNTY BY PREVENTING LAND FROM BEING TAKEN OUT OF PRODUCTION BY INDISCRIMINATE OR EXCESSIVE CHANGE IN LAND USE.

GOAL RATIONALE

Whitman County’s dry-land farms have long produced some of the highest yields in the United States. Since 1954 the number of separate family farms in Whitman County has decreased by over 25%, due to economic conditions requiring larger farm and ranch management units for successful operation. Uncoordinated non-agricultural development has serious impacts on the ability of farmers in Whitman County to maintain access to their many different cropfields; the ability to carry out farm practices without threat of restriction; and the ability to lease and buy additional land necessary to continue economically feasible farming.

PLANNING GUIDELINES

1. Agricultural lands defined: Lands which are normally devoted to cultivation for agricultural production, including production of small grains, peas, lentils, grass for seed, crops for oil, forage crops, as well as lands which are devoted to commercial livestock grazing.

2. Residential land use should be kept separate from agricultural lands to the maximum extent feasible to prevent increasing the legal liability of agriculture in the Palouse Prairie.

3. Construction of facilities by state and federal agencies should take into account the impacts such projects will have on the normal operations of farms and ranches, such as: the movement of farm machinery and livestock.

4. Factors necessary to protect productive agricultural land in Whitman County include, but may not be limited to:

   a. Preventing the economic breakup of large land ownership’s through indiscriminate platting and subdivision.

   b. Minimizing interference with normal farm practices which may occur, for example, when non-agricultural land uses are in close proximity to agricultural operations. This is especially true due to recent decisions by the State Supreme
Agricultural District proposed Comprehensive Plan amendments regarding rural residences, for Board of County Commissioners public hearing April 17, 2007

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Court which place legal liability solely on the farmer or those providing services to farmers.

IMPLEMENTATION GUIDELINES

1. Prohibit residential subdivision of lands in all unincorporated areas except designated UNINCORPORATED COMMUNITIES and those areas designated by the Plan as suitable for Cluster Residential development.

2. Discourage non-agricultural residential land use on agricultural lands, except those areas designated by the Plan as suitable for Cluster Residential development.

3. Efforts should be made to acquire additional statutory authority for Washington Counties to:
   a. Review all divisions of land on locally designated agricultural lands.
   b. Provide assurance that normal farm practices on agricultural lands will not be subject to unreasonable restrictions or threats of legal liability.

4. Require that all levels of governments and their agencies consider the impact which their programs and projects may have on agricultural activities, and seek to minimize any impacts which threaten the viability of agricultural activity and the family farm.

GOAL 2

ALLOW AND ENCOURAGE DEVELOPMENT OF COMPATIBLE BUSINESSES IN AGRICULTURAL AREAS TO SERVE FARMERS AS WELL AS TO DIVERSIFY EMPLOYMENT OPPORTUNITIES IN THE REGION. (Adopted July, 1999; Resolution No. 055301)

IMPLEMENTATION GUIDELINES

Encourage creative, compatible and beneficial use of resource lands other than agriculture to supplement the income of farm families. Such uses may include: tourism, mining, quarrying, boating, hunting/fishing, recreation and nursery. (Amended July, 1999; Resolution No. 055301)

GOAL 3

SUPPORT DIVERSIFICATION OF THE LOCAL ECONOMY BY FACILITATING AGRICULTURAL ACTIVITIES AND METHODS THAT HAVE NOT TRADITIONALLY BEEN UNDERTAKEN OR USED IN WHITMAN COUNTY.
Agricultural District proposed Comprehensive Plan amendments regarding rural residences, for Board of County Commissioners public hearing April 17, 2007
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GOAL RATIONALE
Whitman County’s zoning and subdivision regulations have been tailored to address local farming practices and economics. While these policies are beneficial for farmers of crops traditionally grown in this region, they may provide an obstacle for those wishing to use alternative agricultural practices. The purpose of this goal is to allow for more diversity in the agricultural economy of the County by facilitating non-traditional farm sizes, practices and crops.

PLANNING AND IMPLEMENTATION GUIDELINES

1. Allow for the creation of non-residential agricultural lots of less than 20 acres in size.
2. Protect small acreage farms in the same way that larger agricultural operations are protected.
3. Encourage organic and/or sustainable agricultural producers and other diversified farming.

GOAL 4

SUPPORT THE CONSERVATION OF SENSITIVE LANDS AND THE RESTORATION OF NATIVE ECOSYSTEMS BY FACILITATING THE CREATION OF SMALL PARCELS TO BE USED FOR CONSERVATION PURPOSES.

GOAL RATIONALE

In order to protect native flora and fauna, it is often necessary to purchase the land on which the sensitive species reside. However, in some cases the parcels created would be small and might not meet the County’s requirements for a regular land subdivision. The purpose of this goal is to provide special regulations in order to allow the creation of small, non-standard parcels and the conservation of sensitive lands and/or the restoration of native ecosystems.

PLANNING AND IMPLEMENTATION GUIDELINES

1. Allow for the creation of non-residential agricultural lots of less than 20 acres in size which will be protected from development or commercial use through conservation easements.
agricultural district proposed comprehensive plan amendments regarding rural residences, for board of county commissioners public hearing april 17, 2007.

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rural residential land use

goal 1

to provide limited, low-density living opportunities in unincorporated areas on non-agricultural lands for individual households whose needs are not addressed by land use opportunities within incorporated areas.

goal rationale

some non-farm households in whitman county desire residential living opportunities which are not available within the area’s towns and cities. these include opportunities to raise large gardens, keep livestock and horses, or simply live at a very low density. with the rezoning of 45 square miles of one-acre residential zoning around the city of pullman to agriculture in 1977, development of a rural residential land use policy became a major task of the comprehensive plan revision. the objectives of the policy are to provide rural residential land use while minimizing impacts on agricultural activities and the costs of public services in whitman county.

planning guidelines

1. lands suitable for rural residential use are lands adjacent to a state or county road which meet at least two of the following criteria:

   a. land whose near-surface geology consists of basalt or alluvium or, on slopes of greater than 20%, crystalline rock, all as defined by water supply bulletin no. 26 of the washington department of ecology, reconnaissance of geology and of groundwater occurrence in whitman county, or any updated version of this document.

   b. land which is not normally cultivated, used for production of forage, or for commercial grazing of livestock.

   c. distinct areas of land of 15 acres or less which are of insufficient size, quality and/or accessibility to be efficiently used for agricultural production for income. “distinct” means that the area is substantially bounded by natural or man-made features which buffer this land from agricultural lands, such as: wooded areas, steep canyon walls, railroads, surface waters, or public roads.

2. minimum parcel sized sufficient to:

   a. assure compliance with health regulations for on-site sewage disposal;
Agricultural District proposed Comprehensive Plan amendments regarding rural residences, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this; new language in bold like this.

b. Provide adequate acreage for appropriate productive use of rural residential land, such as small numbers of livestock, large gardens, etc.

3. Minimum of 200 feet of frontage on an improved county or state road (road which has minimum improvements of grading, drainage, and gravel surface).

4. If any perennial surface water passes through or along the property lines of the acreage, a minimum of 200 feet of frontage should be required.

5. Less than 50% of the acreage in a designated flood hazard area (as defined by the Federal Flood Insurance Program).

6. For all new residential building outside incorporated areas where significant amounts of natural vegetation occur, a maximum amount of irreplaceable wetland vegetation and existing timber should be preserved, for the purpose of:

   a. Erosion Control;

   b. Maintenance of critical wildlife habitat;

   c. Protecting the natural landscape for the benefit of all residents.

IMPLEMENTATION GUIDELINES

1. Rural residential development shall be regulated by the Whitman County Zoning and Subdivision Ordinances to ensure that it meets the following conditions:

   a. Ensure access from an improved County or State road and demonstrate adequate access for emergency services without increasing the cost of liability of the County for road maintenance costs.

   b. Protect identified natural resources, existing vegetation, and streams on the property, and the air and water quality of surrounding property. Control location and conditions of residential development in proximity to permitted mining, quarrying and other natural resource operations. (Adopted July, 1999; Resolution 055301)

GOAL 1

PROVIDE LIMITED OPPORTUNITIES FOR LOW-DENSITY RESIDENTIAL DEVELOPMENT WHICH IS COMPATIBLE WITH AGRICULTURE AND AGRICULTURE-RELATED OPERATIONS WHICH RESPECTS THE DESIRES OF COUNTY RESIDENTS FOR PRIVACY AND INVESTMENT PROTECTION WHILE AT THE SAME TIME MEETING THE OBJECTIVES OF GOAL 2.
Agricultural District proposed Comprehensive Plan amendments regarding rural residences, for Board of County Commissioners public hearing April 17, 2007

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GOAL RATIONALE

Some non-farm households in Whitman County desire residential living opportunities which are not available within the area’s towns and cities. These include opportunities to raise large gardens, keep livestock and horses, or simply live at a very low density. However, it is important that residential development not have a significant effect on agricultural practices. The objective of this policy is to provide an opportunity for some rural residential land use while minimizing impacts on agricultural activities. In addition, Whitman County also respects the desires of its residents for privacy and protection of investments through the implementation of a viewshed requirement.

PLANNING AND IMPLEMENTATION GUIDELINES

1. Regulate the subdivision of land for residential purposes and/or the construction of residences in order to protect agricultural practices.
   
   A. Allow farmers and ranchers owning agricultural land near a proposed residential parcel the opportunity to present testimony on the potential impacts of such development on their agricultural operations. Create an appeals process for addressing such testimony.
   
   B. Allow limited development of new residences where a new residence will be in close proximity to an existing residence. By grouping residences in this way, residential development will be less impact on farming than would widely-spaced residential sites.
   
   C. Allow development of new residences such that any new residence shall not be visible to (that is, within the viewshed of) any existing residence or approved residential site within 1,500 feet of the proposed site. By using viewsheds as a criteria for controlling the siting of houses, the density of residential development shall be limited. This will limit the conversion of farmland to residential parcels as well as limit the number of residences adjacent to farmland. The viewshed concept also functions to promote privacy and to protect residential investment value.
   
   D. Allow permanent Accessory Dwelling Units, while placing restrictions on the size and appearance of such units. By increasing the opportunity to create Accessory Dwelling Units, the demand for full-sized rural residential parcels will be lessened.

2. Require that residents and owners of rural properties acknowledge that they understand the realities of rural living and that they shall accept responsibility for mitigating or otherwise accept the effects of typical agricultural practices to which they might be exposed. Land owners shall be responsible for informing renters of this obligation.
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A. Require that owners file a formal statement acknowledging their understanding of the realities of rural living and that they hold harmless farmers whose typical agricultural practices may impact household members, their property or guests.

B. Require that residential parcels include buffers along their borders with agricultural properties. Within these buffer areas, activities and development which could be significantly and adversely affected by agricultural activities shall be regulated so as to limit potential impacts.

GOAL 2

MAINTAIN THE UNUSUAL SCENIC QUALITY AND VISUAL CHARACTER OF WHITMAN COUNTY’S NATURAL AND RURAL LANDSCAPES BY LIMITING THE VISUAL IMPACT OF RESIDENTIAL DEVELOPMENT AND PROTECT LIKELY AQUIFER RECHARGE AREAS.

GOAL RATIONALE

The natural landforms of Whitman County, in combination with local agricultural practices, have given the County an unusual and desirable rural character. Controlling the location and density of residential development will help to preserve the scenic nature of the County and will help to maintain the visual character desired by residents and tourists as well as preserve property values and protect likely aquifer recharge areas.

PLANNING AND IMPLEMENTATION GUIDELINES

1. Organize and limit sprawling residential development, so as to minimize visual impacts, by two methods:

A. Allow limited development of new residences in close proximity to existing residences. By grouping residences in this way, residential development will have less impact on the visual quality of Whitman County than would widely-spaced residential sites.

B. Allow development of new residences such that any new residence shall not be visible to any existing residence or approved residential site within 1,500 feet of the proposed site. By using viewsheds as a tool for controlling the siting of houses, the density of residential development can be limited and the visual character of Whitman County protected.
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2. Facilitate development on properties not adjacent to improved public roads in order to promote views protecting and residential grouping. 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.

3. Limit residential development in highly visible locations.
   
   A. Buildings and other structures shall be located to minimize the appearance of a silhouette against the sky.

   B. Regulate development on unusual and highly visible geological features.

   C. Increase the front setback required for houses, in order to decrease the visual impact of development when viewed from roads as well as to limit intrusive noise and dust from adjacent roads.

   D. Protect areas that likely play an important role in regional aquifer recharge on designated buttes where there is a basalt rock interface with older crystalline bedrock, by limiting development at and above the mapped contact elevation. Each designated butte will be protected at and above the elevation of the contact as summarized in a report by Whitman County Public Works. This also limit placement of domestic exempt wells in areas that historically do not produce an adequate supply.

5. For all new residential building sites where significant amounts of natural vegetation occur, a maximum amount of irreplaceable wetland vegetation and existing timber should be preserved, for the purposes of

   A. Erosion control;

   B. Maintenance of critical wildlife habitat; and

   C. Protection of the natural landscape for the benefit of all residents.

6. 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.

GOAL 3
Agricultural District proposed Comprehensive Plan amendments regarding rural residences, for Board of County Commissioners public hearing April 17, 2007

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REGULATE AND COORDINATE LAND SUBDIVISION AND RESIDENTIAL DEVELOPMENT SO AS TO FACILITATE ORDERLY, SAFE AND ECONOMICAL FUTURE DEVELOPMENT.

GOAL RATIONALE

Carefully planned residential development can decrease the cost to taxpayers for maintenance of County infrastructure and provide a safer environment for rural residents and visitors. The objective of this policy is to describe how development regulations can address potential problems related to future subdivision and design of residential parcels.

PLANNING AND IMPLEMENTATION GUIDELINES

1. Allow for the orderly subdivision and adjustment of residential property
   
   A. Further subdivision shall be allowed if the proposed parcels meet all applicable regulations.

   B. The size and/or configuration of a lot may be altered through a Boundary Line Adjustment as long as the adjusted parcels shall meet all applicable regulations.

2. Regulate driveway creation and design due to important safety considerations, as defined by Whitman County Public Works and/or the Washington State Department of Transportation.

   A. All residential parcels must be accessible directly from an improved road to allow access by emergency service vehicles.

   B. To the extent possible, driveways should be shared so as to increase traffic safety at driveway/road intersections.

   C. Any driveway that serves more than two houses shall be designed and constructed to Fire Code minimums, under oversight by a private engineer licensed in the State of Washington.

   D. Driveways should be designed to fit existing land contours.

SUBURBAN AND URBAN RESIDENTIAL LAND USE

GOAL 1
Agricultural District proposed Comprehensive Plan amendments regarding rural residences, for Board of County Commissioners public hearing April 17, 2007

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DISCOURAGE URBAN AND SUBURBAN DEVELOPMENT OUTSIDE INCORPORATED AREAS IN WHITMAN COUNTY, EXCEPT WITHIN DESIGNATED UNINCORPORATED COMMUNITIES, AND THOSE AREAS DESIGNATED BY THE PLAN AS SUITABLE FOR CLUSTER RESIDENTIAL ZONING DISTRICTS.

GOAL RATIONALE

The original policy is based on a number of conclusions made during the 1978 Plan Revision concerning suburban density development outside incorporated areas was stated as follow: 1) that concentrations of residential units adjacent to croplands are one of the conditions leading to serious land use conflict; 2) that land users at suburban densities have expectations of public service levels which are not and cannot be provided by a rural county; 3) that the assumption that suburban development adjacent to city boundaries can later be annexed is misleading, because rural subdivision would typically be constructed to standards different than those of the city to which it may be annexed; and 4) that growth is occurring at a slow enough rate to be absorbed by existing urban places.

Since the mid 1990’s, the Planning Commission has held public input meetings in every one of the county’s incorporated cities and towns, and also in many of the county’s unincorporated communities. In addition, special meetings with various focus groups have been held, in an attempt to find ways to allow more non-farm rural residential places while at the same time protecting the ability of other, neighboring agricultural producers to continue farming and raising livestock. In 1997, a group of citizens appointed half by the Board of County Commissioners and half by the Pullman City Council formed the Joint Planning Area Committee. In several meetings over a 6-month period, this Committee acknowledged the demand for a rural non-farm lifestyle close to the city that was not addressed by either the city or the county. This committee also learned about the experience of other area jurisdictions including the problems and pitfalls of unplanned, incrementally-developed subdivisions.

As a result of the cumulative assembly of all of these comments from residents and from the Joint Planning Area Committee, the Planning Commission met frequently in January, February and March of 2003 to find ways to allow this type of housing lifestyle while at the same time protecting the ability of agricultural producers to continue operations.

Therefore, the Planning Commission has found 1) that because residential units adjacent to cropland remains as a potential for serious land use conflict, it is better to group residences in a cluster of land rather than allow for spotted housing development scattered over the countryside; 2) that although it is likely that these new residents will have urban expectations, the land use codes will require that people who create the zones, the subdivisions, and/or build there-on, will be made aware of the fact that urban services will not be provided, and that they acknowledge via a filed document running with the land that they are aware they are located in an agricultural area so they know that their
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property and lives will be subject to the impacts from surrounding agricultural operations; 3) that the Plan policy and land use codes can assure that while the development may not be constructed to city standards, it will be possible to upgrade to those standards as well as providing adequate area for the city to grow through such zones when they are annexed; 4) that this Plan revision is providing for a kind of growth of a lot size and zoning use that is not available within the city and has not been easily available in the county, and 5) the incentive for the development of Cluster Residential zones is the permission to convert commercial productive agricultural ground to non-agricultural use sooner than is otherwise allowed within the Agricultural District.

PLANNING GUIDELINES

1. URBAN and SUBURBAN development include residential subdivisions, residential development which creates new roads serving multiple residences, or residential development which creates more than two adjacent building lots at the same time (not including the parent parcel of land). This kind of development is intended for the existing Plan-designated unincorporated communities.

2. CLUSTER RESIDENTIAL development includes a grouped residential subdivision that is either a short plat with four buildable lots or a long plat with five-six or more buildable lots. A zone change to Cluster Residential is a prerequisite for this development.

IMPLEMENTATION GUIDELINES FOR URBAN AND SUBURBAN DEVELOPMENT WITHIN THE AGRICULTURAL DISTRICT

1. Prohibit urban and suburban development outside incorporated areas (except within designated rural communities) through:

   a. Prohibiting all long plats for residential land use (subdivision) within the Agricultural District.

   b. Prohibiting short plats (land partitions) which create more than two parcels of land for new rural residential use (not including the parent parcel of land) within the Agricultural District.

IMPLEMENTATION GUIDELINES FOR CLUSTER RESIDENTIAL DEVELOPMENT

1. Cluster Residential Districts are eligible for consideration on land that is within quarter sections (160 acres) that are within one half (1/2) mile of the city limits of Pullman, Washington, as defined on the date of adoption of this Plan amendment, excepting:
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a. Other existing zoning districts, such as Heavy Commercial, Light Industrial, Heavy Industrial, and the Pullman-Moscow Corridor District, and,

b. Within the City of Pullman.

2. The applicant is required to hold a meeting, with County Planning staff present, to discuss concerns with these neighboring land owners prior to the hearing. Planning staff shall take notes at this meeting.

3. An area may be considered eligible for approval as a Cluster Residential District if it meets any of the following criteria:

a. Being at least 1,000 feet distant from any commercial agricultural land and any other commercial or industrial zone, existing conditional use, or grandfathered use that is in different ownership, that may have compatibility issues with the proposed residential use, or;

b. Receiving a written waiver from the owners of said lands that they do not object to the establishment of a Cluster Residential District, or;

c. Applicant proves satisfactorily to the Planning Commission [if the applicant has been unable to obtain waiver(s)], that said Cluster Residential development would not hamper or curtail current agricultural, commercial or industrial practices, such as but not limited to:

i. Prevailing wind problems
ii. Aerial applicator flight patterns required by topography or structures
iii. Odor
iv. Noise
v. Livestock
vi. Hours of operation

4. If the Pullman City Council and the Board of County Commissioners agree through an interlocal agreement, certain areas currently within county jurisdiction may be prohibited from rezoning and development until said area is annexed into the city of Pullman.

5. A person, persons, party or parties who apply for a Cluster Residential zone change shall agree that their submission of the zone change application legally binds them as well as all successors to recognition of normal, on-going agricultural operations and practices, effective at the point the zone change is approved by the Board of County Commissioners. This recognition will take the shape of language on the plat and a signed easement by each future owner, filed with the County Auditor, that the owner understands where they live and the activities that will normally occur around them. This recognition shall also be referenced in any rental contract, so that all occupants shall be
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Aware of and will accept agricultural operations and practices. The kinds of operations and practices that shall be listed in the deed restriction or easement include, but are not limited to expect and not complain about:

a. Periods of dust (soil and chaff);
b. Aerial application of chemicals (fertilizer and pesticides), occasionally early in the morning;
c. Movement of slow and large agricultural equipment on the roads;
d. Noise of agricultural machinery;
e. Odor from livestock;
f. Early and late hours of operations

6. The Cluster Residential zones shall be subdivided according to the following policies:

a. The minimum acreage for a Cluster Residential zone shall be 20 acres that is suitable for division into four buildable lots that meet standards for residential construction. Additional non-buildable lots, to be held in common ownership by a homeowners’ association and not certified as eligible residential parcels, may also be created. The short plat shall identify any non-buildable lots as non-buildable and include a note stating that no residences may be constructed on parcels so labeled;
b. There is no maximum acreage for a Cluster Residential zone;
c. Platting into a minimum of four buildable lots on at least 20 acres is required, even if the owner intends to build on only one lot. The platting assures that the subdivision will hold for the future adequate building sites and lots for up to three more homes;
d. For a Cluster Residential subdivision of four buildable lots, the minimum ratio of land area per house is five acres per residential unit. Individual lot sizes within the cluster can be as small as ½ acre as long as this ratio is maintained. This land division shall be approved administratively as a Short Subdivision, (short plat);
e. For a Cluster Residential subdivision of five six or more buildable lots, the minimum ratio of land area per house is ten acres per residential unit. Additional non-buildable lots, to be held in common ownership by a homeowners’ association and not certified as eligible residential parcels, may also be created. The short plat shall identify any non-buildable lots as non-buildable and include a note stating that no residences may be constructed on parcels so labeled. Individual lot sizes within can be as small as ½ acre as long as this ratio is maintained. This land division shall be approved via the Planning Commission and Board of County Commissioners as a long plat;
f. The buffer from the perimeter of the Cluster Residential zone to the lots or the development envelopes within each lot shall be a horizontal 200-foot distance of pasture, hay or native vegetation in those cases where the
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exterior Cluster Residential zone is adjacent to lands in commercial agricultural use. Aside from buffering normal agricultural practices, the maintenance of pasture, hay or native vegetation shall protect and enable recharge to the aquifer.

7. The Cluster Residential zones shall meet the following road policies:

   a. Cluster Residential Districts must access from an improved county road or state highway. Whitman County will not improve roads for this zone, but the applicant may seek to improve it;
   b. The internal road that serves the lots shall be a shared private drive. In general, this road shall be designed to stay on one of the land’s contours. The road shall be engineered and shall meet fire code requirements;
   c. Private internal roads shall be either held in common, or shall be allowed by easements across private lots. A private road construction and maintenance agreement is required;
   d. The private road must be built to any residence according to the approved engineering standards prior to the issuance of a building permit for that lot;
   e. All plats will show the location of these roads, but platting alone within a short subdivision does not require the construction of these internal roads. Within a long subdivision, the roads must be completed prior to approval of the Final Plat, although long plats may be phased over time.

8. Subdivisions and potable water policies are:

   a. State Health Department and Department of Ecology regulations govern the requirements for potable water;
   b. For a subdivision of 4 lot subdivision, four buildable lots, an exempt well or wells will allow withdrawal of 5,000 gallons per day, or 1,250 gallons per residence. (The residence to area ratio must be a minimum of 5 acres per residence, for a total of at least 20 acres.)
   c. For a subdivision of five-six or more buildable lots, each residence is allotted 1,200 gallons of water per day. (The residence to area ratio must be a minimum of 10 acres per residence, beginning with a minimum subdivision size of 50-60 acres. There is no maximum.)
   d. State law requires proof of an adequate amount of potable water prior to approval of the plat.
   e. Water conservation is encouraged, through the planting of drought-tolerant plants that do not need irrigation and the capture of rooftop rainwater, and so forth.

9. Environmental concerns:

   a. The suitability of terrain shall be a factor in the criteria regarding the approval of the zone and the location of lots and building sites within such
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an approved zone. The county critical areas ordinances will direct development away from flood hazard and wetland areas, and will protect the aquifers and wildlife habitat. Building and Fire Codes will guide development with regards to steep slopes and geologically hazardous soils;

b. In addition to the current Plan requirements that encourage preservation of existing natural vegetation for the purpose of erosion control, maintenance of wildlife habitat, and protection of the natural landscape, it is Plan policy that construction disturbance to vegetation and soils be minimized within lots and common areas, including lands being cropped or formerly cropped;

c. New Washington State Department of Ecology forthcoming stormwater requirements are anticipated. Although this is not expected to be a county regulation, since this involves land use, the details of that development and/or the structures that Ecology will require, shall be provided to Whitman County. In some cases, it may be possible to combine stormwater control features with, for example, a fire flow and/or irrigation storage system.

10. Wildfire concerns:

a. Fuel breaks around buildings shall be designed to protect structures in case of wildfire. In consultation with the appropriate Fire District, fuel breaks shall be designed around the “development envelope” within each lot, identified prior to issuance of the building permit. It shall be the responsibility of each home owner and/or resident to maintain the fuel break in such condition as to protect structures from wildfire damage. Those who choose to develop and live in the country, surrounded at certain times of the year by dry grass or crop stubble, take full responsibility for that choice and for the possibility of loss by wildfire;

b. Fire flow requirements shall be per Whitman County Fire Code.

11. Aesthetics:

a. It is intended that Cluster Residential development shall protect the aesthetic quality of Whitman County for its residents and visitors. Visual impact created by the development can either sustain or negate the current quality of life. Therefore, this Plan intends that structures be located so that their highest point shall be lower than the elevation of the highest ridgeline or hilltop within one-half mile of the building site. This goal encourages energy efficiency and allows many of the current landscape and long-distance views to stay unobstructed. While it will not necessarily allow a 360-degree hilltop view, it will still allow a view from the residences, and it will allow views from the surrounding areas to be less obstructed;

12. Covenants, Agreements and Easements:
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a. Agreements shall be written to govern construction and maintenance of shared internal roads, any common area and buffer area vegetation maintenance, the water system (if shared), and any other site specific restrictions from the zoning ordinance and any other land use codes;
b. Easements shall be required for roads and utilities and common areas

c. Acknowledgement of agricultural practices shall be affirmed;
d. Easements shall be shown on the plats. Agreements may be included on the plat or may be referenced on the plat to a document filed with the County Auditor. The existence of covenants filed with the Auditor shall be referenced on the plat.
Chapter 19.01 – GENERAL PROVISIONS

Section 19.01.010 - Finding.
The adoption of this ordinance is in the interests of public health, safety and general welfare of all the citizens of Whitman County, and is necessary for the implementation of the Whitman County Comprehensive Plan, and complying with the provisions and objectives of RCW Chapter 36.70 as now or hereafter amended.

Section 19.01.020 - Repealer.
The present Title 19 of the Whitman County Code, Zoning, except provisions relating to the Whitman County Comprehensive Plan previously adopted by reference in Title 19 of the Whitman County Code, is hereby repealed and superseded by this ordinance. This ordinance shall, as of its effective date, become Title 19 of the Whitman County Code. The repeal of the current Title 19 of the Whitman County Code by this ordinance shall not in any manner affect the prosecution for violations under Title 19 of the Whitman County Code as repealed, which violations were committed prior to the effective date hereof, nor affect any rights which have accrued, nor any suit, action or proceedings commenced under or by virtue of Title 19 of the Whitman County Code as repealed herein, nor be construed as a waiver of any license, fee or penalty at such effective date due or unpaid under such Title 19 of the Whitman County Code as repealed herein, relating to the collection of any such license, fee or penalty, or the penalty provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to said Title 19 of the Whitman County Code as repealed herein and all rights and obligations thereunder appertaining shall continue in full force and effect.

Section 19.01.030 - Effective Date of Ordinance.
This ordinance and all of its provisions shall be in full force and effect immediately upon signing and adoption of this ordinance by the Whitman County Board of Commissioners.

Section 19.01.040 - Short Title
The provisions of this ordinance and amendments thereto shall be known and may be cited as “The Whitman County Zoning Code, Title 19 of the Whitman County Code.”

Section 19.01.050 - Scope.
1. In their interpretation and application, the provisions of this title shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Whenever the requirements of this title are at variance with the requirements of any of the lawfully-adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards to be met prior to a land use being permitted shall govern.
19.01 GENERAL PROVISIONS

2. Hereafter, except for rural residential sites as described below in Sections 3 and 4, no structure or lot shall be used or occupied, and no building permit for the erection, relocation, alteration or expansion of any structure shall be granted, unless the provisions of this title have been complied with. (Revised 3/27/95, Ordinance #047966; revised 2/17/04, Ordinance #062209)

3. Expansion, replacement or alteration of an existing residence and/or an existing accessory structure on an existing rural residential site that is in a parcel for which no parcel size enlargement or reduction, or division of land is requested, does not require a Certificate of Zoning Compliance. However, the parcel shall be reviewed for setbacks, road access, preservation or expansion of the septic system, drainfield and replacement drainfield area, flood hazard, wetlands, aquifer recharge, habitat conservation areas and other relevant ordinances that apply. No notice to adjacent landowners is required. This review shall be termed Rural Residential Site Review (RRSR), and files shall be kept as proof of review and for future reference. (Revised 3/27/95, Ordinance #047966)

4. Requirements governing the issuance of Certificate of Zoning Compliance vary with status of land use, as follows:
   A. Expansion, replacement, or alteration of existing residence within an existing parcel where parcel size will change and/or where additional residence will be sited:
      1. The expansion, replacement, or alteration of an existing residence on a parcel that will be enlarged or reduced in size, or that will be divided to create a parcel, shall be reviewed for full compliance with the Certificate of Zoning Compliance provisions in 19.05.010,
         a. Except that the applicant may shorten the required 20-day appeal period for adjacent landowners within 300 feet by obtaining and presenting written statements from the all of these property owners that they are amendable to the applicant’s proposal. The Planning Director then shall waive the 20-day requirement, and
         b. Except for notice to adjacent road jurisdiction, notice is not required when the proposed subject property (Certificate of Zoning Compliance area) is otherwise surrounded by the same land ownership for three hundred (300) feet from the proposed area.
      2. The addition of another residence on an existing parcel shall be reviewed for full compliance with the Certificate of Zoning Compliance provisions in 19.05.010, unless under a previous Certificate of Zoning Compliance review, the additional residential site had been reviewed and approved.
   B. Creation of a new parcel and new residence on undeveloped land:
      1. The creation of a new parcel and new residence on undeveloped land shall be reviewed for full compliance with the Certificate of Zoning Compliance provisions in 19.05.010,
         a. Except for notice to the adjacent road jurisdiction, notice is not required when the proposed subject property (Certificate of Zoning Compliance area) is otherwise surrounded by the same land ownership for three hundred (300) feet from the proposed area.
Proposed Zoning Ordinance amendments regarding Agricultural District rural residences, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this; new language in bold like this.

19.01 GENERAL PROVISIONS

(This chapter revised 2/17/04, Ordinance #062209)
Proposed Zoning Ordinance amendments regarding Agricultural District rural residences, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this; new language in bold like this.

DEFINITIONS

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 19.03.030 - 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)

1 Special Definitions exist for Communication and Utilities Facilities and can be found in Section 19.58 of the Whitman County Zoning Ordinance.
Proposed Zoning Ordinance amendments regarding Agricultural District rural
residences, for Board of County Commissioners public hearing April 17, 2007. Language
to be deleted shown as strikethrough, like this; new language in bold like this.

DEFINITIONS

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, desks, or any appendage of a residential structure,
including the garage.

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 19.03.155 – 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.)
Proposed Zoning Ordinance amendments regarding Agricultural District rural residences, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this; new language in bold like this.

**DEFINITIONS**

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 19.03.193 - Development Envelope
That ten acres or more of larger parcel designated in the site plan for development, including open areas.

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 structure containing one or more rooms and a bathroom, designed for occupancy by one family and meeting the requirements of Section 203.205 of the Uniform Building Code. A single unit providing complete independent living facilities for one or more
Proposed Zoning Ordinance amendments regarding Agricultural District rural residences, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this; new language in bold like this.

DEFINITIONS

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 19.03.240 - 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.
Proposed Zoning Ordinance amendments regarding Agricultural District rural residences, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this; new language in bold like this.

DEFINITIONS

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 19.03.318 – 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 Occupation.
A lawful occupation carried out as a clearly secondary use within a residential dwelling unit or accessory structure.

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.
Proposed Zoning Ordinance amendments regarding Agricultural District rural residences, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this; new language in bold like this.

DEFINITIONS

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 19.03.359 – 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 19.03.360 - 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 19.03.390 - New Construction.
Structures for which the start of construction commence on or after the effective date of this ordinance.
Proposed Zoning Ordinance amendments regarding Agricultural District rural residences, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this; new language in bold like this.

DEFINITIONS

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 19.03.423 – 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).
Proposed Zoning Ordinance amendments regarding Agricultural District rural residences, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this; new language in bold like this.

DEFINITIONS

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 19.03.452 – Pullman-Moscow Corridor District (PMC)
See Boundary, Section 19.15.020(2). (Adopted May, 2003; Resolution No. 061233)

Section 19.03.454 – 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 19.03.455 - Recycling Facility.
Any operation for material salvage, storage, transport or product manufacture or remanufacture, which utilizes recyclable materials.

Section 19.03.456 – 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
Proposed Zoning Ordinance amendments regarding Agricultural District rural residences, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this; new language in bold like this.

DEFINITIONS

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 19.03.460 - 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 to the lot line of a structure.

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.
DEFINITIONS

Section 19.03.490 - Small Business Providing Retail Sales or Professional Services.
A business serving local residents and travelers consisting of a building with a floor area of no greater than 1,500 square feet.

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:
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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 19.03.910 – 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.
Proposed Zoning Ordinance amendments regarding Agricultural District rural residences, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this; new language in bold like this.

19.05 ADMINISTRATION AND ENFORCEMENT

Chapter 19.05 – ADMINISTRATION AND ENFORCEMENT

Section 19.05.010 - Planning Office - Duties.
1. The Planning Office as designated by the Director of Public Works, shall administer and enforce the provisions of this title. If the Planning Office finds that any provision of this title is being violated, the Planning Office shall notify in writing the person responsible for such violation, indicating nature of the violation and the action necessary to correct it. The Planning Office shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or additions or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this title to insure compliance with or to prevent violation of its provisions.

2. The Planning Office shall make available to the public application materials for approvals and amendments authorized by this title. Each application shall be referred to the County Planner for preparation of a staff report.

3. The County Planner shall issue Rural Housing Certificates of Zoning Compliance for rural residential uses that meet the requirements of Section 19.10.060. No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a Rural Housing Certificate of Zoning Compliance except in the case of Rural Residential Site Review (RRSR). The final Certificate shall be issued in conformity with the provisions of this title upon completion of the work. Failure to obtain a Rural Housing Certificate of Zoning Compliance where required is a violation of this title. (Revised 2/17/04, Ordinance #062209)

4. Following receipt of the report from the County Planner, described in Section 19.05.020, the Planning Office shall notify the applicant of the decision regarding the request for a Rural Housing Certificate of Zoning Compliance. If the application is denied, the applicant shall be notified of the right to appeal that decision to the Hearing Examiner/Board of Adjustment according to the procedures outlined in Section 19.07.020. If the application is approved, all property owners within three hundred (300) feet of the exterior boundaries of the proposed site-residential building footprint shall be notified of their right to appeal that decision also according to the procedures outlined in Section 19.06.050.

5. The Planning Office shall review all development permits to determine that the permit requirements of this ordinance have been satisfied and that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required. When base flood evaluation data has not been provided in the Flood Insurance Study for Whitman County, with accompanying Flood Insurance Maps, the Planning Office shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer this ordinance.

6. The Planning Office shall obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. For all new or
substantially improved flood proofed structures, the Planning Office shall also maintain the flood proofing certifications required in Section 19.50.060 (c).

7. The Planning Office shall maintain for public inspection all records pertaining to the provisions of this ordinance.

Section 19.05.015 - Administrative Use Permits.

1. Surface Mining and Rock Crushing. In the event a surface mining and/or rock crushing operation is located more than one mile from an incorporated community or designated unincorporated rural community and is proposed to be located at a distance greater than 1,000 feet from any residence, or in the event that the proposed surface mining and/or rock crushing operation is proposed to be located within 1,000 feet of a residence and proper waivers are filed with and approved by the Planning Office, and there has been no request for a public hearing and Conditional Use Permit in accordance with Sections 19.59 and 19.60.

2. Blasting or Explosive Demolition. Any activity where blasting or explosive demolition is required shall be done only in accordance with Section 19.60, and other conditions determined necessary for the protection of public health, safety and welfare.

Section 19.05.020 - Planning Director - Duties.

1. The Planning Director shall prepare and transmit to the Administrative Official such forms and informational materials as are necessary to administer proposed actions subject to this title.

2. The Planning Director shall receive from the Administrative Official all applications for approval of residential use under Section 19.10.060 of this title. He/sheThe Planning Director shall prepare a report either certifying or not certifying that the requirements of this title have been met. This information shall be transmitted to the Administrative Official and the applicant shall receive written notice of the decision postmarked within fourteen (14) days of the date of application. When necessary to collect further information, the Planning Director may indicate to the applicant an additional period of fourteen (14) days will be taken to prepare the report. Failure of the Planning Director to submit the report within these time periods shall constitute a denial of the request for residential use. A report by the Planning Director finding that a proposed residential use does not meet the requirements of Section 19.10.060 shall be final subject to appeal under Section 19.050.030. Pending appeal, no building permits or Rural Housing Certificates certificates of compliance shall be issued.

3. The Planning Director shall review all applications for amendments to the zoning map, conditional use permits and variances, and shall prepare a staff report for the Planning Commission or Board of Adjustment, whichever has jurisdiction.

4. The Planning Director shall, after payment of fee, review site plans for inert earth fills of less than 2,000 cubic yards, and shall issue an administrative permit unless other regulations apply. The Planning Director may, if so indicated by the SEPA
Environmental Checklist results, require a conditional use permit procedure, in which case this administrative fee will be returned, and the conditional use permit fee charged.

**Section 19.05.030 - Interpretation and Enforcement Decisions-Appeals.**
It is the intent of this title that all questions of interpretation or enforcement shall first be presented to the administrative official. Appeals from administrative decisions shall be made to the Board of Adjustment. **Appeal from the decisions of the Board of Adjustment shall be to a court of competent jurisdiction as provided for by R.C.W. 36.70.890 et seq., as follows:**

1. Appeals from administrative decisions pertaining to interpretation of requirements for parking, loading space, screening and landscaping, and outdoor signs shall be made to the Board of Adjustment. Recourse from the decisions of the Board of Adjustment shall be to a court of competent jurisdiction as provided by R.C.W. 36.70.890.

2. Appeals from the administrative decisions pertaining to interpretation of the requirements of Section 19.10.060 permitting residential use in the Agricultural District shall be made to the Hearings Examiner Committee. (Recourse from the decisions of the Hearings Examiner Committee shall be to a court of competent jurisdiction.)

**Section 19.05.040 - Penalties.**
Any person, firm, company, corporation or organization that violates or otherwise fails to comply with the provisions of this title shall be subject to a civil penalty of not more than $300 for each violation. Each day's continuance thereof shall be deemed a separate and distinct violation. The existence of a civil penalty or pendency of any proceedings to enforce and collect such a civil penalty under the provisions of this chapter shall not be construed to affect the right of the County to proceed with the enforcement of the provisions of this title by other civil proceedings either at law or equity in any court of competent jurisdiction. Compliance may be enforced by injunctive order at the suit of the County or by an owner or owners of land affected or anyone who may otherwise demonstrate that standing has been conferred upon them by law. The County, at its option, may also seek revocation of any permit or license previously granted pursuant to the provisions of this title. The provisions of this section are in addition to the provisions of Section 1.12.010 of Title I of the Whitman County Code.

**Section 19.05.050 - Fees.**
No permit, certificate, conditional use permit, variance or rezone shall be issued, nor shall any action be taken on proceedings before the Board of Adjustment or Planning Commission unless or until all charges and fees have been paid in full.¹

¹The administrative review fee is $25.00. (Original Ordinance; Revision 1991)
Chapter 19.06 – BOARD OF ADJUSTMENT

Section 19.06.010 - Conditional Use Permit.
The Board of Adjustment shall hear and decide all applications for Conditional Use Permits, except in those especially defined cases where an Administrative Use Permit or use of a Hearing Examiner is authorized. The following standards, criteria and procedures shall apply to any Conditional Use Permit authorized by this title:

1. A Conditional Use Permit may only be granted for those uses specifically identified and allowed in the applicable use district, subject to the following limitations;

   a. That the conditional use, and any conditions imposed by the Board of Adjustment will not adversely affect the public health, safety and welfare;

   b. That the proposed use, and any conditions imposed, will be in harmony with the purposes of the Comprehensive Plan as it relates to the area in question;

   c. That the proposed use with any conditions imposed will be in compliance with the standards set out in this title for the use district applicable to the proposed use;

   d. That the findings of fact adopted by the Board of Adjustment to support their decision clearly indicate that the above-listed criteria have been fulfilled.

2. The Board of Adjustment may impose any conditions or safeguards upon granting a conditional use permit which are necessary to insure conformity with the provisions of this title and protection of the public health, safety and welfare. The Planning Office may also impose such conditions for any eligible Administrative Use Permit. Failure to fulfill any condition imposed by the Board of Adjustment shall be in violation of this title, and said permit may be revoked, as provided by Section 19.05.040. Conditions may include but are not limited to any of the following:

   a. Specify a time limit within which action, for which the Conditional Use Permit is required, shall be begun or completed, or both.

   b. Require a periodic review of an issued permit to assure compliance with any imposed conditions.

   c. Increase the required lot size or yard dimensions.

   d. Limit the height or total lot coverage of buildings.

   e. Control the number and location of vehicular access points to the property.

   f. Control the number of off-street parking or loading spaces.

   g. Require suitable landscaping or drainage control.

   h. Control signing.
Proposed Zoning Ordinance amendments regarding Agricultural District rural residences, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this; new language in bold like this.

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i. Control hours of operation.

j. Control nuisance, generating features in matters of noise, colors, air pollution, wastes, vibration, traffic physical hazards and glare.

Section 19.06.015 - Minimum Standards for Conditional Uses.
Surface Mining and Rock Crushing shall be subject to minimum standards of Sections 19.59 and 19.60.

Section 19.06.020 - Variance.
1. The Board of Adjustment shall hear and decide all applications for variances from the requirements of this title, PROVIDED that any variance granted shall be subject to such conditions as will insure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the standards and limitations applied to other properties in the use district in which the subject property is situated, and that the findings of fact adopted by the Board of Adjustment to support their decision indicate that the following circumstances apply:

   a. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning standards is found to deprive the subject property of rights and privileges enjoyed by other properties under identical zone classifications;

   b. That the granting of the variance will not be detrimental to the public health, safety and welfare or be injurious to other properties and improvements in the vicinity of the subject property;

   c. That the variance is not required solely due to actions by the applicant that prevent direct compliance with use standards applicable to the subject property;

   d. That the variance is not required simply for economic benefit constituting a grant of special privilege to the subject property, That the variance shall not constitute a grant of special privileges inconsistent with the standards and limitations applied to other properties in the use district in which the subject property is situated.

   e. In the case of a landowner seeking a variance from the 1,500-foot viewed restriction of Section 19.10.060, the parcel under consideration

      1. was in existence at the time of the passage of this ordinance; and
      2. has not been subdivided since the passage of this ordinance; and
      3. no prior variance has been granted for an existing RHC for that particular viewed.

2. No variance shall be granted permitting a use not authorized in a zone.
Proposed Zoning Ordinance amendments regarding Agricultural District rural residences, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this: new language in bold like this.

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Section 19.06.021 – Administrative Variances
The planning director may grant an administrative variance to the following:

a. Front yard setbacks within the Agricultural District (Section 19.10.040), after review and approval by the state or local agency with road jurisdiction. If the agency with road jurisdiction should not approve the variance, or if review is not completed within fifteen (15) days, the applicant may request variance pursuant to 19.06.020.

b. For existing rural residences, lack of sufficient frontage to a road within the Agricultural District (Section 19.10.060), not to exceed three hundred (300) feet from the subject property to road access.

Section 19.06.030 - Flood Management Variance
1. The Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of the Flood Management Overlay District, Chapter 19.50 of this title, following the procedures for variances in this chapter.

2. Conditions for Variances:

a. A variance may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

b. A variance shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

c. A variance shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

d. A variance shall only be issued upon:
   1. A showing of good and sufficient cause;
   2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and;
   3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

e. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
Proposed Zoning Ordinance amendments regarding Agricultural District rural residences, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this; new language in bold like this.

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f. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria and otherwise complies with Section 19.50.070, Development Standards.

Section 19.06.040 - Hearing-Notice of Procedure.

1. Upon receipt of application for a conditional use or variance, the administrative official Planning Office shall set the time and place for a public hearing and written notice thereof shall be addressed throughout the United States mail to all property owners of record within a radius of three hundred (300) feet of the exterior boundaries of the subject property. In the case of surface mining and/or rock crushing, this distance notice shall be extended to 1,000 feet from the surface mining and rock crushing operation. The written notice shall be postmarked not less than twelve (12) days prior to the hearing. In addition to the publication of the notice, the notice shall be posted on the property where the surface mining, and/or rock crushing activity is to take place, and at the point of access of the proposed activity to a public road.

   **In the case of an application for a Rural Housing Certificate, the distance notice shall be 1,500 feet from the proposed residential building footprint.**

2. In addition to the notice provided for in Subsection (1), notice of the public hearing shall be published in the official county newspaper of general circulation at least ten (10) days prior to such hearing.

3. In the case of an application for a project for which a SEPA determination is required of the County and where adverse comments have been received by the responsible official in the SEPA process, the Conditional Use or Variance hearing shall not take place until after the deadline for filing of an administrative appeal of the final threshold SEPA determination of the responsible county official under Whitman County Code 9.04.

4. In the case of a properly and timely-filed SEPA administrative appeal, at least ten days notice of the hearing to consider such appeal shall be given to the parties in the case (administrative official, applicant, and appellant).

Section 19.06.050 – SEPA Appeals.

1. In instances where the Board of Adjustment hears and decides an application for a Conditional Use Permit or Flood Management Variance (the underlying governmental action), the Board of Adjustment shall also hear and decide any appeal from the final threshold SEPA determination of the responsible county official under SEPA and Whitman County Code 9.04.

2. The Board of Adjustment shall hold one consolidated hearing at which it will hear and decide both the underlying governmental action and the SEPA administrative appeal.

3. Procedural determinations made by the responsible county official in the threshold SEPA determination shall be entitled to substantial weight. The SEPA administrative appeal shall be an open-record appeal at which the County, the applicant, and the
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appellant may present evidence. The threshold determination shall be reviewed and may either be upheld or modified by a majority decision of the Board of Adjustment.

Section 19.06.052 - Administrative Decision-Appeals-Notice of Procedure.

1. The Board of Adjustment shall hear and decide all appeals from administrative decisions made by the Planning Director.

2. Standing to appeal administrative decisions to the Board of Adjustment is as follows:

   a. Appeal may be taken to the Board of Adjustment by any person aggrieved, or by any officer, department, board, or bureau of Whitman County affected by any decision of an administrative nature pursuant to this title, EXCEPTING that appeal from a decision pursuant to Section 19.10.060 of this title affecting residential land use shall be taken to the Hearings Examiner Committee. Such appeal shall be filed in writing within twenty (20) days of the date of the action being appealed, pursuant to Section 19.07.020.

   b. Appeal of a decision pursuant to Section 19.10.060 of this title may be taken to the Board of Adjustment by the following persons, provided that such appeal is submitted to the Planning Office not more than twenty (20) days after the issuance of the written decision by the Planning Director:

      1. Any applicant for a Rural Housing Certificate subject to administrative approval by the Planning Director; or

      2. Any aggrieved owner of property within 1500 feet of a proposed residential building footprint for which application for a Rural Housing Certificate has been submitted.

3. When appealing an administrative decision which was made pursuant to Section 19.10.060 of this title, the appellant shall submit a written notice of appeal to the administrative official containing statements and information as follows:

   a. I, (name of appellant) appeal the proposed decision to (grant or deny) a Rural Housing Certificate to the property owned by (name of original applicant), such being signed and dated (date).

   b. The appellant shall attach a statement specifying how the proposed development would impact their property and stating why they think the decision to grant or deny the Rural Housing Certificate was in error.

24. Upon the filing of an appeal from an administration determination, the Board of Adjustment shall set the time and place at which the matter will be considered. At least twelve (12) days notice of the time and place shall also be given to the adverse parties of record in the case. The officer from whom the appeal is being taken shall forthwith transmit to the Board of Adjustment all of the records pertaining to the decision being appealed from, together with such additional written report as he deems pertinent.
Proposed Zoning Ordinance amendments regarding Agricultural District rural residences, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this; new language in bold, like this.

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35. The Board of Adjustment shall hear all evidence, on an appeal from an administrative decision, order, interpretation or determination of a requirement, and may, in conformity with the provisions of this title, reverse, affirm, or modify, wholly or in part, the decision, order, or requirement appealed from. The Board may call on expert witnesses for testimony at its own request or at the request of either party to the appeal. Decisions of the Board shall be based on the standards and requirements of this title and any applicable sources or types of information, or other state or County regulations, referenced by that section of this title. A verbatim record shall be made of all proceedings at the hearing. If a hearing is continued to allow collection of additional information, the Board at its hearing shall specify and announce the date, time, and place to which the hearing will be continued. The Board shall formulate written findings of fact supporting its decision to approve or deny an appeal. The Board of Adjustment shall include in the written record of the case findings of fact which support the decision. The decision shall have all the powers of the official from whom the appeal is taken.

Section 19.06.055 – Hearing Examiner
All other provisions of this chapter notwithstanding, all powers and duties vested in the Board of Adjustment by this chapter shall also be vested, and may be exercised, by a Hearing Examiner in the following circumstance: if at any time a quorum of the Board of Adjustment is not available to meet, consider, and decide one or more of the issues covered by this chapter, and if the applicant commits to paying the cost of the Hearing Examiner, and does pay the cost, the Director of Public Works shall appoint a qualified Hearing Examiner, (a licensed attorney in the State of Washington and experienced in area of land use), to conduct the actions that would otherwise be done by the Board of Adjustment under this chapter.

A Hearing Examiner shall follow the procedures listed in this chapter for the Board of Adjustment. All decisions of the Hearing Examiner shall be given the same effect as the decisions of the Board of Adjustment.

Section 19.06.060 - Action Final Appeals to Court Final-Writs.
The action by the Board of Adjustment or Hearing Examiner on an application for a conditional use permit or a variance, or on appeal from a SEPA determination, or on an appeal from the decision of an administrative official, shall be final. The only available appeal shall be to a court of competent jurisdiction under Washington State's Land Use Petition Act, RCW 36.70C and conclusive unless within ten (10) days from the date of said action the original applicant or an adverse party makes a prompt and timely application to a court of competent jurisdiction in accordance with R.C.W. 36.70C et. Seq., or makes a prompt and timely application for a writ of certiorari, a writ of prohibition, or a writ of mandamus.
Chapter 19.07 – HEARINGS EXAMINER COMMITTEE

Section 19.07.010 – Appeal Duties.
The Hearings Examiner Committee shall hear and decide appeals from administrative decisions made by the Planning Director pursuant to Section 19.05.020(2) and Section 19.05.030(2) of this title.

Section 19.07.020 – Appellant – Procedure.
1. The following persons shall have the right of appeal from administrative decisions made regarding the approval or denial of rural residential use permits pursuant to Section 19.05.020(2) and Section 19.05.030(2) of this title, provided that such appeal is submitted to the administrative official not more than twenty (20) days after the issuance of the written decision by the Administrative Official:
   a. Any applicant for a Certificate of Zoning Compliance subject to administrative approval by the Planning Director.
   b. Any aggrieved owner of property within three hundred (300) feet of a lot of record for which application for a Certificate of Zoning Compliance is issued.

2. When required, the Planning Office shall notify property owners within three hundred (300) feet of the subject property of their rights to appeal, pursuant to procedures outlined in Section 19.01.050. Notification shall be by United States mail.

3. The appellant shall submit a written notice of appeal to the administrative official containing statements and information as follows:
   a. I, (name of appellant) appeal the decision (granting or denying) a Certificate of Zoning Compliance to the property owned by (name of original applicant), such a decision being signed and dated ___(date)___.
   b. The appellant shall attach a statement specifying how the decision has erred in applying the standards of Section 19.10.060 of this title to the subject property. Any supportive information may be attached.

4. No appeal shall be accepted unless a factual statement is provided specifically stating how the decision is in error in applying the standards of Section 19.10.060 to the subject property.

Section 19.07.030 – Hearings – Notice.
1. Upon the filing of an appeal, the Hearings Examiner Committee shall set the time and place at which the matter will be considered. The Planning Director shall forthwith transmit to the Hearings Examiner Committee all of the records pertaining to the decisions being appealed, together with such additional written report as he deems pertinent.

2. Upon establishment of the time and place for the hearing, written notice thereof shall be addressed through the U.S. Mail to the appellant and/or applicant and all property
Section 19.07.040 – Hearings – Procedure.

The Hearings Examiner Committee shall hear all evidence provided by the adverse parties to the appeal. The Committee may call on expert witnesses for testimony at its own request or at the request of either party to the appeal. Decisions of the Committee shall be based on the standards and requirements of Section 19.10.060 of this title and any applicable sources or types of information, or other state or County regulations, referenced by that section of this title. A verbatim record shall be made of all proceedings at the hearing. If a hearing is continued to allow collection of additional information, the Committee at its hearing shall specify and announce the date, time, and place at which the procedure will be continued. The Committee shall formulate written findings of fact supporting its decision to approve or deny an appeal. The Hearings Examiner Committee shall have all the powers of the official from whom the appeal is taken.

Section 19.07.050 – Action Final – Writs.

The action by the Hearings Examiner Committee shall be final and conclusive unless within ten (10) days from the date of said action the original applicant or an adverse party makes an application to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition, or a writ of mandamus.
Chapter 19.10 – AGRICULTURAL DISTRICT

Section 19.10.010 - Declaration of Intent.
The Agricultural District provides minimum standards for areas of general agricultural land use including requirements for single-family dwellings and accessory dwelling units. It is intended that agriculture be the primary use in this district and that all other uses be sited so as to minimize their impact on, or conflicts with, surrounding agricultural use. (Revised 3/27/95, Ord. #047966) The goals of the County Comprehensive Plan be pursued where reasonably possible.

Section 19.10.020 - Permitted Uses.
1. Agriculture, including but not limited to, cropping, grazing of livestock, dairying, horticulture and floriculture.

2. Two (1) single-family dwellings or one dwelling unit, two-family, with lots per parcel conforming to provisions of Section 19.10.060 and not located within the CRD Opportunity Area or 19.10.100. (Revised 3/27/95, Ord. #047966) For the protection of resource lands, new residence(s) or expansion of existing residence(s) shall be located more than 1,000 feet from any permitted or grandfathered quarry, mine and/or other similar natural resource operations; or if it will be located within 1,000 feet of a any permitted or grandfathered quarry, mine and/or other similar natural resource operations, waivers shall be obtained from the owners of said operations an affidavit acknowledging adjacent mining activities, signed by the landowner, notorized and filed with the Whitman County Auditor, is required. If waivers are not obtained, then a Conditional Use Permit 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 applicant’s Administrative Use Permit or Conditional Use Permit.

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

4. Accessory uses and structures common or incidental to agricultural and residential use, including but not limited to garages, barns, tack rooms, equipment sheds, home storage elevators, fences and corrals, provided that such accessory uses and structures conform to the yard requirements of this chapter.

An accessory use or structure may be constructed prior to the construction of the principal use on a site that has been reviewed for compliance and has been approved as a rural residential site, pursuant to Section 19.10.060, plus proof of adequate and potable water, as required by Whitman County Environmental Health for a rural residence.

5. 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.
19.10 AGRICULTURAL DISTRICT (AG)

6. Feedlots are a permitted use when not within one mile of the borders of an incorporated community or an unincorporated community as designated in the Comprehensive Plan, provided that:

   a. Feedlots within one mile of the above-listed areas shall be permitted when the total number of animals does not exceed 100 head of cattle, 100 head of horses, 100 head of goats, 200 head of sheep, 100 swine; and (Revised 3/27/95, Ord. #047966)

   b. The number of animals per acre does not exceed the animal density requirements in Section 19.10.070.

7. [Blank] Small-Antenna facilities, Antenna Support Structures and Wind Energy Generating Facilities up to forty (40) feet in height in conformance with the requirements of Section Chapter 19.58 - Communication and Utility Facilities. (Revised 12/10/01, Ordinance # 058999.)

8. Inert fill (earth only) of under 2,000 cubic yards of material removed from ditch cleaning may be placed in active quarries and/or mines in compliance with approved reclamation or placed on adjacent land. Under 2,000 cubic yards of aggregate stockpile materials may be placed on a separate parcel from the mining operation. Agencies must provide a courtesy notice to landowners within 300 feet of the fill site.

9. Private quarries under 3-three (3) acres for uses related to agricultural activities by the land owner, for example farm access construction and maintenance.

Section 19.10.065 - Accessory Dwelling Units conforming to provisions of Section 19.10.065.

Section 19.10.030 - Lot Size Requirements.
1. There shall be no minimum lot size for non-residential permitted uses in this district.

2. The minimum lot size for residential uses permitted in this district shall be as determined per Section 19.10.060 (2) (b) (ii).

Section 19.10.040 - Yard Setback Requirements.
1. The minimum setback for all principal and accessory uses and non-residential and structures shall be twenty (20) feet on all sides, provided that a minimum setback of thirty-five (35) feet shall be required for any yard adjacent to the right-of-way of any state or county roadway designated as a primary or secondary arterial in the Comprehensive Plan. To facilitate setback location, measurement may be made from the centerline of the road. The front yard setback shall be half the distance of that specific right-of-way width, plus thirty-five (35) feet, as measured from the road centerline. In the case of antenna support structures or wind energy generating facilities, the front setback shall be 35 feet from a State or County road; side and rear setbacks shall be 20 feet. Accessories to the antenna support structures shall have a minimum setback of 5 feet. (Revised 5/14/01, Ordinance # 058050, Revised 12/10/01, Ordinance # 058999.)
2. Whenever two or more residences are located upon a single parcel, the additional residence(s) shall additionally have a setback of at least forty (40) feet from any other primary structure on said parcel excluding structures that are intended for use by the additional residence(s) as a permitted use pursuant to 19.10.020(4). (Revised 3/27/95, Ord. #047966)

2. In the case of antenna support structures or wind energy generating facilities, the front setback shall be thirty-five (35) feet from the right-of-way of any State or County road; side and rear setbacks shall be twenty (20) feet.

3. Accessories to the antenna support structures shall have a minimum setback of five (5) feet. (Revised 5/14/01, Ordinance # 058050, Revised 12/10/01, Ordinance # 058999)

4. To facilitate road setback location, measurement may be made from the centerline of the adjacent road. The front setback shall be half the distance of that specific right-of-way width, plus the required setback, as measured from the road centerline.

Section 19.10.050 - Height of Buildings.
1. The maximum height of non-residential buildings and related accessory structures in this district shall be fifty (50) feet, excepting elevators and barns. Antenna support structures shall not exceed 350 feet. Maximum height for research and wind energy generating facilities shall be 350 feet. (Revised 5/14/01, Ordinance # 058050, Revised 12/01/01, Ordinance # 058999)

2. The maximum height of rural residences and related accessory structures in this district shall be thirty-five (35) feet.

3. Antenna support structures shall not exceed 350 feet in height.

4. Maximum height for research and wind energy generating facilities shall be 350 feet. (Revised 5/14/01, Ordinance # 058050, Revised 12/10/01, Ordinance # 058999)

Section 19.10.060 - Rural Residential Use.
Two single-family dwellings or one dwelling unit, two-family, shall be a permitted use on a lot whenever the requirements of this section are fulfilled. The Planning Director shall certify that all requirements have been met according to the procedures in Chapter 19.05 of this title. (Revised 3/27/95, Ord. #047966)

1. Two of the following three conditions must exist:

a. Land whose near-surface geology consists of basalt, crystalline rock, alluvium, or on slopes greater than 20%, all as defined by Water Supply Bulletin No. 26, of the Washington Department of Ecology, Reconnaissance of Geology and of Groundwater occurrence in Whitman County, or any updated version of the surface geological conditions from this map, reference shall also be made to maps of detailed soil mapping units maintained by the Soil Conservation Service, which maps shall either indicate or
not indicate a pattern of specific soil types which is known to be associated with basaltic, alluvial or crystalline surface geological conditions. All of these facts shall be verified by on site inspection;

b. The subject lot has not been cultivated, used for production of commercial forage for sale, commercial grazing of livestock for sale, or subjected to any agricultural practice designed to produce a product for sale in the preceding three (3) years;

c. The subject lot is within a distinct area of land fifteen (15) acres or less which is of insufficient size, quality and/or accessibility to be efficiently used for agricultural production for income. "Distinct" shall mean that the subject area is substantially bounded by natural or man-made features which buffer this land from agricultural lands such as: wooded areas, steep canyon walls, railroads, surface waters or public roads.

2. All of the following requirements must be met:

a. Minimum of 60 feet frontage total for one or two dwelling units on an improved county or state road (road which has minimum improvements of grading, drainage and gravel surface) is required, however, permits for construction are based on an evaluation of the safety by County Engineers for the ingress and egress to the site. (Revised 3/27/95, Ord. #047966)

b. If a perennial surface water passes through, or along any boundary of the subject lot, there must be at least 200 feet of frontage along such surface water;

c. Less than one-half of the area of the subject lot shall be in an area of special flood hazard and/or floodway as designated on the Flood Hazard Boundary Map of the Flood Insurance Study for Whitman County;

d. Construction plans for structures, parking areas and private roads on the subject lot shall leave a maximum amount of existing vegetation undisturbed;

e. 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.

3. For the purpose of meeting the minimum building lot requirements of this section, public and private easements or right-of-way for roads, railroads or utilities shall be ignored.

One single-family dwelling per parcel shall be a permitted use whenever the requirements of this Title are fulfilled. The Planning Director shall certify through the Rural Housing Certificate (RHC) process that all requirements of this Title have been met.

1. Development requiring Certification
   a. Issuance of a Rural Housing Certificate shall be required for:
      i) Creation of a new residential parcel
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(1) On which will be located an existing residence, except that such new parcel with an existing residence, need not comply with the provisions of 19.10.060 (2)(a)(ii) viewshed, (2)(b)(vi) development buffer where the available land to be used as a buffer is not owner by the applicant, (2)(b)(vii) setbacks where the available land to be used as a buffer is not owner by the applicant, and (2)(b)(ix) highly visible locations; or

ii) Alteration of an existing residential parcel via a boundary line adjustment; or

iii) Construction of a residence on an existing parcel which has not been certified.

b. Issuance of a Rural Housing Certificate shall not be required for expansion, replacement, or alteration of an existing residence and/or an existing accessory structure on an existing rural residential parcel for which no parcel enlargement, reduction or division is requested. 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, road setback distances, and buffer or setback distances required from other property; in which case these requirements do not apply. This review shall be termed Rural Residential Site Review (RRSR) and files shall be kept as proof of review and for future reference.

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

a. Approval of Residence Location

i) New rural residences may be sited in locations which meet requirements for a viewshed site or meet requirements for a residential group.

ii) Viewshed Site

(1) Definition: A proposed residential building footprint which is located at least 1,500 feet horizontally from the nearest residence or certified residential site; or is located within 1,500 feet of one or more existing residences or certified residential sites but not visible from any of said residences or certified residential sites.

(a) Definition of Not Visible: a proposed residential site is considered to be not visible if an observer standing at the corners of the footprint of the proposed residence and with their eye level at five (5) feet above existing grade can not see any part of an existing residence or the footprint of another proposed residence due to the interposition of natural landforms.

(b) Exception for Highly Visible Residences: an existing residence within a viewshed under consideration and located on a hilltop or ridge, or whose highest point is higher than the slope on
which it is located, shall be ignored due to its highly visible location.

iii) Residential Group
   (1) Definition: A residential group is defined as a collection of two to nine certified, residential parcels which are located such that at least some portion of each of the included residences is within 300 feet of some portion of another included residence. (Limited to nine or less residences to avoid the potential consequences of WAC 16-231-510.)
   (2) Creation of a residential group: The owner of any residence constructed prior to January 1, 2007 may apply for review to create a residential group by submitting an application for a Rural Housing Certificate to obtain permission to construct a new residence which must be located within 300 feet of the existing residence.
   (3) An existing residential group may be expanded to a maximum of nine houses.

iv) Agricultural Notification: In the case of any application for a Rural Housing Certificate, all owners of property within 1,500 feet of the proposed residential building footprint shall be notified by mail. Any owner of a commercial agricultural operation within 1,500 feet of the proposed new site may appeal the decision to the Board of Adjustment within 20 days after the date of the notice, to show that a significant negative effect on their farming operation would be created. If the owners sign a waiver from this requirement, such notice is not required.

b. Approval of Parcel Configuration
   i) In General: For the purpose of meeting the minimum building lot requirements of this section, public and private easements or rights-of-way for roads, railroads or utilities shall be ignored.
   ii) Minimum lot size: The area of the subject lot shall be no less than the minimum area required by the Whitman County Department of Environmental Health to safely accommodate approved water supply and on-site sewage disposal systems.
   iii) Access to an improved road: All residential parcels shall be accessible from an improved County road or State highway.
   iv) Frontage/easement requirement: Lots without frontage on an improved public road shall be permitted if access to such a road has been obtained via an easement across adjacent property and if said access has been approved by the appropriate agency.
   v) Driveways
      (1) Any driveway that serves more than two residences shall be designed and constructed to Fire Code minimums, under oversight by a professional engineer licensed in the State of Washington.
      (2) Driveways shall be designed to fit existing land contours.
      (3) Access to an improved public road must be approved and issued by the Whitman County Public Works or the Washington State Department of Transportation. Shared driveways are encouraged to enhance safety of traffic flow entering and leaving improved roads.
vi) Development Buffers

(1) Residential development other than of the types listed in (4)(a) through (k), below, shall not be allowed within 200 feet of property being used for commercial agricultural production at the time of development, or within 100 feet if written permission of the owner of property in production is secured. This area between residential development and commercial agricultural production shall be referred to as the “development buffer.”

(2) Development buffers shall appear on the short plat of the parcel and any other surveys subsequently produced.

(3) The width of an adjacent road's right-of-way may be included as part of the development buffer.

(4) Structures and activities related to residential living shall not be allowed within the development. Such structures and activity areas include residences, decks, play areas, home occupation areas, greenhouse, garden, orchard, ornamental trees and so forth. Structures and uses that shall be allowed within the development buffer include, but are not limited to:

(a) Garages
(b) Storage sheds
(c) Equipment sheds
(d) Driveways
(e) Wells, if not part of a Group A or B water system
(f) Septic system drain fields
(g) Stables
(h) Livestock pens and corrals
(i) Hay storage
(j) Vegetation compatible with adjacent agricultural uses, including pasture, wildlife areas, hay land and native plants.

(k) Windbreaks and shelterbelts

(5) The residential owner may lease the development buffer for agricultural uses such as farming, grazing and so forth.

vii) Setbacks

(1) The minimum setback for all non-residential structures shall be twenty (20) feet on all sides, provided that a minimum setback of thirty-five (35) feet shall be required adjacent to the right-of-way of any State or County improved road.

(2) For all residential structures the minimum setback from roads shall be 100 feet and the minimum setbacks on all other sides of the residence shall be twenty (20) feet except where the development buffer requires a greater distance.

viii) Water and Sanitation

(1) The applicant shall provide proof of adequate and potable water, as required by Whitman County Environmental Health for a rural residence and shall meet all other requirements of Whitman County Public Health, the Washington State Department of Health and any
ix) Highly visible locations
(1) Buildings and structures located on hills or ridges shall be sited and/or constructed to minimize the appearance of a silhouette against the sky as measured this way:
(a) No part of the living space of a structure shall be higher than the highest part of the landform on which it will be built. A landform is described for the purpose of this chapter as the natural topographic high point separated from other topographic high points by a drop of at least 40 feet. All accessory structures built or placed after the approval of the application for the RHC for the proposed residence must have roof lines no higher in elevation than the principal residential structure.
(2) Construction of residences on unusual and highly visible geological features is not allowed within what shall be known as the Butte Protection areas. This restriction shall apply to areas above specified elevations above sea level, or within 750 horizontal feet of the centerline of improved roads, whichever is least restrictive, except for the road up Steptoe Butte above the entrance to Steptoe Butte Park, as follows:
(a) Angel Butte elevation 2,660 feet;
(b) Parker Butte elevation 2,660 feet;
(c) Bald Butte elevation 2,800 feet;
(d) Granite Butte elevation 2,600 feet;
(e) Kamiak Butte elevation 2,600 feet;
(f) Ladow Butte elevation 2,660 feet;
(g) Naff Ridge elevation 2,600 feet;
(h) Ringo Butte elevation 2,660 feet;
(i) Smoot Hill elevation 2,500 feet;
(j) Steam Shovel Hill elevation 2,600 feet;
(k) Steptoe Butte elevation 2,600 feet;
(l) Stratton Butte elevation 2,700 feet;
(m) Tekoa Mountain elevation 2,700 feet;
(n) Unnamed butte, east-northeast of Naff Ridge, the summit of which is within the N ½ of Section 4, Township 19 N., Range 44 E., W.M., elevation 2,600 feet;
(o) Unnamed butte southeast of Seltice, the summit of which is within the NE ¼ of Section 24, Township 19 N., Range 45 E., W.M., elevation 2,700 feet.

c. Approval of Lighting
New lighting fixtures shall be designed and installed so as to control the direction and intensity of light which affects neighboring properties or roadways, so that direct rays of light don’t shine onto neighboring properties or serve as a source of light pollution.
(1) New lighting fixtures must be shielded, hooded and oriented towards the ground;
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(2) Use of motion-sensing devices and/or timers is encouraged;
(3) No new lighting shall blink, flash or be of an usually high intensity or brightness; and
(4) All new lighting fixtures shall be appropriate in scale, intensity and height to their use.

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

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

COUNTY OF WHITMAN
STATE OF WASHINGTON

CERTIFICATION OF ADJACENT AGRICULTURAL USE

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

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

Legal description of land:

_________________________________________________________________

_________________________________________________________________

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 19.12.080 (1)(f) and (2)(f)

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  )
COUNTY OF WHITMAN  ) SS

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

The following steps are required for this compliance:

1. _____ Completing and signing this Certification.
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2. Obtaining Planning Office review

3. Filing this Certification with the County Auditor

4. Providing proof from the County Auditor for the Planning and/or Building Inspection office(s) that this Certification has been filed.

The existence of this Certification must be conveyed to each future owner of this property.

3. Vesting
   a. 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.
   
   b. If granted a Rural Housing Certificate, the applicant shall have 270 days during which to complete construction of an approved well and to file a short plat. Failure to complete these steps within this time period shall result in voiding of the Rural Housing Certificate.

Section 19.10.065 – Accessory Dwelling Units.

1. Purpose.
   a. An Accessory Dwelling Unit (ADU) is an additional smaller, subordinate dwelling unit on a lot with, or in, an existing or new house. These units are intended to provide for a greater range of choices of housing types in the Agricultural District. Accessory Dwelling Units are intended to enhance options for families by providing opportunities for older or younger relatives to live in proximity while maintaining a degree of privacy.

2. Applicability.
   a. A property with a primary residence and an Accessory Dwelling Unit is different from a property with two residences because the intensity of use is less due to the limitations of size and number of bedrooms. An Accessory Dwelling Unit that meets the requirements of this subsection may be allowed on any lot developed with an existing single-family dwelling, except as noted herein.

3. Development Standards.
   a. No more than one Accessory Dwelling Unit per legal lot is permitted and it must be accessory to a single-family residence. If a short plat is approved, an Accessory Dwelling Unit for each lot is permitted only if all other provisions of this Chapter are met.
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b. Whenever the requirements of this Section are at variance with the requirements of any of the lawfully-adopted ordinances, the most restrictive, or that imposing the higher standards to be met prior to a land use being permitted, shall govern.

c. The applicant must apply for a building permit for an Accessory Dwelling Unit. An Accessory Dwelling Unit shall comply with applicable building, fire, and health and safety codes. An Accessory Dwelling Unit cannot be occupied until a certificate of occupancy is issued by the building department.

d. An Accessory Dwelling Unit may be created through:
   i) Internal conversion within an existing dwelling;
   ii) The addition of new square footage to the existing house or to a garage and any addition thereto;
   iii) Conversion of an existing structure;
   iv) Inclusion in the development plans for, or as part of, the construction of a new single-family detached dwelling unit; or
   v) A separate detached dwelling unit on the same lot as the primary dwelling unit.

e. An Accessory Dwelling Unit shall conform to existing zoning requirements, including, but not limited to setbacks. The addition of an Accessory Dwelling Unit shall not make any lot, structure or use nonconforming within the development site.

f. Building height is limited to twenty-five (25) feet for a detached Accessory Dwelling Unit. Building height requirements of the underlying zone do apply to the Accessory Dwelling Unit for internal conversion or structural addition to the existing primary dwelling.

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a. If an Accessory Dwelling Unit is on the same lot as or within a historic structure which has been designated on the national, state or local historic register, the following design guidelines are applicable:
   
b. Exterior materials should be of the same type, size and placement as those of the primary dwelling structure.
   
c. Trim on edges of elements of accessory structures and additions should be the same as those of the primary structure in type, size and placement.
   
d. Windows in any elevation which faces a street should match those in the primary structure in proportion, i.e., same height, width and orientation (horizontal or vertical).
   
e. Pediments and Dormers. Each Accessory Dwelling Unit over twenty (20) feet in height should have either a roof pediment or dormer if one or the other of these architectural features are present on the primary dwelling.

Section 19.10.070 - Animal Density Use.
Animals kept within 500 feet of any incorporated community as designated in the Comprehensive Plan shall be managed in such a way that they do not congregate in numbers exceeding the following density requirements:

1. Poultry, swine and rabbits kept for home consumption or educational projects shall not have restrictions; provided a nuisance is not created to owners of surrounding property;

2. Horses and cattle or a combination of each shall be permitted at a density of two animals per acre, not including young under one year of age, provided that vegetation is maintained in the area of confinement of such animals in the spring, summer, and fall.

3. Sheep and goats or a combination of each shall be permitted at a density of four animals per acre, not including young under one year of age, provided that vegetation is maintained in the area of confinement of such animals in the spring, summer, and fall.

4. Two sheep or goats shall be equal to one horse or steer for the purpose of determining permitted density of a combination of animal types.

Section 19.10.080 - Short Plat and Subdivision.
No short plat or subdivision for residential use shall be accepted by the Planning Office unless such plat complies with this chapter:

1. No short plat creating more than three (3) lots, including the remainder of the original parcel of land, shall be approved within the Agricultural District.

2. No long subdivision plat shall be approved within the Agricultural District.

3. A short plat may be used to separate out a parcel on which is located an existing residence, either allowed in accordance with Section 19.10.100, 19.10.020 or, 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
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residential use, and shall be issued a Certificate of Zoning Compliance. Rural Housing Certificate.

4. The creation of parcels of less than twenty (20) acres in area is permitted for agricultural, conservation and/or habitat purposes.

   a. No structures other than fences, a well, and livestock watering and feeding containers are allowed on parcels created for this purpose.

   b. Language describing the use limitations shall be placed on the plat.

   c. If, in the future, there is a desire to change the use of this parcel, such as enlarging it to be part of a future residential or other use, the properties will have to be reviewed again to see if such proposed use can comply with land use regulations. If such approvals can be obtained, a revised plat containing language reflecting changes must be filed with the County Auditor.

Section 19.10.090 - Conditional Uses and Administrative Permits.

1. Because of considerations of traffic, noise, lighting, hazards, health and environmental issues, the following uses shall not be permitted in the Agricultural District unless a conditional use permit authorizing such use has been granted by the Board of Adjustment; provided, however, that in situations described herein where an Administrative Use Permit may be granted in lieu of a Conditional Use Permit, the use of the land shall not be permitted until such time as an Administrative Use Permit has been granted by the County Planning Office. (Revised 11/18/91, Ord. #45331)

   a. Utility substations or generating facilities. Wind Energy Generating Facilities greater than forty (40) feet in height are subject to the requirements of Section 19.58 - Communication and Utility Facilities. Wind Energy Generating Facilities greater than 130 feet are allowed in this District by Conditional Use as long as the site is located more than 1/2 mile from any incorporated city or town or Rural Community District (Revised 12/10/01, Ordinance # 058999);

   b. Utility storage and transportation facilities;

   c. Private and public recreational facilities such as campgrounds, golf courses, rifle ranges, and similar uses.

   d. Churches;

   e. Airstrips;

   f. Solid waste site or transfer station;

   g. Feedlots within one mile of incorporated or designated unincorporated communities that are not permitted by 19.10.020 (6);

   h. Commercial grain elevators;

   i. Veterinary clinics, commercial horse boarding facilities, boarding kennels, and similar uses;

   j. Surface mining and crushing subject to the minimum standards listed in Sections 19.06.015, 19.59, and 19.05.015, 19.60;

   k. Any non-agricultural home occupation which require outdoor storage of more than two (2) trucks or pieces of equipment or outdoor storage of materials occupying more than 500 square feet of yard area;
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l. Gun clubs and fraternal organizations;

m. Antenna Support Structure facilities greater than forty (40) feet in height subject to the requirements of Section 19.58 - Communication and Utility Facilities. Antenna Support Structures greater than 130 feet are allowed in this District by Conditional Use as long as the site is located more than 1/2 mile from any incorporated city or town or Rural Community District. A shelter or cabinet used to house radio electronic equipment and its associated connecting cables greater than 120 square feet of base area, or more than one shelter or cabinet applies also to Small-Antenna facilities and Antenna Support Structures up to forty (40) feet in height.

n. On-site hazardous waste treatment and storage facilities, provided that such facilities are accessory to a permitted or conditional use, and provided that such facilities meet the state siting criteria adopted pursuant to RCW 70.105.210;

o. Landfill for inert materials (earth, concrete and asphalt) of more than 2,000 cubic yards of material (including over 2,000 cubic yards of aggregate stockpile materials on a separate parcel from the mining operation) [For earth fills less than 2,000 cubic yards, see Section 19.05.020(4)];

p. Recycling Facility, provided, however, that hazardous material, infectious material and/or radioactive material which federal or state regulations would allow to be recycled but which the County may deem to be unsafe or detrimental to public welfare, shall not be allowed without a Conditional Use Permit issued by the Board of Adjustment and a Special Permit issued by the Whitman County Health Department. Said permits shall establish specific conditions for the processing/handling of the hazardous material, infectious material and/or radioactive material, where the State of Washington or the Federal Government has not otherwise preempted all control and regulation of said materials. (Revised 11/18/91, Ord. #45331)

q. Temporary asphalt and/or concrete batch plant.

r. Agricultural Research Facility, such as but not limited to greenhouses, laboratories, machine sheds, arboretum, animal science facilities, farm equipment service and maintenance operations associated with a principal conditional use listed herein, and a caretaker residence. (Revised 4/26/95, Ord. #048077).

s. Mining, quarry, and/or other similar natural resource operations located within 1,000 feet of any residence or within one mile from any incorporated community or designated unincorporated rural community, subject to the minimum standards in Sections 19.59 and Section 19.60;

t. Residence located within 1,000 feet of any permitted mine, quarry and/or other similar natural resource operations.

2. An Administrative Use Permit shall be required for:

a. Surface mining and crushing subject to the minimum standards listed in Sections 19.59 and Section 19.60;

b. Mining located more than one mile from an incorporated community or designated unincorporated rural community;

c. Landfill for inert materials (earth, concrete and asphalt) of less than 2,000 cubic yards of materials.
Section 19.10.100 – Special Exceptions.

1. Residential structures, such as mobile homes, bunkhouses, or single-family dwellings that are required for farm operators, employees, or family members of the operator or owner, who are employed on the farm. Residences constructed utilizing the provision may not be sold, leased, or rented within the Agricultural District to persons not employed in the farming operation for a period of ten (10) years from the date of the issuance of a building permit, unless the death of the farm owner, operator or employee eliminates the further need for the residence for persons employed in the farming operation.

2. The applicant shall provide a notarized statement indicating he or she is fully aware of the limitation placed upon use of the home. If desired, the County Building Official may request further proof of eligibility prior to issuance of a permit. The person living in the home must make over fifty percent (50%) of their gross income from the farming operation.

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

A. PURPOSE: This section establishes a location for and allows for the creation of a Planned Residential Development, (PRD), designed to foster creative, efficient, and comprehensive site development, intended for special site locations, conditions and circumstances, in concert with WCO Chapter 18.50, Subdivision Ordinance - Planned Residential Development, and:

1. Create a development form which allows for preservation of important sites within the County, containing significant natural shoreline areas, geology, habitat and/or ecosystems, and the goals of which are compatible with Whitman County's Comprehensive Plan;

2. Produce a development which would be better than traditional lot-by-lot development, on either consolidated lots or unsubdivided property, through 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.
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C. Except for the provisions of this section, an applicant for a special conditional use for a PRD shall not be required to meet any other provisions of WCO 19.10 or any section of WCO Chapter 19 which is inconsistent with the provisions of WCO Chapter 18.50, Subdivision Ordinance - Planned Residential Development, as now or hereafter amended.

D. The Planning Commission shall be the sole agency to review and approve, modify or deny a special conditional use for a PRD. A denial by the Planning Commission may be appealed to the Board of County Commissioners within 30 days of the denial.

E. A special conditional use for a PRD shall be granted by the Planning Commission with at least the following minimum conditions.

   1. Full compliance with the provisions of WCO Chapter 18.50, Subdivision Ordinance - Planned Residential Development; and,

   2. Full compliance with the County’s critical areas ordinances, as now or hereafter amended, as well as any and all State Environmental Policy Act determinations, and,

   3. Approval of the Planned Residential Development by the Whitman County Board.
Chapter 19.12 – CLUSTER RESIDENTIAL DISTRICT
(Adopted 12/22/2003; Ordinance #0061970)

Section 19.12.010 - Declaration of Intent.
The Cluster Residential District provides minimum standards for specified areas in order to allow more non-farm rural residential places while at the same time protecting the ability of other, neighboring agricultural producers to continue farming and raising livestock.

Section 19.12.020 - Permitted Uses.

1. One single-family dwelling per buildable lot, constructed on-site;

2. Accessory structures to a permitted use;

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

4. 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; and,

5. Agricultural activities including but not limited to cropping and grazing of livestock.


1. The minimum zone size for a four-lot short plat consisting of four buildable lots shall be 20 acres. The minimum zone size for a five-lot long plat consisting of at least six buildable lots shall be 50-60 acres.

2. This zone must be capable of creating at least four lots that are suitable for building a single-family residence.

3. Lots may be as small as ½ acre as long as the short plat ratio of at least 5 acres per residence ratio is maintained, or the long plat ratio of at least 10 acres per residence is maintained.

1. The minimum setback for all principal and accessory uses and structures shall be twenty feet on all sides, provided that a minimum setback of thirty-five feet shall be required for any yard adjacent to the right-of-way of any state or county roadway designated as a primary or secondary arterial in the Comprehensive
19.12 CLUSTER RESIDENTIAL DISTRICT

Plan. To facilitate setback location, measurement may be made from the centerline of the road. The front yard setback shall be half the distance of that specific right-of-way width, plus thirty-five feet, as measured from the road centerline.

Section 19.12.050 - Height of Buildings.
The maximum height of buildings and structures in this district shall be thirty-five feet as measured from the average of the highest and lowest natural grade points of the foundation, to the top of the roof.

Section 19.12.060 - Animal Density Use.
Animals kept in Cluster Residential Districts shall be managed in such a way that they do not congregate in numbers exceeding the following density requirements:

1. Poultry, swine and rabbits kept for home consumption or educational projects shall not have restrictions; provided a nuisance is not created to owners of surrounding property;

2. Horses and cattle or a combination of each shall be permitted at a density of two animals per acre, not including young under one year of age, provided that vegetation is maintained in the area of confinement of such animals in the spring, summer, and fall.

3. Sheep and goats or a combination of each shall be permitted at a density of four animals per acre, not including young under one year of age, provided that vegetation is maintained in the area of confinement of such animals in the spring, summer, and fall.

4. Two sheep or goats shall be equal to one horse or steer for the purpose of determining permitted density of a combination of animal types.

5. For livestock not listed here, animal equivalent information obtained from the Washington State Cooperative Extension Service will be used.

Section 19.12.070 - Short Plat and Long Plat Subdivisions.
Whitman County shall accept no short plat or subdivision for residential use within this Cluster Residential District unless such plat complies with this chapter:

1. Short plats:
   a. A short plat in this zoning district must create four buildable lots in a zone of at least 20 acres; additional non-buildable lots, to be held in common ownership by a homeowners’ association and not certified as eligible residential parcels, may also be
19.12 CLUSTER RESIDENTIAL DISTRICT

created. The short plat shall identify any non-buildable lots as non-buildable and include a note stating that no residences may be constructed on parcels so labeled.

- The four **buildable** lots must meet code requirements so that they are eligible for residential building permits. These lots must be platted, and the plat must show the private road right-of-way, drain field locations, well locations and utility easements. Road construction must be completed to each lot prior to the issuance of any building permit. Proof of adequate, potable water is required prior to approval of the short plat.

- Minimum lot size shall be ½ acre and there is no maximum lot size.

- If land is not held in common ownership, easements for roads and utilities must be provided. Road and utility construction and maintenance agreements are required.

- Cluster Residential Districts, once created and platted, shall not be further subdivided unless the zoning classification is changed or the land is annexed. Minor boundary line adjustments may be allowed as long as these changes do not jeopardize the integrity of each lot as a building site nor the accessory systems developed to support the plat.

- Prior to approval of the plat, the land owner shall file with the County Auditor a deed restriction and/or easement of acceptance of agricultural operations document. This document shall also be printed on the plat or adequately referenced so that future buyers have opportunity to be aware of this deed restriction and/or easement. Applicants for any residential building permit shall sign and file a form that indicates they are aware of the deed restrictions and/or easements. Documents that in the future convey the land to new owners shall also acknowledge the existence of these filed documents. The deed restriction and/or easement sample is attached to the last part of this chapter.

- Once an area has been successfully zoned Cluster Residential District, the process of platting may be initiated and completed. Upon successful completion of platting, the lots may be conveyed and building permits sought.

2. Long plats:

   a) A long plat must create at least **five-six buildable** lots in a zone of at least 50-60 acres; additional non-buildable lots, to be held in common ownership by a homeowners’ association and not certified as eligible residential parcels, may also be created. The preliminary and final plats shall identify any non-buildable lots as non-buildable and include a note stating that no residences may be constructed on parcels so labeled.
Proposed Zoning Ordinance amendments regarding Agricultural District rural residences, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this; new language in bold like this.

19.12 CLUSTER RESIDENTIAL DISTRICT

b) For each additional buildable lot, the zone size must be expanded by 10 acres, so that the ratio of 10 acres per residence is maintained.

c) The five or more buildable lots must meet code requirements so that they are eligible for residential building permits. These lots must be platted, and the plat must show the private road right-of-way, drain field locations, well locations and utility easements. Since a long plat can be phased, road construction must be completed to each lot prior to approval of that phase of the long plat, (the Final Plat). Proof of adequate, potable water is required prior to approval of the Final Plat, although a developer may wish to assure an adequate supply of potable water earlier in the process.

d) Minimum lot size shall be ½ acre and there is no maximum lot size.

e) If land is not held in common ownership, easements for roads and utilities must be provided. Road and utility construction and maintenance agreements are required.

f) Cluster Residential Districts, once created and platted, shall not be further subdivided unless the zoning classification is changed or the land is annexed. Minor boundary line adjustments may be allowed as long as these changes do not jeopardize the integrity of each lot as a building site nor the accessory systems developed to support the plat.

g) Prior to approval of the plat, the land owner shall file with the County Auditor a deed restriction and/or easement of acceptance of agricultural operations document. This document shall also be printed on the plat or adequately referenced so that future buyers have opportunity to be aware of this deed restriction and/or easement. Applicants for any residential building permit shall sign and file a form that indicates they are aware of the deed restrictions and/or easements. Documents that in the future convey the land to new owners shall also acknowledge the existence of these filed documents. The deed restriction and/or easement sample is attached to the last part of this chapter.

h) Once an area has been successfully zoned Cluster Residential, the process of platting may be initiated and completed. Upon successful completion of platting, the lots may be conveyed and building permits sought.

Section 19.12.080 - Conditional Uses.
Because of considerations of traffic, noise, lighting, hazards, health and environmental issues, the following uses shall not be permitted in the Cluster
Residential District unless a conditional use permit authorizing such use has been granted by the Board of Adjustment:

1. Any home occupation which requires outdoor storage of more than two trucks or pieces of materials occupying more than 500 square feet of yard area;

Section 19.12.90 Special Features for Cluster Residential District, (CRD)
A. PURPOSE: This section establishes potential locations for and allows for the creation of Cluster Residential Districts, (CRD), designed to foster creative, efficient, and comprehensive site development, intended for special site locations, conditions and circumstances, in concert with WCO Chapter 18.50, Subdivision Ordinance, and:

1. Produce a non-farm rural residential development which would be better than traditional, scattered houses, through variety in design, placement of buildings, and use of undeveloped natural areas, in order to capitalize on the special features of the individual site;

2. Permit flexibility that will encourage a more creative approach in the development of land and will result in a more efficient, aesthetic, and desirable use of undeveloped areas, while at the same time harmonizing with adjoining development;

3. Ensure preservation of important natural habitat, and important ecosystems;

4. Preserve and enhance special site features including areas of cultural significance and, habitat, wetlands and; compliance with the County’s critical areas ordinances.

5. Maximize use of alternative energy sources and energy-efficient structures, while employing strategies for conservation of water and other resources.

B. There is created the possibility for a Cluster Residential District within specific areas of Whitman County, hereafter termed CRD Opportunity Areas, as follows:

1. The areas that may be converted from Agricultural District to the Cluster Residential District are those quarter-sections (a ¼ section equaling about 160 acres) that are within ½ mile of the Pullman city limits; except existing Districts other than Agricultural, such as
Highway/Waterway Commercial, Heavy Commercial, Airport Commercial, Light Industrial, Heavy Industrial and the Pullman-Moscow Corridor District, which are as follows:

1. Township 15 Range 45
   - all of 28;
   - parts of the NE, SE, SW, and NW ¼s of 29;
   - N ½ and parts of SE and SW ¼s of 30;

2. Township 15 Range 44
   - SE ¼ of 25,
   - E ½ and SW ¼s of Section 36;

3. Township 15 Range 45
   - parts of the NW, SW and SE ¼s of 31;
   - NE ¼ and part of NW ¼ of 36;
   - S ½ and NW ¼ of 25;
   - S ½ of 26;
   - S ½ of 27;
   - part of N ½ of 34;

4. Township 14 Range 44
   - NW ¼ and parts of SW, NE, and SE ¼s of 1;
   - NE ¼ and part of SE ¼ of 12;
   - NE ¼ of Section 13;

5. Township 14 Range 45
   - N ½ of 18;
   - parts of the NW and SW ¼s of 6;
   - parts of NW, NE, SE, and SW ¼s of 7;
   - parts of NW, NE, SE, and SW ¼s of 8;
   - N ½ of 17;
   - NW ¼ of Section 16;
   - W ½ and part of NE ¼ of 9;
   - N ½ of 10;
   - parts of the NW and NE ¼s of 11.

(A map has been produced to show these areas.)

2. Land within the above-described general areas may be considered for rezoning to Cluster Residential District. (Any area defined by interlocal agreement between the county and the city of Pullman that describes city expansion areas [adjacent to water and sewer line potential extensions] will be excluded from this zone.) The process by which this zone may be created is as follows:

   a. The proposed Cluster Residential District zone change shall be at least 1,000 feet distant from any commercial agricultural land and any other commercial or industrial zone or existing conditional use that may have compatibility issues with the proposed Cluster Residential development, unless the owner(s) of said lands sign a waiver that they do not object to the establishment of such a zone. If no waiver is obtained, the zone change application may still be presented to the Planning Commission public hearing, but the burden of proof that said development would not negatively affect
the adjacent agricultural land operations, commercial or industrial land use shall rest with the zone change applicant. The applicant must to the satisfaction of the Planning Commission, cogently explain how the proposed zone change and development would not hamper or curtail current agricultural, commercial or industrial practices, such as but not limited to prevailing wind problems, aerial applicator flight patterns required by topography, odor, noise, livestock, hours of operation and so forth.

b. The applicant shall hold a meeting, with Planning staff present, to discuss concerns with neighboring land owners, farm operators and residents before the hearing. Planning staff shall take notes at this meeting.

c. The site plan prepared as part of the zone change application shall designate an area for the shared well, or for individual wells on each lot.

d. The site plan prepared as part of the zone change application shall show preliminary County Environmental Health information that potential residential sites will have access to area and soils adequate to be permitted for septic system drain fields, sufficient for each proposed residential building site.

e. The zone change application must show that the proposed access from an improved county road or state highway can be obtained from the appropriate government agency.

f. The internal road that serves the lots shall be a shared private road. In general, this road shall be designed to stay on one of the land’s contours. It shall be engineered to County standards, or as approved by the County Engineer, and shall meet fire code requirements.

g. The dwelling area is defined as the area of a parcel of land in which building construction can occur, such as the area suitable for structures and landscaping. Wells, drain fields, driveways, the internal road, and so forth could be allowed within the buffer area, but must maintain the required 20-foot setback from the zone perimeter.

h. The buffer from perimeter of the Cluster Residential zone to the lots, or the dwelling area within each lot, shall be a horizontal 200-foot distance of pasture, hay or native vegetation in those cases
19.12 CLUSTER RESIDENTIAL DISTRICT

where the exterior Cluster Residential zone boundary is adjacent to lands in commercial agricultural use.

i. Compliance with the County’s critical areas ordinances will direct development away from flood hazard and wetland areas, and will protect the aquifers. The Building and Fire Codes will guide development with regards to steep slopes and geologically hazardous soils. Structures built on 1:3 slopes or steeper are subject to additional Building Code provisions.

j. Prior to the zone change public hearing, within county jurisdiction, notice shall be mailed to land owners within 1,000 feet of the proposed zone boundaries. Within city jurisdiction the notice distance shall be 300 feet. The property shall be posted with a public notice and the notice shall be published.

k. Prior to approval of any short plat survey or preliminary long plat survey, any Declaration of Covenants, Conditions and Restrictions (CCR) associated with said subdivision shall be reviewed by the County Planner for inclusion of

   i) regulations controlling assessments for the improvement and maintenance of shared infrastructure such as driveways, water systems and fire flow apparatus; and

   ii) regulations controlling amendment of the CCR document;

l. The CCR document may include other restrictions, such as those addressing type of construction, which are not required by Whitman County.

3. Special requirements within the zone:

   a. A grading permit shall be required prior to the disturbance of any vegetation and soils. Grading shall disturb the minimum area needed for the developments. It may be necessary for a grading permit to be issued prior to each new proposed development if the development occurs in phases or over time. The grading permit requirement shall be enforced through the Building Code.

   b. Structures shall be located so that their highest point shall be lower than elevation of the highest ridgeline or hilltop within one-half mile of the building site.
19.12 CLUSTER RESIDENTIAL DISTRICT

c. Prior to the issuance of a building permit, in consultation with the appropriate Fire District, fuel breaks shall be designed to protect structures. It shall be the responsibility of each home owner and/or resident to implement and maintain the fuel break in such condition as to protect structures from wildfire damage. Whitman County shall have no liability for any wildfire damage.

d. Prior to the occupancy of any structure, a system for fire flow storage shall be constructed and completed, according to the Whitman County Fire Code requirements.

e. Any development that is planned to meet State Department of Ecology storm water requirements shall be presented to Whitman County as part of the plat design. Although this is not a County requirement, this will involve land use, so the details of that development and/or the structures required shall be provided to Whitman County. In some cases, it may be possible to combine this with, for example, a fire flow storage system.

f. Cluster Residential houses shall have be constructed on-site.

gf. Outdoor lighting shall be of full cut-off design.

C. The deed restriction and/or easement sample as stated below shall be used when Cluster Residential Districts are created, and when there is a residential building permit and/or conveyance of Cluster Residential District lot ownership:

a. Acknowledgement

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.
19.12 CLUSTER RESIDENTIAL DISTRICT

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 approval for a zone change to Cluster Residential District, and prior to all building permits issued within this District. Whitman County Zoning Ordinance Section 19.12.080 (1)(f) and (2)(f)

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
19.12 CLUSTER RESIDENTIAL DISTRICT

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 ____________________.

The following steps are required for this compliance:

1. ____ Completing and signing this Certification.
2. ____ Obtaining Planning Office review
3. ____ Filing this Certification with the County Auditor
4. ____ Providing proof from the County Auditor for the Planning and/or Building Inspection office(s) that this Certification has been filed.

The existence of this Certification must be conveyed to each future owner of this property.
19.54 NONCONFORMING USES AND SPECIAL EXCEPTIONS

Chapter 19.54 – NONCONFORMING USES AND SPECIAL EXCEPTIONS

Section 19.54.010 – Continuing Nonconforming Uses – Generally.
1. The lawful use of any building or lot existing at the time of passage of this ordinance, although such use does not conform to the provisions thereof may be continued. However, if such nonconforming use is discontinued for a period of six months or more, use of the lands or buildings thereafter shall be in conformity with the uses permitted in the zone district in which the property is located.

2. The provisions of 19.54.010(1) notwithstanding, the use of a building as a single-family dwelling which is discontinued for a period longer than six months shall not subject said building to the restrictions of the zone classification, if and only if the lapse in use is occasioned by the good faith, continuing effort to sell said building for use as a single-family dwelling.

Section 19.54.020 - Nonconforming Lots of Record.
In the Agricultural District, any unimproved lot of record less than 20 acres in size which was purchased with the intention to use said parcel as a building site for a single-family dwelling unit and which could lawfully be used as a building site for a single-family dwelling at the time of purchase and which use as a building site has subsequently been prohibited by reclassification of the said lot to the Agriculture District (or by amendment of the zoning ordinance) may be used as a building site for one single family dwelling unit so long as construction of said unit is completed within five (5) years of the passage date of 1977 Whitman County Ordinance No. 30824 and all requirements of the Agriculture District pertaining to building height and setbacks are satisfied. The burden of demonstrating intended use and lawfulness of use at the time of original purchase, for purposes of this section, shall be upon the landowner.

Section 19.54.025 – Nonconforming Subdivisions of Record.
In the Agricultural District, any lot within a subdivision may be used as a residential lot, if the subdivision is within an unincorporated community and not adjacent to an incorporated community, and was recorded with the County Auditor prior to May 30, 1977.

Section 19.54.027 – Transitional right to apply for a Certificate of Zoning Compliance after this ordinance has been amended.
Land owners who had begun the process of qualifying land to meet the CZC criteria, by removing that area of land from commercial agricultural production for the required three-year period, and who have registered such intention with the County Planning Office by documenting that intent and specifying that land are before July 15, 2005, are given the right to apply for siting a rural residence under the CZC process. Such application will be processed according to the Zoning Ordinance regulations in effect on July 15, 2005. This right to vest under those regulations for such persons and lands as stated herein, shall be valid until December 31, 2008.

Section 19.54.030 - Restrictions on Non-conforming Uses of Land.
Non-conforming uses of land, except for rural residential sites as specified in Section 19.10.060 1. B.19.01.050 (2) and (2) (a), shall not be enlarged or increased, not
19.54 NONCONFORMING USES AND SPECIAL EXCEPTIONS

Extended to occupy a greater area of land than was occupied at the effective date of adoption of this chapter unless such use is authorized under conditional use provisions of the applicable use district and a conditional use permit has been issued. (Revised 3/27/94, Ordinance #047966).

Section 19.54.040 - Restrictions on Nonconforming Structures.

1. Nonconforming buildings and structures shall not be enlarged or altered in a way which increases nonconformity without the issuance of a variance by the Board of Adjustment in accordance with Chapter 19.06 of this title, excepting that:

   A. Should such a structure be destroyed by any means to an extent of more than 75% of its actual value based on the assessed valuation placed upon it at the time of its destruction, the use of said structure and the lot upon which it is located shall thereafter conform to all requirements of the use district within which they are located.

   B. If the structure is located within the Pullman-Moscow Corridor, as defined in Section 19.15 of this Zoning Code, relief from restrictions on existing non-conforming parcels, uses, and structures may be achieved through the conditional uses allowed under Section 19.15.060 (Z). (See also 19.15.025(2).)

2. The provisions of 19.54.040(1) notwithstanding, in the event that any single family dwelling unit located in the agricultural district which was originally a lawfully-constructed use, is damaged to any extent by fire, wind, flood or other occurrence, or the building has deteriorated to the extent that reconstruction or repair is necessary, the owner of said property or his successor(s) in interest may rebuild a single-family dwelling unit on the same lot without the necessity of complying with the minimum acreage requirements of Section 19.10.030 or the requirements of Section 19.10.060. Any such repair or reconstruction shall be completed and habitable according to building code requirements within three years of the date of the most recent damage affecting over 10% of the assessed value of the structure. Failure to complete reconstruction as provided herein shall cause said structure and lot to be subject to the requirements for residential use in Chapter 19.04. This proviso in no way abrogates the application of other sections of Chapter 19.54 to single-family dwelling units in the agricultural district, except where those provisions are inconsistent with this proviso.
19.56 TEMPORARY ACCESSORY UNITS (TAU)

Chapter 19.56 – TEMPORARY ACCESSORY UNITS

Section 19.56.010 – Purpose and Scope
It is the purpose of this chapter to authorize, upon approval and issuance of a conditional use permit, the installation of a temporary accessory unit (hereinafter called TAU) adjacent to existing single-family dwellings in those zone classifications where lot size requirements will allow siting. This TAU must be mobile, so that it can be removed once the reason for its permitting is no longer valid. This is intended to meet, with a degree of personal independence and dignity, the need for an elder cottage resident to live adjacent to his or her children’s principle residence.

Section 19.56.020 – Permits Required
A TAU shall not be installed unless the following permit regulations have been met:

1. Conditional use for zoning
2. Building permit (siting)
3. Environmental Health Permit for water and sewer.

Section 19.56.030 – Standards and Criteria
A conditional use permit may be granted for a TAU provided the following standards are met, and following approval of the Board of Adjustment, after a public hearing:

1. The property owner or spouse (title holder and/or contract purchaser) must occupy the principal residential unit at all times during the life of the TAU.
2. The TAU shall be a complete, isolated, separate housekeeping unit, set at least 20 feet away from the principal residence.
3. There shall be only one TAU per principal unit dwelling.
4. The minimum size of the TAU shall be 600 square feet but shall not exceed 1,100 square feet.
5. The TAU shall be a mobile home type unit.
6. The design, size, and construction of the TAU shall conform to all applicable standards in health, building and other codes.
7. The TAU must be located in Agricultural zone.
8. The TAU shall not be occupied by more than two (2) persons.
9. The TAU shall be occupied by the parent(s) of the property owner or spouse. At least one of the occupant parents must be at least 60 years of age or shall be at least...
Proposed Zoning Ordinance amendments regarding Agricultural District rural residences, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this; new language in bold like this.

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25% permanently disabled. The property owner or spouse shall sign an affidavit, under penalty of perjury in accordance with RCW 9A.72.085, setting forth the following:

- **a.** Name(s) of occupant parent(s)
- **b.** Date of birth of occupant parent(s)
- **c.** Relationship
- **d.** If applicable, a certificate from a licensed Medical Doctor, Mental Health Professional, which shall set forth that the said parent(s) occupant is at least 25% permanently disabled due to a specified condition.

10. The conditional use permit shall be renewed annually, on or before the 12-month anniversary date from issuance. The property owner or spouse shall submit an affidavit, under penalty of perjury in accordance with RCW 9A.72.085, which shall establish:

- **a.** He or she is the property owner.
- **b.** At all times during the preceding 12 months and for the subsequent 12-month period, he/she shall personally occupy the principal unit.
- **c.** The TAU occupant has not changed in the preceding 12 months and will not be changed in the subsequent 12 months and still complies with all the initial criteria of Chapter 19.56.
- **d.** A statement and applicable documents complying with Section 19.56.030 (9).

11. When either the TAU conditional use permit expires and is not renewed or when the TAU criteria no longer can be met, the property owner or spouse shall immediately remove the TAU from the property. The site of the TAU shall then be returned to its pre-conditional use condition, immediately. The property owner or spouse shall agree to this section in writing prior to the issuance or re-issuance of the TAU conditional use permit and said agreement shall be filed with the Whitman County Planning Office.

12. Use as a commercial rental unit is prohibited.

13. The issuance of a TAU conditional use permit shall be personal to the property owner or spouse to whom the permit was issued and shall not be transferable to any other person or property in any manner and shall not run with the land.

14. Any violation of this Chapter shall be punishable as a civil infraction with a maximum penalty of $500.00 per day, each day being a separate violation.
Proposed Subdivision Ordinance amendments regarding Agricultural District rural residences and correcting some Cluster Residential District needed changes, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this; new language in bold like this.

TITLE 18 — SUBDIVISION ORDINANCE

TITLE 18—SUBDIVISION ORDINANCE
(Repealing and replacing Sections 18.04.010 Through 18.36.200; 12/22/2003; Ordinance #0061970)

Chapters:

18.05 - General Provisions
18.10 - Definitions
18.15 - Long Subdivisions - Preliminary Plat
18.20 - Long Subdivision - Final Plat
18.25 - Subdivision Improvements
18.30 - Short Subdivisions
18.35 - Boundary Line Adjustment
18.40 - Dedications And Reservations
18.45 - Dedication For Parks
18.50 - Enforcement
18.55 - Fees
18.60 - Planned Residential Development (PRD)

CHAPTER 18.05 - GENERAL PROVISIONS

Sections:

18.05.010 Title.
18.05.040 Purpose.
18.05.080 Administration.
18.05.120 Exemptions.

18.05.010 TITLE.
This title shall be known as the “Whitman County Subdivision Ordinance.”

18.05.040 PURPOSE.
The purpose of this chapter is to regulate and provide for the various kinds of subdivision uses that may occur in unincorporated Whitman County.

Division of land may occur for various reasons. There may be division of land in order to sell agricultural land to an adjacent farmer or rancher, to separate out a farmstead from a larger agricultural parcel. There may be adjustment of boundary lines between adjacent parcels, or the consolidation of lots in order to meet setback requirements. Subdivisions may be sought to create more lots for community purposes with the county’s designated unincorporated communities, or for industrial and heavy commercial lots, the Pullman-Moscow Corridor District, for the very low density Planned Residential Development, and to implement Cluster Residential Development.
Proposed Subdivision Ordinance amendments regarding Agricultural District rural residences and correcting some Cluster Residential District needed changes, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this; new language in bold like this.

TITLE 18 — SUBDIVISION ORDINANCE

The method by which subdivisions are created can affect the public health, safety, and general welfare of our residents. To assure positive impacts, this chapter establishes standards that will be appropriate for the kind of subdivision being created.

To the extent possible and for the specific kind of subdivision land use, this ordinance will prevent overcrowding, will lessen street and highway congestion, will promote safe and convenient travel by the public, and will provide for adequate light and air. Where appropriate to the specific zone, this chapter will facilitate adequate provision for water and sewer facilities, for park and recreation areas, for schools and school grounds and other essential public facilities. This chapter will provide for proper ingress and egress, for the expeditious review and approval of proposed land divisions that conform to the Comprehensive Plan, Zoning Ordinance, and other land use regulations, in order to properly provide for the commercial and housing needs of Whitman County.

This chapter will require uniform monumenting of land subdivisions and conveyancing by accurate legal description, and will implement the goals of the Whitman County Comprehensive Plan.

18.05.080 ADMINISTRATION.
The Whitman County Department of Public Works Director or designee is vested with the duty of administering subdivision and platting regulations within the unincorporated areas of the county and may prepare and require the use of such forms as are essential to their administration.

18.05.120 EXEMPTIONS.
The following kinds of land divisions are exempt from the long subdivision and short subdivision requirements, except as specified:

1. Cemeteries and other burial plots while used for that purpose.

2. Divisions made by testamentary provisions, or the laws of descent. It is recommended that the subdivider verify with Whitman County Planning prior to writing testamentary provision land divisions that the lot(s) to be created can in fact meet the requirements for zoning and building. A testamentary division of land that fails to meet land use regulations does not vest the lot(s) with the right to build or use the lot(s) when the lot(s) does not meet codes.

3. A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, nor create any lot, which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.
Proposed Subdivision Ordinance amendments regarding Agricultural District rural residences and correcting some Cluster Residential District needed changes, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this; new language in bold like this.

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4. Any division of land made solely to create a lot for gift or sale to Whitman County, a city, town or other municipal corporation, state or federal government.

5. Any division of land that is greater than twenty acres and which does not contain a dedication, when each proposed lot is determined to have adequate access (frontage or easement and physical road approach capability) to a state highway or an improved county road. All divisions of land proposed under this exemption must first be reviewed by the County Engineer to assure that a physical access to the proposed lot is feasible, and that the proposed lot is not landlocked. The County Auditor shall not accept any documents that subdivide land unless it is accompanied by a statement from the County Engineer that the proposed subdivision has been reviewed and found acceptable with regards to this access issue.

CHAPTER 18.10 - DEFINITIONS

Sections:

18.10.030 Alley.
18.10.060 Block.
18.10.090 Boundary Line Adjustment.
18.10.120 Closed Record Appeal.
18.10.150 Closed Record Meeting.
18.10.180 Cluster Development.
18.10.210 Comprehensive Plan.
18.10.240 Covenant.
18.10.270 Cul-de-Sac.
18.10.300 Dedication.
18.10.330 Easement.
18.10.360 Final Plat.
18.10.390 Long Subdivision.
18.10.420 Lot.
18.10.450 Monument.
18.10.480 Open Record Hearing.
18.10.510 Parcel.
18.10.540 Parent Parcel.
18.10.570 Plat.
18.10.600 Preliminary Plat.
18.10.630 Project Permit.
18.10.660 Public Meeting.
18.10.690 Right-of-Way.
18.10.720 Remainder Parcel.
18.10.750 Short Plat.
18.10.780 Short Subdivision.
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18.10.810 Subdivider.

18.10.030 Alley.
Alley means a dedicated narrow service way allowing a secondary access to abutting properties. No alley shall be less than 20 feet wide.

18.10.060 Block.
Block is a group of lots within well-defined and fixed boundaries.

18.10.090 Boundary Line Adjustment.
Boundary line adjustment means the relocation of the boundaries between two or more lots that does not result in the creation of any additional lot or lots.

18.10.120 Closed Record Appeal.
Closed record appeal means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed. (from RCW 36.70B.020 [1])

18.10.150 Closed Record Meeting.
Closed record meeting means the regular or special meeting held by the body vested with making the final decision, following an open record hearing. No public testimony is allowed at this meeting, unless the decision-making body requests clarification.

18.10.180 Cluster Development.
A cluster development is the grouping of residential structures on a portion of a land that allows for a significant amount of the land to be set aside as protected open area.

18.10.210 Comprehensive Plan.
Comprehensive Plan means the current comprehensive plan for the county, adopted by the County Commissioners pursuant to state law.

18.10.240 Covenant.
A covenant is a legally binding agreement between home owners to regulate certain conditions within a subdivision.

18.10.270 Cul-de-Sac.
Cul-de-sac means a road closed at one end by a circular area of sufficient size for turning vehicles around, as defined by the Building Code.

18.10.300 Dedication.
Dedication means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself or herself no other rights than such as are compatible
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with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner through the presentation for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit. A dedication of an area of less than two acres for use as a public park may include a designation of a name for the park, in honor of a deceased individual of good character. (from RCW 58.17.0202)

18.10.330 Easement.
Easement means a grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for a specific purpose and on or over which the owner will not erect any permanent improvements that serve to interfere with the free exercise of that right.

18.10.360 Final Plat.
Final plat means the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in state law and in local regulations adopted under state law authority. (from RCW 58.17.0202) A Final Plat may not be recorded until it has received the approval of the Board of County Commissioners.

18.10.390 Long Subdivision.
Long subdivision is the division or re-division of land into five six or more lots for the purpose of sale, lease, or transfer of ownership.

18.10.420 Lot.
Lot means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

18.10.450 Monument.
Monument means a permanent type survey marker, which conforms to the Whitman County standard detail for monuments, or an approved substitute.

18.10.480 Open Record Hearing.
Open record hearing means a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government’s record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution. An open record hearing may be held prior to a local government’s decision on a project permit to be known as an “open record predecision hearing.” An open record hearing may be held on an appeal, to be known as an “open record appeal hearing,” if no open record predecision hearing has been held on the project permit. (from RCW 36.70B.020 [3])
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18.10.510 Parcel.
Parcel is another term for lot or tract.

18.10.540 Parent Parcel.
This is the lot (or parcel) of land that has been legally described and exists as a discrete lot (separate and distinct, as described in a deed) prior to any subdivision activity that would create additional lots and reduce its size.

18.10.570 Plat.
Plat means a map or representation of a subdivision, showing thereon the division of land into lots, blocks, streets and alleys, or other divisions and dedications.

18.10.600 Preliminary Plat.
Preliminary plat is a draft drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision. (from RCW 58.17.0202)

18.10.630 Project Permit.
Project permit or project permit application means anyland use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or a subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations. (from RCW 36.70B.020 [4])

18.10.660 Public Meeting.
Public meeting means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government’s decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government’s project permit application file. (from RCW 36.70B.020 [5])

18.10.690 Right-of-Way.
Right-of-way means land owned by the State, County, Municipalities and railroads for the purpose of surface transportation needs such as roads for vehicles, paths for bicycles, and walkways for pedestrians.

18.10.720 Remainder Parcel.
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The remainder parcel is the acreage that remains in a parent parcel after a lot or lots have been created from it.

18.10.750 Short Plat.
Short plat is the map or representation of a short subdivision. (from RCW 58.17.0202)

18.10.780 Short Subdivision.
Short subdivision means the division or re-division of land into four or fewer buildable lots, plus additional non-buildable lots to be held in common ownership, including the parent parcel, for the purpose of sale, lease, or transfer of ownership. (from RCW 58.17.0202)

18.10.810 Subdivider.
Subdivider means any person, firm or corporation undertaking the subdividing or re-subdividing land.

CHAPTER 18.15 - LONG SUBDIVISIONS - PRELIMINARY PLAT

Sections:

18.15.030 Purpose.
The purpose of a preliminary plat is to provide the owner(s) of property wishing to divide their property into five-six or more lots and the County an opportunity to review the overall concept prior to initial development.

18.15.060 Pre-Application Process.
Prior to the filing of an application for a preliminary plat, the subdivider or agent is encouraged to contact the County Planning Office in order to determine any county requirements that need to be incorporated into the preliminary and final plats.
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18.15.090 Preliminary Plat Application.
All applications for preliminary plat approval shall be accompanied by applicable fees and include the following:

1. A complete application form provided by the Planning Office
2. A complete SEPA Checklist
3. Two copies of the preliminary plat in accordance with this chapter

18.15.120 Preliminary Plat Preparation.
A. A preliminary plat shall be prepared by a professional engineer or land surveyor licensed by the State of Washington.

B. A preliminary plat shall contain and conform to the following:

1. General Information.
   a. Proposed name of the subdivision along with the words “Preliminary Plat.” Names shall avoid resembling names of existing subdivisions. Proposed road or street names shall avoid duplication or resemblance to existing roads and streets, which shall be reviewed by the Department of Public Works and Whitcom;
   b. Name and address of the subdivider;
   c. Name and address of the professional engineer or land surveyor who prepared the preliminary plat;
   d. Bar scale, numeric scale, true north point, and date of preparation;
   e. Location of boundary lines in relation to section, quarter section or quarter-quarter section lines, corners, and any adjacent municipal boundaries;
   f. A vicinity map sufficient to define the location and boundaries of the proposed subdivision with respect to surrounding property, roads and major man-made and natural features shall appear on the preliminary plat.

2. Existing Conditions
   a. Name of adjacent subdivisions and/or land owners;
   b. Topography at intervals of five feet unless waived in writing by the County Engineer. The locations of geographic features shall be identified;
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c. Location, width and name of each existing or platted road or other right-of-way, parks and other public open spaces, and buildings, within the proposed subdivision, and 20 feet beyond the exterior boundary of the proposed subdivision;

d. The location, widths and purposes of any existing easements lying within or adjacent to the proposed subdivision; in addition, any gas pipeline easement within 50 feet of the proposed subdivision;

e. The location of any well within the proposed subdivision or within one hundred feet of the boundaries of the proposed subdivision.

3. Proposed Development

a. Location and width of proposed roads, alleys, pedestrian ways and easements;

b. Indication of any portion or portions of the preliminary plat for which separate or successive final plats will be filed;

c. Layout, numbers and approximate dimensions of lots (net and gross) and numbers of blocks;

d. Location and size of all proposed parks, playgrounds, buffer zones, open areas, or other special uses of land considered for dedication, or reservation by deed of covenant for special use or for use of all property owners in the subdivision and any conditions of such dedication or reservation;

e. Indication of proposed land use;

f. Two copies of proposed road grades may be required by the County Engineer where conditions warrant their being furnished;

g. For proposed subdivisions involving residential land uses, a table shall be provided on the preliminary plat containing the following information:

   i. Total acreage of proposed plat;
   ii. Number of lots and square footage of each lot;
   iii. Minimum lot size;
   iv. Maximum lot size;
   v. Number of lots per phase;
   vi. Total area of proposed right-of-ways per phase;
   vii. Preliminary layout of water, storm drainage and sanitary sewer systems.
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18.15.150 Public Hearing Required.
A. Upon receipt of a complete application for preliminary plat approval, after staff review and report preparation, a date shall be set for an open record hearing before the Planning Commission.

B. Notice of public hearing required by this section shall include the hour and location of the hearing and a description of the property to be subdivided. The description will include the legal description as well as an approximate narrative location, direction from a landmark.

C. At a minimum, a notice of the open record hearing is to be given in the following manner:

   1. Notice shall be published not less than 10 calendar days prior to the hearing in a newspaper of general circulation within Whitman County;

   2. Notice shall be mailed to the owners of real property, as shown by the records of the County Assessor, located within 300 feet of any portion of the boundary of a proposed subdivision, except in the case of a Cluster Residential District which requires notice to adjacent landowners within 1,000 feet of the boundaries of the proposed subdivision;

   3. Where the proposed subdivision is located within two miles of a publicly owned airport, notice shall be mailed to the Washington State Department of Transportation Aviation Division, the Federal Aviation Administration, and the airport manager.

18.15.180 Planning Commission Recommendation.
After the open record hearing on a proposed preliminary plat, the Planning Commission shall render a recommendation to the Board of County Commissioners as to whether the proposal based on the findings shall be denied, approved or approved with modifications or conditions.

18.15.210 Findings of Fact.
Upon conclusion of the public hearing, the Planning Commission shall make and enter into findings from the record and conclusions thereof as to whether or not:

A. Adequate provisions are made for the public health, safety and general welfare and for open areas, storm water, roads, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds and other public needs;

B. The proposed subdivision contributes to the orderly development and land use patterns in the area;
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C. The public use and interest will be served by permitting the proposed subdivision;

D. The proposed subdivision conforms to the general purposes of any applicable policies or plans which have been adopted by the Board of County Commissioners;

E. The proposed subdivision conforms to the Comprehensive Plan and zoning requirements;

F. The proposed subdivision conforms to the general purposes of this Ordinance.

18.15.240 Board of County Commissioners Consideration.
A. Upon receipt of the Planning Commission public hearing Minutes and recommendations, as transmitted by Planning staff, the Board shall review said documents, and then set a date in their regular session to consider the proposed preliminary plat. During this regular closed record meeting, for which agenda notice has been published, the Board shall:

1. Approve the preliminary plat as recommended by the Planning Commission; or

2. Deny the preliminary plat.

18.15.270 Notice of Decision.
Following action approving or denying a preliminary plat, the applicant shall be notified of the Board’s decision. The notice shall be accompanied by a copy of the decision and shall also inform the applicant of applicable time limitations for final plat submittal if the preliminary plat was approved. The approved preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with preparation of the final plat.

18.15.300 Adjustments of an Approved Preliminary Plat.
A. Minor adjustments may be made and approved by the Director of Public Works or designee. Minor adjustments are those which may affect the precise dimensions of the plat but which do not affect the basic character or arrangement of the lots and roads. The adjustments cannot be inconsistent with the approved preliminary plat, and cannot be in violation of this ordinance, the County Zoning Ordinance, any other applicable County land use controls, RCW Chapter 58.17, or any other applicable state law or regulation.

B. Major adjustments are those as determined by the Director of Public Works or designee that substantially change the basic design, layout, open area or other requirements of the plat. When a proposed change constitutes a major adjustment, a new application for a preliminary plat is required and shall be processed as a new and separate application.
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C. Time limitations: a preliminary plat shall be valid for a five year period following Board of County Commissioner approval of the preliminary plat.

18.15.330 Phased Development.
In order to enable appropriate timing of subdivision improvements, such as roads, etc., the following procedure is available:

A. A subdivider or group of subdividers who control a large area of land may prepare a preliminary plat for the entire area of development;

B. On such preliminary plat, development phases may be designated;

C. Upon approval of the preliminary plat, the developer may cause to be prepared a final plat for one or more phases, provided the order of development allows for logical provisions of utilities and streets;

D. Each completed phase shall be considered a final plat and it shall comply with the provisions of these regulations.

18.15.360 Fees.
At the time of filing an application for a preliminary plat, the subdivider shall pay a fee as established by the adopted County Planning fee schedule. In addition to the preliminary plat fee, the subdivider may be responsible for reimbursing the county for costs related to engineering services related to the approval of a final plat.

CHAPTER 18.20 – LONG SUBDIVISION - FINAL PLAT

Sections:
18.20.030 Application.
18.20.060 Final Plat Preparation.
18.20.090 Final Plat Contents.
18.20.120 Title Certificate Required.
18.20.150 Approval Requirements.
18.20.180 Board of County Commission Approval.
18.20.210 Terms of Approval.
18.20.240 Filing and Distribution.
18.20.270 Building Permits.

18.20.030 Application.
A. Within five years of the approval of a preliminary plat, the subdivider shall prepare and submit for approval to the Board of County Commissioners a final plat for recording purposes, together with such supplementary information, certificates and bonds as may
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be required. The final plat shall be submitted first to the Planning Office. If the final plat is not submitted to the Board within this five-year period, a new preliminary plat must be resubmitted. (See also RCW 58.17.140)

B. A complete application shall consist of an application form provided by the Planning Department, the original signed, dated and stamped mylar drawing of the subdivision, a title certificate, and the applicable instrument identified in Section 18.04.040 to cover the cost of outstanding improvements.

18.20.060 Final Plat Preparation.
A. Preparation: The final plat shall be prepared by a professional land surveyor licensed by the State of Washington, who by placing his or her signature and stamp upon the face of the plat, certifies that the plat is a true and correct representation of the land actually surveyed, that the existing monuments shown thereon exist as located and that all dimensional and geometric details are correct.

B. Scale and Format: The final plat shall be drawn in permanent black ink on mylar measuring 24 inches by 36 inches in size, allowing two inches for a margin. The final plat shall be accurate, legible and drawn to an engineering (decimal) scale of 100 feet or fewer to the inch. If more than one sheet is required, an index sheet showing the entire subdivision with road and highway names and block numbers (if any) shall be provided. Each sheet, including the index sheet, shall be of the above-specified size.

18.20.090 Final Plat Contents.
The final plat shall show and contain the following information:

A. Primary control points approved by the County Engineer, and descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred;

B. The final plat shall show original or reestablished corners, with descriptions and actual traverse data showing error of closure and method of balancing, with sketch showing all distances, angles, and calculations required to determine corners and distances of the plat. The allowable error of closure shall not exceed the amount specified by state law.

C. Lot boundary lines, right-of-way lines of roads, easements and other right-of-ways, and property lines of residential lots and other sites, with accurate courses, distances, dimensions, or deflection angles, complete curve data for road centerlines and property lines, and other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines;

D. Name and right-of-way width of each road and other right-of-way, or easement;
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E. Locations, dimensions and purpose of any easements;

F. Number, to identify each lot or site with accurate dimensions in feet and hundredths of feet;

G. A table showing the square-foot area of each lot;

H. Purpose for which sites, other than residential, commercial or industrial lots, are dedicated or reserved;

I. Identification of any non-buildable lots to be held in common ownership by a homeowners’ association and not certified as eligible residential parcels. The plat shall also bear a note stating that no residences may be constructed on parcels so labeled.

J. Location and description of monuments;

K. Reference to recorded subdivision plats of adjoining platted land by recorded name, date and number;

L. Certification by surveyor or engineer certifying to the accuracy of the survey and plat;

M. Statement by the owner dedicating roads, rights-of way and any other sites for public use;

N. Name of the plat, scale, north point and date;

O. Spaces for certificates or approval by the following officials or agencies:

1. Board of County Commissioners
2. Planning Commission Chairperson and Clerk
3. County Engineer
4. Environmental Health Officer
5. County Treasurer
6. County Assessor
7. County Auditor

P. All signatures shall be in permanent black ink.

18.20.120 Title Certificate Required. All final plats submitted for approval shall be accompanied by a title company certification (current within 30 calendar days as provided by a licensed title company) confirming that title of the land as described and
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shown in the plat are in the name(s) of the owner(s) signing the plat. A document providing power of attorney for signatures is acceptable.

18.20.150 Approval Requirements. Prior to approval of a final plat, all required infrastructure improvements must be completed, or the developer may provide the County with a bond, cash, or irrevocable line of credit amount equal to 125% of the County Engineer’s estimate of the cost to complete the required infrastructure. As-built drawings and data of all underground utilities necessary to serve said plat must be provided to the County Engineer. No approval shall be given until the County Engineer has reviewed and accepted the improvements. No certificate of occupancy will be issued for any structure in a subdivision or phase of a subdivision until all infrastructure improvements have been completed and accepted by the County Engineer.

18.20.180 Board of County Commission Approval. The Board shall have sole authority to approve final plats. Such approval shall occur by affirmative vote of the Board during a regular closed record meeting. The Board shall approve the final plat only if the Board finds that the subdivision proposed for final plat approval conforms to all the terms of the approved preliminary plat, and that said subdivision meets the requirements of Chapter 58.17 RCW, other applicable state laws and this ordinance that were in effect on the date of preliminary plat approval.

18.20.210 Terms of Approval. A subdivision shall be governed by the terms of approval of the final plat, and the zoning ordinance or other land use control ordinances, in effect on the land at the time a fully completed application for preliminary plat approval of the subdivision has been submitted to the appropriate county official, unless the legislative body finds that a change in conditions creates a serious threat to the public health or safety in the subdivision. (Based on RCW 58.17.033) These terms of approval remain valid for a period of five years after the date the final plat was filed. (Based on RCW 58.17.1700)

18.20.240 Filing and Distribution. The original and copies of the approved final plat shall be distributed as follows:

A. The original shall be returned to the subdivider once the Final Plat bears the certificate of approval of all appropriate officials and/or agencies. It is the subdivider’s responsibility to record the final plat with the County Auditor;

B. After recording, the Auditor shall transmit one paper copy to the County Assessor. The original mylar will be archived by Whitman County;

C. At such time that Whitman County is able to accept electronic copies, when the final plat is created in a digital format, the applicant shall also provide the Planning Office with one copy of the final plat in a digital format as specified by the County Engineer and shall provide the County Assessor one copy of the final plat in a digital format as specified by the County Assessor.
18.20.270 Building Permits.

A. No building permit shall be issued for any lot until after the final plat has been approved, except one building permit may be allowed for one unoccupied model home for display only purposes.

CHAPTER 18.25 - SUBDIVISION IMPROVEMENTS

Sections:

18.25.030 Criteria: Interim County Engineering Standards for Land Development, Road, and Bridge Construction.

18.25.030 Criteria: Interim County Engineering Standards for Land Development, Road, and Bridge Construction. The County Engineer maintains a set of standards that govern subdivision improvements.

CHAPTER 18.30 - SHORT SUBDIVISIONS

Sections:

18.30.030 Purpose. The purpose of a short plat is to provide a method of land division allowing the creation of four or fewer buildable lots, plus additional non-buildable lots to be held in common ownership, that meet the land use requirements of Whitman County in creating lots suitable for building or farming or grazing or utility use or common area or for conservation easement purposes. The intent of the short plat process is to promote orderly and efficient community growth. The short plat shall indicate the purpose of the intended use. Any change in the proposed use will require the appropriate review, and if acceptable, an updated plat.

18.30.060 Application Submittal and Fee. Any person or party(ies) desiring to divide land into four or fewer lots (including the remainder, parent parcel) via a short plat, for
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the purpose of sale, lease, or transfer of ownership shall submit an application for short plat approval to the County Planning Office. Two paper copies of a draft short plat survey may constitute an application. The Board establishes the fee for short plat review in the Planning fee schedule.

18.30.090 Application Preparation. The application for approval of a short plat shall be in the form of a draft paper short plat survey submitted to the County Planning Office.

18.30.120 Application Content. The draft short plat shall contain all the information that is required on the mylar short plat that is to be submitted for filing:

A. All draft short plats submitted for review and all mylar short plats submitted for approval shall be accompanied by a title company certification (current within 30 calendar days as provided by a licensed title company) confirming that title of the land as described and shown in the plat are in the name(s) of the owner(s) signing the plat. A document providing power of attorney for signatures is acceptable.

B. The draft short plat shall reference by Planning Office file number the zoning approval that establishes the right for a short plat subdivision, such as the Certificate of Zoning Compliance Rural Housing Certificate (CZC-RHC YY-##), Conditional Use (CU YY-##), or Zone Change (ZC YY-##). When a short plat application (draft short plat and fee) is preceded by one of these zoning actions, the notice requirement for adjacent land owners will have been satisfied through the zoning action notice procedure.

C. Two copies of the draft short plat 18" by 24" at a scale not smaller than 1" = 200'. The Planning Office shall send one to the County Assessor and Treasurer so they have advance time to calculate open space and back taxation amounts. Surveyors shall keep in mind that the draft short plat will be compared to the mylar plat, and that differences between them will lengthen review time and may result in a decision to require another mylar if the one submitted is not acceptable. The contents required for a draft short plat include:

1. Proposed name of the short subdivision along with the words “Short Plat.” Names shall avoid resembling names of existing subdivisions. Proposed private road or street names shall avoid duplication or resemblance to existing roads and streets, which shall be reviewed by the Department of Public Works and Whitcom.
2. The legal description of the parent parcel and of all proposed lots.
3. Location of boundary lines in relation to section, quarter section or quarter-quarter section lines, corners, and any adjacent municipal boundaries.
Proposed Subdivision Ordinance amendments regarding Agricultural District rural residences and correcting some Cluster Residential District needed changes, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this; new language in bold like this.

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4. Name and address of owner(s) of the land being subdivided.
5. Name and address of the professional engineer or land surveyor who prepared the draft short plat.
6. Land area equation (parent parcel acreage minus proposed short plat acreage equals remainder parcel acreage). The surveyor shall reference the original deed of the parent parcel.
7. All structures within the proposed new lot, including well(s), septic tank, drain field(s), power poles, etc.
8. Any structures on adjacent property if they lie within setbacks to the proposed property line. (This would generally cause a variance to be obtained.) County Environmental Health needs to know if there are any wells within 100’ of the exterior boundaries of the proposed subdivision.
9. Distances from existing and proposed property lines to structures, if the structures encroach into the setbacks.
10. Name of the adjacent public road and road number (state or county). Culverts or bridges shall be shown.
11. Existing or proposed road approach location, width, culvert size (if any), and driveway.
12. Layout, numbers and approximate dimensions of lots. The draft short plat shall show the area for each lot and the area for any land to be held in common ownership, for example, by a home-owners association.
13. Preliminary layout of water, storm drainage, and septic system drain fields.
15. If within a Cluster Residential District, the survey shall show buffer distance from the perimeter boundary, and shall show the area where residential development may occur.
16. The owners of any adjacent land and names of any adjacent subdivision.
17. A vicinity map sufficient to define the location and boundaries of the proposed subdivision with respect to surrounding property, roads and major man-made and natural features.
18. Bar scale, numeric scale, true north point, and date of preparation.
19. All easements for utility lines, road access, etc. and in addition, any gas pipeline easement within 50 feet of the proposed subdivision.
22. Flood hazard reference, if any.
23. Acknowledgement of existing agricultural practices, or reference to deed restriction stating such acknowledgement, signed by the owner of the property.
24. Identification of any non-buildable lots to be held in common ownership by a homeowners’ association and not certified as eligible.
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residential parcels. The plat shall also bear a note stating that no residences may be constructed on parcels so labeled.

24-25. County department approval statements and county official signatures space.

25.26 Owner(s) statement and space for owner(s) signature

26.27 Space for the Notary Public stamp or imprint located near the edge of the drawing.

18.30.150 Administrator’s Duties. The Whitman County Department of Public Works Director or designee is vested with the duty of administering subdivision and platting regulations within the unincorporated areas of the county and may prepare and require the use of such forms as are essential to their administration.

A. After the Planning Office has received a draft short plat and fee, Planning staff shall verify it for consistency with its related zoning action.

B. The draft short plat shall be submitted to the County Engineer for review and comment.

C. A copy of the draft short plat shall be sent to the County Assessor, to enable early computation of back tax and penalty obligations if the land in question would be removed from the Assessor’s Open Space tax classification.

D. Whitman County may seek review by Fire Districts, School Districts, utility providers, etc., as Whitman County deems appropriate. This information may affect short plat language.

E. The Planning Office shall transmit changes, questions, or concerns to the subdivider’s surveyor, or, to the subdivider, if so requested.

18.30.180 Short Plat Approval – Authorization for subdivider. Once the draft short plat has been reviewed, Whitman County will relay any comments or corrections to the surveyor. In those cases where the short plat creates lots within industrial (Light Industrial or Heavy Industrial), commercial (Heavy Commercial, Airport Commercial, Highway/Waterway Commercial, or Pullman-Moscow Corridor), or residential subdivision (CRD) zones, certain improvements need to be completed prior to approval of the mylar short plat. For example, in all cases where potable water needs to be proven prior to short plat approval unless the site needs no water, (such as cell tower or mini-storage sites), proof of potable water must be demonstrated before the County Environmental Health Department will be able to approve the mylar short plat. Depending upon the zone and the approvals, other improvements may be required prior to mylar short plat approval.
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18.30.210 Final Mylar Review, Approvals and Filing. When the mylar short plat has been produced, it shall be first presented to the County Planning Office. The procedural steps for approval are as follows:

A. The Planning Office shall compare the mylar short plat with the previously submitted draft short plat for consistency and compliance. The Planning Office shall reject any mylar short plat that does not meet codes. A mylar short plat that meets code becomes ready for other county officials for their approvals and signatures.

B. The mylar shall be forwarded to the County Engineer for review, approval and signature.

C. The County Environmental Health officer shall be invited to review, approve and sign the mylar short plat, or the applicant may take the mylar from Public Works and take it to that office.

D. The applicant shall take the mylar short plat to the County Assessor for approval and signature. Note that County procedure intends to have alerted the Assessor regarding the forthcoming changes to taxes, and so forth, but it is the applicant’s obligation to comply with tax payments and so forth.

E. The applicant shall then take the mylar short plat to the County Treasurer, who will review and approve it after tax payments have been made.

F. Once all four of the above approvals and signatures have been obtained on the mylar short plat, the applicant shall take it to the County Auditor Legal Filings officer for recording.

18.30.240 Appeals. Any person may, upon payment of fee, appeal the administrative decision to grant or deny a proposed short plat to the Board of Adjustment. This appeal must be made in writing to the Board of Adjustment via the Planning Office within 15 calendar days of the date of the decision. The Board of Adjustment, following a public meeting, may affirm or reverse the administrative decision, and may approve it with additional conditions.

18.30.270 Re-subdivision Procedure. Land involved in an approved short plat, including the newly created lots and the parent parcel, may not be further subdivided through a short plat process within a five-year period unless further subdivided via the long subdivision procedure.

CHAPTER 18.35 - BOUNDARY LINE ADJUSTMENT

Sections:
Proposed Subdivision Ordinance amendments regarding Agricultural District rural residences and correcting some Cluster Residential District needed changes, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this; new language in bold like this.

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18.35.030 Purpose.
18.35.060 Applicability.
18.35.090 Application.
18.35.120 Administrative Review.

18.35.030 Purpose. The purpose of a boundary line adjustment is to provide an administrative method of modifying the boundary lines between two or more lots of record. The intent of a boundary line adjustment is to address existing problems pertaining to building encroachment, irregular shaped lots, non-conforming lot sizes or to modify lot lines to promote orderly and efficient community growth.

18.35.060 Applicability. The boundary lines separating two or more lots of record may be adjusted under the provisions of this chapter, provided that such adjustment:

A. Will not result in the creation of any additional lot(s);

B. Will not create any lot(s), which contains insufficient area and dimensions to meet all of their requirements of the Whitman County Zoning standards;

C. Will not adversely affect access, easement or drain fields;

D. Will be consistent with any applicable health, building or similar regulations;

E. Will not increase the non-conforming aspects of an existing non-conforming lot or structure;

18.35.090 Application.

A. Application for a boundary line adjustment shall be made on forms to be provided by the Planning Office, and shall be submitted to the Planning Office together with the applicable fee and one copy of a sketch of the proposed boundary line adjustment adhering to the following requirements:

1. The sketch will be on 8.5" x 11" or 8.5" x 14" paper. If larger, there are two options: The drawing or survey could be reduced to paper sizes mentioned above as long as the print is no smaller than 8-point font size. If a larger size survey or drawing is filed, it must be on mylar and will be filed as a survey of record.

2. Existing property lines that are to be changed or removed shall be shown as a dashed line, (--- - - , etc.);

3. Existing property lines that will not be changed shall be shown as a solid line;
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4. Proposed property lines shall be shown as a bold double line, (====);

5. A north arrow and approximate scale shall be shown;

6. Adjacent property owners shall be identified and labeled;

7. Distance of structures to existing and proposed property lines must be shown, and setback information described;

8. Lot dimensions must be shown and labeled;

9. All site utilities – well and water lines, sewage lines, septic tank and drain field; gas, electrical, telephone, cable TV lines, driveways, road access, and easements must be located and described on the sketch.

10. Creeks, wetlands, drainages, water bodies, and any portions of the parcel with slopes greater than 25% shall be shown on the sketch.

11. Existing and proposed legal descriptions must be described.

B. If a survey of record is required for a boundary line adjustment, it shall be prepared by a licensed land surveyor in the State of Washington. They shall be labeled as a Boundary Line Adjustment, and space shall be provided on the survey for the Planning Office filename for that specific boundary line adjustment.

18.35.120 Administrative Review. An application for a boundary line adjustment shall be approved, approved with conditions, returned to the applicant for modifications or denied within 15 calendar days of its receipt by the Planning Office. The Planning Office shall not be considered to be in receipt of a complete application unless and until such time as the application meets the requirements for a boundary line adjustment, as determined by the Planning Office.

A. The Planning Office is authorized to review the proposed boundary line adjustments or lot consolidations. Approval will be given as long as no new or additional lot(s) is/are created, and provisions of the Zoning Ordinance are met. Those provisions include, but are not limited to, minimum lot dimensions, parcel size, setbacks, water and sewer requirements.

B. The owner(s) must file a quitclaim deed with the Whitman County Auditor to complete the process of property transfer to the adjacent owner(s).

C. If the boundary line adjustment is denied, the Planning Director shall make appropriate findings of fact in writing. When approved, the boundary line
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adjustment shall be filed by the applicant with the Whitman County Auditor (Legal Filings Division), along with the sketch, drawing, or survey and related documents such as legal descriptions and quit claim deeds.

D. The Auditor shall furnish copies of the filed boundary line adjustment to the Planning Office and County Assessor for their files. The County Assessor will make the ownership change on their records for tax assessment purposes.

E. Appeals of an administrative decision relating to boundary line adjustments may be made to the Board of Adjustment. This appeal must be made in writing to the Board of Adjustment via the Planning Office within 15 calendar days of the date of the decision. The Board of Adjustment, following a public meeting, may affirm or reverse the administrative decision, and may approve it with additional conditions. If not, the decision of the Planning Office is final and no further appeal may be made.

CHAPTER 18.40 - DEDICATIONS AND RESERVATIONS

Sections:

18.40.030 Dedications Required.
18.40.060 Dedication Process.

18.40.030 Dedications Required.
A. No plat shall be approved unless adequate provision is made (if required and accepted by Whitman County) in the subdivision for such storm drainage, roads, alleys, easements, parks, playgrounds, sites for schools, school grounds, and other general purposes, as may be required to protect the public health, safety, welfare and open spaces. Dedication of the land to any public body may be required as a condition of a final plat or short subdivision approval.

B. Every final plat of a subdivision filed for record must contain a certificate giving full and correct description of the lands divided as they appear on the plat, including a statement that the subdivision has been made with the free consent and in accordance with the desires of the owner or owners.

C. If the plat is subject to a dedication, the certificate or a separate written instrument shall contain the dedication of all roads and other areas to the public, and individual or individuals, religious society or societies, or to any corporation, public or private as shown on the plat. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.
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D. Every plat containing a dedication filed for record must be accompanied by a title report (current within thirty calendar days) confirming the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.

E. An offer of dedication may include a waiver of right of direct access to any road from any property, and if the dedication is accepted, any such waiver is effective. Local authorities may require such waiver as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation or grant as shown on the face of the plat shall be considered, to all intents and purposes, as a quit claim deed to the recipient, grantee or grantees for his, her, or their use for the purpose intended by the donors or grantors as aforesaid.

F. Protective improvements and easements to maintain such improvements shall be dedicated.

18.40.060 Dedication Process.

A. All dedications of land shall be clearly and precisely indicated on the face of the plat.

B. If the Board of County Commissioners concludes that the public interest will be served thereby, the Board may, in lieu of requiring dedication of land in a subdivision for protective improvements, storm drainage, roads, alleys, sidewalks, parks, playgrounds, recreational, community or other general purposes, allow the said land to be conveyed to a home owners association or similar nonprofit corporation.

CHAPTER 18.45 - DEDICATION FOR PARKS

Sections:

18.45.030 Provision for Park/Playground Required.
18.45.060 Determination of Value.
18.45.090 Cash Payment in Lieu of Dedication.
18.45.120 Disposition of Land and Cash Payments.
18.45.150 Applicability.

18.45.030 Provision for Park/Playground Required. To assure appropriate and adequate provision for parks and other recreation facilities is made at the time of short plat or long subdivision approval, the subdivider may be required to dedicate, by
statutory warranty deed, a parcel or parcels of land as selected by the County in such amount to be at least equal in value to the total value of park and recreation demand generated by the short plat or subdivision as determined by this ordinance. The County decision to require park dedication shall be explored in the preliminary discussions with the subdivider, and the final decision regarding this dedication will be made no later than the preliminary plat hearing for long subdivisions or at the close of the draft short subdivision administrative review. Said land shall be exclusive of required subdivision improvements and free of any and all encumbrances, including all labor and material liens, or the subdivider shall provide a bond in lieu thereof.

18.45.060 Determination of Value. Based on the proposed short plat or subdivision and the zoning classification thereto, a total number of dwelling units expected to be contained by the short plat or subdivision shall be determined. Said total number of dwelling units shall then be multiplied by the base park fund fee as determined by resolution by the Board of County Commissioners, the product of which shall represent the total value of the park and recreation demand expected to be generated by the proposed subdivision.

18.45.090 Cash Payment in Lieu of Dedication. In lieu of dedication of land as required in Section 18.45.030, the Board of County Commissioners may, at its discretion, require a cash payment equal to the total value of park and recreation demand expected to be generated by the proposed short plat or subdivision. The Board may, at its discretion, require a combination of land dedication and cash payment provided the total combined value is at least equal to the total value of park and recreation demand. The cash payment is required to be paid to the Whitman County Parks and Recreation Department prior to final short plat/subdivision approval.

18.45.120 Disposition of Land and Cash Payments. Any land deeded under the provisions of this chapter may be held for future sale or for park/recreation use improvements. Any dedicated park land to be sold prior to 100% development of the subdivision shall be first offered to the subdivider at its stated parkland value. The proceeds from the sale of any land dedicated under the requirements of this chapter and any cash payment in lieu of such dedication shall be deposited in the park acquisition and development fund as administered by the Whitman County Parks and Recreation Department.

18.45.150 Applicability. The provisions of this chapter shall apply to any short plat or subdivision or portion thereof receiving final approval subsequent to the effective date of the ordinance. However, a preliminary plat with a fully completed application properly filed for review or approved prior to the effective date of this ordinance need not comply with the provisions of this chapter at the time of final approval of the short plat/subdivision or portion thereof.
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CHAPTER 18.50 - ENFORCEMENT

Sections:

18.50.030 Development of Illegally Divided Land.
18.50.060 Penalties.
18.50.090 Enforcement of Provisions of the Final Plat.
18.50.120 Offer to Sell Lots Following Preliminary Plat Approval.
18.50.150 Severability.

18.50.030 Development of Illegally Divided Land.

A. An application for a building permit for any lot of land divided in violation of state law or this ordinance shall not be granted.

B. All purchasers or transferees of illegally divided property shall comply with provisions of this ordinance and each purchaser or transferee may recover his damages from any person, firm, corporation, or agent selling or transferring land in violation of this ordinance, including any amount reasonably spent as a result of inability to obtain any development permit and expenditures associated with conforming to the requirements of this ordinance including the cost of investigation, suit, and reasonable attorney’s fees occasioned thereby. Such purchaser or transferee may as an alternative to conforming to these requirements, rescind the sale or transfer and recover costs of investigation, suit, and reasonable attorney’s fees occasioned thereby.

18.50.060 Penalties.

A. Whenever any parcel of land is divided into two or more lots and any person, firm or corporation, or any agent of any of them sells or transfers, offers or advertises for sale or transfer any such lot without having a final plat of such long subdivision or mylar of such short subdivision recorded with the County Auditor’s Office, the Prosecuting Attorney shall commence an action to restrain and enjoin further subdivisions or sales, or transfers, or offers of sale or transfer and compel compliance with all provisions of this ordinance. The costs of such action shall be taxed against the person, firm, corporation or agent selling or transferring the property;

B. Any person who violates any court order or injunction issued pursuant to this ordinance shall be subject to a fine of not more than five thousand dollars or imprisonment for not more than ninety days or both;
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C. In the enforcement of this ordinance, the Prosecuting Attorney may accept an assurance of discontinuance of any act or practices deemed in violation of this ordinance from any person engaging in, or who has engaged in such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the Superior Court of the County in which the alleged violation occurs. A violation of such assurance shall constitute prima facie proof of a violation of this ordinance; and

D. The Whitman County Prosecutor shall prosecute violators in accordance with RCW 58.17.300 for any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of this ordinance or any local regulations adopted pursuant thereto relating to the sale, offer for sale, lease, or transfer of any lot and each sale, offer for sale, lease or transfer of each separate lot in violation of any provisions of this ordinance or any local regulation adopted pursuant thereto, shall be deemed a separate and distinct offense.

18.50.090 Enforcement of Provisions of the Final Plat. To further the mutual interest of the residents of a platted residential development and of the public in the preservation of the integrity of the plat as finally approved, and to insure that modifications, if any, in the plat shall not impair the reasonable reliance of the said residents upon the provisions of the final plat, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plat as finally approved shall be subject to the provisions of this section.

The provisions of the final plat relating to the following items shall run in favor of the County and shall be enforceable in law or in equity by the County without limitation on any powers of regulation otherwise granted to the County by law:

A. Use, bulk and location of buildings and structures;

B. Quantity and location of common open areas;

C. Intensity of use or the density of residential units;

D. Design;

E. Development of improvements;

F. Surveys;

G. Dedications;

H. Sewer and water; and
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I. Fire protection.

18.50.120 Offer to Sell Lots Following Preliminary Plat Approval. If performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract or parcel of land following preliminary plat or short plat approval is expressly conditioned on the recording of the final plat containing the lot(s) under this ordinance, the offer or agreement is not subject to RCW 58.17.200 or 58.17.300 or Sections 18.50.030 and 18.50.060 of this ordinance, and does not violate any provisions of this ordinance. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the final plat is recorded.

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

CHAPTER 18.55 - FEES

Sections:

18.55.030 Fees.

18.55.030 Fees. Whenever an application requiring a fee under this ordinance in addition to all other required data, the applicant shall pay a fee as established by the adopted County Planning fee schedule. No application shall be processed unless the respective application fee listed above has been paid in full, which shall be non-refundable.

Chapter 18.60 - PLANNED RESIDENTIAL DEVELOPMENT (PRD)
(Adopted 5/10/1999; Ordinance #054924)

Sections:

18.60.010 Purpose and Intent.
18.60.020 Definitions.
18.60.025 General Application Process Overview.
18.60.030 Application Requirements for Conceptual Review.
18.60.035 Modification of Application Requirements.
18.60.040 Criteria for Conceptual Review and Preliminary Approval.
18.60.045 Conceptual Review.
18.60.050 Application Requirements for Preliminary Approval.
18.60.060 Preliminary Approval.
18.60.070 Limitations and Conditions.
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18.60.010 PURPOSE AND INTENT.
This document outlines a design, review, and approval process for a specialized form of Planned Residential Development (PRD) which will foster creative, efficient, and comprehensive site development, intended for special site locations, conditions, and circumstances.

These regulations provide guidance and flexibility in site design and development in order to:
A. Create a development form which allows for preservation of critical areas, resource lands, significant shorelines and ecosystems, priority habitat areas and species of local importance within the County; and the goals of which are compatible with Whitman County’s Comprehensive Plan;

B. Create alternative forms of residential development that also offer economic benefits to the County with minimum impacts to the County;

C. 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 natural, undeveloped areas, in order to capitalize on the special features of the individual site;

D. 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 natural, undeveloped areas, while at the same time harmonizing with adjoining development and land uses;

E. Ensure preservation of undeveloped areas, natural habitat, and important ecosystems;
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F. Preserve and enhance special site features, including priority habitat, wetlands and areas of cultural significance;

G. Preserve and enhance natural recreational opportunities of the site and adjacent areas;

H. Maximize use of alternative energy sources and energy-efficient structures, while employing strategies for conservation of water and other resources.

18.60.020 DEFINITIONS.

A. Definitions:

1. The term 'Planned Residential Development' or 'PRD' is defined as an area of land developed as a single entity, or in approved stages in conformity with a site development plan by a single owner, developer, or group of developers acting jointly, which is planned to provide for a variety of residential and compatible uses and common natural and recreational areas.

2. The "low-density" Planned Residential Development is a special form of PRD appropriate for certain areas comprised of significant environmental attributes and features which can be maintained through a careful planning process which emphasizes protection of valuable ecosystems, undeveloped areas, and priority habitat areas. The term "low density" in this case can be translated to average overall densities of equal to or less than one unit per twenty acres.

3. Community Areas: For a Planned Residential Development, Community Areas refer to those areas of the site set aside for use by all residents of a Planned Residential Development (PRD) which encompass natural and undeveloped areas and may include recreation uses. (See Section 18.60.090). Community Areas include those areas for active recreation uses such as tennis courts, swimming pools, as well as landscaped areas of the site.

4. Common Land: For a Planned Residential Development, Common Land refers to the land set aside as undeveloped area and includes areas designated as priority habitat, wetlands, buffer areas not intended for active recreational uses. Common Land may include passive recreation uses where appropriate such as hiking and horseback riding trails.

A Planned Residential Development has a requirement to set aside a minimum of 50% of the gross acreage as common land, not to be developed. A project owner may wish to clarify the various land uses through use of more specific
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terms, such as 'protected habitat' or community recreational areas (including hiking, biking, horseback riding, etc.)

5. Priority Habitats and Species: Species and habitats identified by the Washington Department of Fish and Wildlife as priorities for management and preservation.

6. Priority Habitat: A habitat type with unique or significant value to many species. An area classified and mapped as priority habitat must have one or more of the following attributes: comparatively high fish and wildlife density, comparatively high fish and wildlife species diversity, important fish and wildlife breeding habitat, important fish and wildlife seasonal ranges, important fish and wildlife movement corridors, limited availability, high vulnerability to habitat alteration, unique or dependent species.

7. Priority Species: Fish and wildlife species requiring protective measures and/or management guidelines to ensure their perpetuation as provided by Federal or State law.

B. Components of a PRD

1. Common Land. PRDs shall contain a minimum of 50% of gross acreage as natural undeveloped areas for the common use of residents in the development. This acreage shall be located within natural areas of the project landscape in such a way to ensure the maximum opportunity for the preservation and enhancement of priority habitat and special features of the site as per 18.60.010 (F) Areas set aside as common land may be used for passive recreation uses such as hiking or horseback riding if deemed appropriate.

This open land shall be shown on the plat of the development and permanently dedicated to common usage. No private or individual use or right shall be assigned or permitted on common land. Common Lands may also be referred to as Community Areas, providing that they meet the requirements as listed in Section 18.60.090 of this document.

2. Homeowner's Association. PRDs shall include a "Homeowners Association" which is an incorporated, non-profit corporation to operate under recorded land agreements through which (a) each lot owner in the PRD is a member, and (b) each lot is subject to a charge for a proportionate share of the expenses for the organization's activities and maintenance of common property.

3. Common Area Improvements. Common area improvements which may be required to accomplish the PRD concept may include such facilities as
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walkways, trails, bicycle paths, tennis courts, parks and landscaped areas for the benefit of all residents within the PRD.

18.60.025 GENERAL APPLICATION PROCESS OVERVIEW.

Applications for planned residential developments shall be processed pursuant to this Ordinance.

The PRD shall be initiated by the owner of all property involved, if under one ownership, or by joint application of all owners having title to the area proposed for the PRD.

The PRD approval process entails three phases, 1) a Conceptual Plan Review, 2) a Preliminary Approval phase, and 3) a two-part Final Approval phase.

1. Conceptual Plan Review

The initial Conceptual Review phase involves submission of applicable materials including a site development plan, topographic map, required supporting materials. At this stage, review is provided by the Planning Director and related County and State Agencies. At the applicant's discretion, he/she may make a presentation to the Planning Commission for its non-binding overview of the Conceptual Plan.

Preliminary Approval Phase

For the Preliminary Approval phase, additional materials, including further development of the Master Plan, and summaries of environmental impact and site studies are submitted for administrative and Planning Commission review, and are made available for public review.

A public hearing will be held before the Planning Commission within the Preliminary Approval phase. The Planning Commission shall either recommend approval of the PRD to the Board of County Commissioners, or deny the PRD. The Board shall hold a public hearing prior to their decision to accept or reject the Commission's approval recommendation of the PRD during this phrase. A denial by the Commission may be appealed to the Board of County Commissioners within 30 days of the denial.

Approvals at the Preliminary Approval phases shall not be construed as to render the final PRD plan inflexible. Approval at this stage is valid for a five (5) year period, which may be extended by determination of the Planning Commission. Prior to expiration of the Preliminary Approval, approval of a Final Master Plan is required. Once all of the improvements and conditions of the Preliminary PRD have been met, approval of the final PRD shall occur after a public meeting by the Board of County Commissioners.

The purpose of the two-step preliminary review and approval process is to allow for detailed review and feedback by the Planning Commission at an earlier stage in the project. If the owner so chooses, these two phases may be combined into one submission phase. In this scenario, the project owner would be required to submit all
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materials listed in both the Conceptual and Preliminary Approval phases as well as conform to requirements for public review of the project.

Project Information requirements for Preliminary Approval represent development of the project to a conceptual stage, along with completion of necessary environmental and related site studies and reports needed for the site analysis, planning and design phases of project development. This allows for review of the project at an earlier stage in the design and planning process, before the owners proceed to full site planning and engineering work. It also allows for changes or refinements to the project concept at an earlier stage, that will lead to resolution of project issues and later approval of the project at the final stage. It must be noted that the Preliminary Approval stage represents a lesser stage of development and information requirements as compared to a typical Preliminary Approval for a subdivision.

Final Approval Phase

The Final PRD Approval phase is comprised of two related sub-phases, the Final Design Approval phase and the Final Project Approval phase. The Final Design Approval section outlines additional site and project information requirements that must be completed, and submitted to the County before review and approval by the Planning Commission. The Final Design Approval phase represents more complete development of project information including necessary site design and civil engineering work. All necessary County and State project permits would be obtained within this phase as a prerequisite to obtaining Final PRD project approval.

More detailed site design and engineering work and associated drawings are not undertaken until after preliminary approval is received. Actual project related site work including site grading must not begin on the site until after the Final (Project) Design Approval is received.

The Final PRD project approval represents the phase of completing legal requirements for sale of property including filing of plats, legal descriptions of lots and other requirements, before obtaining the final legal project approval from the County.

Phased Planned Residential Development

A PRD may be developed in phases, subject to an approved phasing schedule. All construction and improvements not completed within ten (10) years of approval of the phased final PRD are subject to compliance with the updated County standards through a time extension action.

See information on expiration of Final Project Approval, Section 18.60.135.

18.60.030 APPLICATION REQUIREMENTS FOR CONCEPTUAL REVIEW.
Each application for Conceptual Review of a PRD shall include as a minimum, but need not be limited to, the following information:
Proposed Subdivision Ordinance amendments regarding Agricultural District rural residences and correcting some Cluster Residential District needed changes, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this; new language in bold like this.

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A. The name, location, street address, and legal description of the affected parcel or property, together with the names, addresses, and telephone numbers of the applicant or applicants, the owners of record of the land, and any associated professional consultants, including architects, engineers, planners and other consultants;

B. An accurate site map or maps drawn to a scale of not less than one (1) inch to twenty (20) feet nor greater than one (1) inch to two-hundred (200) feet, depending on the size and complexity of the site as determined by the planning director. (Additional copies may be shown at a reduced size, for example, 1” = 400’. Blowups of special sections of the project where more detail is required should be shown at a scale large enough to illustrate an adequate level of detail.

The Site Map shall include or show:

1. The boundaries of the property proposed to be developed or divided; Names and addresses of all property owners who, as obtained from the County Assessors Office, are within one (1) mile of the exterior boundaries of the proposed PRD, shall be presented along with a map or aerial photograph copy showing said ownership.

2. A topographic relief of the entire site at five-foot (5’) contour intervals unless otherwise specified by the planning director, illustrating natural features including wetlands, slopes, priority habitat areas, hazardous areas, floodplains, other significant natural features of the site.

3. All proposed structures and improvements to be constructed on the land and their precise locations including (but not limited to) all residential and nonresidential structures, recreational facilities to be constructed in the first phase of construction.

4. All common areas, natural areas and undeveloped areas, showing area, grades and proposed function upon completion along with required easements and property setbacks;

5. All areas set aside for protection of wetlands and wetlands buffer areas, priority habitat and buffer areas, and shorelines setbacks and buffer areas.

6. The layout of all existing and proposed driveways, roadways, trails, pedestrian walks, and proposed landscaped areas.

7. If known, include the general location of existing water sources for fire control, on-site water sources, and sewage disposal systems;
C. A written description of the project including general purpose, overall concept, and explanation of all features pertaining to use and other pertinent matters not readily identifiable in map form. Such explanatory text may specify uses permitted on the site, if any, or other necessary restrictions;

D. Summary of project program for all community buildings and infrastructure including, location, height, number of stories, and gross floor area for all structures or other improvements existing and proposed;

E. A report and/or plan describing alternatives for onsite disposal of waste along with description of the source and method of distribution of potable water, in total conformity with applicable federal, state, and county laws;

F. Summary of significant site and environmental studies, including summary of recommendations.

G. Description of design standards for all project buildings, including residential buildings.

Descriptive information will include typical elevations for various types of buildings including common buildings, and amenities.

Note: For Final Application, a separate document describing architectural and development guidelines for project describing common design standards for all building and site development, related review process, and maintenance standards for the project will be required.

H. A description of and schedule for phases of the project or for future phases of development, should all proposed lots not be developed at the same time;

I. Such other information as may be determined by the Planning Commission to be necessary to carry out the policy and intent of this chapter.

18.60.035 MODIFICATION OF APPLICATION REQUIREMENTS.

The Planning Commission may waive or modify any required portion of Section 18.60.030 deemed unnecessary or redundant to the purposes of this chapter, or may establish any subset of Section 18.60.030 as application requirements to adapt to specific and unique site conditions or to allow adjustment for projects of limited scale and impact; provided that any action taken by the planning director pursuant to this Section shall be considered an appealable administrative decision provided further that any interested party, at the public hearing on the proposal, may question whether sufficient information has been provided to address the review criteria of Section 18.60.030.
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18.60.040 CRITERIA FOR CONCEPTUAL REVIEW AND PRELIMINARY APPROVAL.

No application for Preliminary Approval shall be approved unless it meets the requirements of this section. No development pursuant to an approved PRD shall be undertaken unless it meets the requirements of county and state laws and ordinances pertaining to such development.

A. General Criteria

The proposed development should advance the following general objectives:

1. Preservation of important prime agricultural areas, priority habitat and important natural ecosystems, historical resource, and other significant areas.

2. Preservation of natural areas, undeveloped areas, and related natural recreational opportunities.

3. Minimizing of impacts to the existing County infrastructure. Arrangements between the project owner and applicable service providing districts and Whitman County will be defined in advance of granting of the Final Design Approval defining the coverage of additional services and costs generated by the Development. Such services would include but are not limited to: Fire Protection and Management, Emergency Medical Services, Security Systems, and schools.

4. Minimizing of impacts to surrounding and adjacent properties, land areas, and water bodies.

5. Utilization of design methods which help to preserve important environmental aspects of the site and minimize impacts to the site and surrounding areas.

6. Development and utilization of appropriate architectural design standards which provide guidelines to ensure a design aesthetic that is harmonious to the landscape and surrounding areas.

7. Development shall demonstrate adequate access for emergency services without increasing the cost or liability to the county for road maintenance costs.

B. Specific Evaluation Criteria

1. Preservation of underlying ecosystem.
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To the greatest extent possible, design in such a manner to preserve the functional capacity of important ecosystems. In environmentally significant areas, this involves preserving important wetlands, priority habitat areas, and undeveloped areas, in areas large enough to provide for the life cycle needs of priority species.

Design in such a manner to cause no negative environmental impacts to surrounding areas including water bodies. Note: A management plan developed by a qualified biologist may be necessary to develop reasonable goals and standards.

2. Preservation of natural features and landscape.
Natural features and landscape shall be preserved in their natural state, insofar as practical, by minimizing tree and soil removal. Removal of any vegetation shall be in keeping with the character of the surrounding land, to protect natural features and views.

3. Preservation of natural recreational opportunities.
The development shall endeavor to preserve or create recreational opportunities in natural areas where appropriate as determined by a qualified biologist.

4. Relationship of proposed buildings to site.
Proposed lots and/or structures shall be placed to relate harmoniously to site terrain and natural features. Placement shall consider spacing, protection of privacy, siting for noise reduction, and orientation to views and vistas, sunlight, and prevailing winds.

5. Relationship of proposed lots and buildings to surrounding area.
Proposed structures shall be placed to provide a harmonious and compatible transition with the surrounding community, existing and proposed land uses, and general development pattern. The transition to adjoining uses and streets shall be provided by native vegetation, undisturbed natural areas, landscape screening, fencing, or other buffering techniques. The compatibility of proposed structures and/or lots shall be achieved by taking into account bulk, scale, orientation, placement, style, design, buffering, and view obstruction.

Architectural and development guidelines should incorporate strategies for resource efficient design including methods for conserving on-site water use, energy efficiency and resource efficiency in building design and construction methods.

7. Driveways, parking, and circulation.

Roadway Widths and Services. Within PRDs, private roadways not intended for dedication may be reduced to twenty (20) feet for one-way traffic or twenty-two (22) feet for two-way traffic providing that the following conditions are fulfilled.

a. There shall be provided, through covenants or other legal means, assurance of permanent maintenance of private streets and parking areas.

b. On-site parking shall be provided which is functionally convenient to planned dwelling units/residences.

c. Emergency access standards are described in the Uniform Fire Code.

Roads will be constructed to Whitman County minimum requirements as per the County Engineer, as per the Interim or Draft Standards, or as per adopted standards, whichever is applicable at the time of submittal.

9. Surface and groundwater.

Special attention shall be given to proper site surface drainage so that site drainage will enhance groundwater recharge and not adversely affect downstream properties and the site.

10. Utility service.

Wherever possible, electric, telephone, and other utility lines shall be installed underground. Any other utility installations remaining above ground shall be located and screened so as to have a harmonious relation to surrounding properties and the site.

11. Recreational facilities.

Community facilities, clubhouses, beaches, swimming pools, exercise pathways, tennis courts, walking and horseback riding trails, and other such special recreation features are acceptable uses within the PRD. Any structures or facilities shall be discouraged from being placed along or facing street frontages and shall be subject to such setbacks, landscaping, screen plantings or other
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screening methods as shall reasonably be required to ensure a harmonious transition with the existing or planned land uses and surrounding properties.

12. Fire-Resistive Design
Site design and architectural codes for site buildings shall incorporate design measures to aid in fire resistive design. For example, methods should include site design measures such as planting of low-growing, native species that are less flammable; providing good access for emergency vehicles; providing on-site fire management system; use of non-combustible roofing materials, and interior methods such as utilization of sprinklers for fire control.

C. Specific Design Criteria

1. Permitted Uses:
   a. Single family residential dwellings.
   b. Single-family recreational or part-time dwellings.
   c. Buildings that are accessory to the above uses.
   d. Community oriented buildings including community centers, cultural centers, retreat centers or facilities.
   e. Service oriented facilities including utilities structures, storage buildings, garages for emergency equipment and related maintenance buildings.
   f. Certain home based businesses that allow residents to work out of the home. Businesses that require a violation of other permitted uses are considered as a conditional use. Homeowner's covenants are required to define parameters of home-based businesses.
   g. Small recreational buildings including facilities for tennis courts, swimming pools and pool houses, boat houses, park shelters and small boat storage structures, and animal barns.
   h. Uses associated with natural and undeveloped areas including parks and protected habitat areas, such as walking and horseback riding trails.

2. Allowable Uses:
   a. Limited commercial uses including small convenience stores.
   b. Service oriented uses including schools, churches, etc.
   c. Temporary structures such as mobile homes for construction crews.
   d. Overnight accommodation facilities for rental purposes including small townhouses, bed and breakfast facilities, or small hotels.

3. Excluded Uses:
   a. Mobile homes except as allowed in (C)(2)(c) above.
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b. Trailer Parks and Recreational Vehicle Parks.
c. Industrial Uses.
d. Golf Courses.

The average density shall not be more than one (1) unit per twenty (20) acres. Overall average density is determined by dividing the number of units by the entire area.

5. Minimum Project Size.
Minimum site area for a PRD project shall not be less than two hundred (200) acres.

Lot size will vary depending on the individual site characteristics and overall project concept.

7. Setbacks.
Residential structures and primary community and support buildings shall be setback a minimum of 200 feet from site property lines on those sides adjacent to agricultural uses. Additional buffer areas on property boundaries adjacent to agricultural uses are encouraged.

8. Project Covenants, Conditions and Restrictions.
At the Preliminary Approval phase, the owner/development team is required to submit as part of the Project Information package, a document summarizing priority covenants, conditions, and restrictions.

At the Final Design Approval Stage, the owner shall submit as part of the package, the completed set of documents defining Covenants, Conditions and Restrictions, along with description of the rules and operations of the Homeowner’s Association. In addition, a Site Management Plan describing maintenance of the natural areas of the site shall be provided.

The Owner/developer shall demonstrate to the satisfaction of the Planning Commission, the ability to carry out the management of the project as described within the various project guidelines and Covenants, Conditions and Restrictions for the project.

D. Planned Residential Development Standards
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The following minimum requirements apply to PRDs. Applicant may be required to provide analysis, by professionals with documented expertise, of the following items:

1. Soils and Geology.
The PRD application shall show that the development has been planned so that the improvements will not be subject to geologic hazards or soil conditions that would damage such improvements or cause environmental degradation.

2. Drainage. The PRD Master Plan shall show that the development has been planned so historical surface flow patterns (100 year floodplain if known) and runoff amounts will be maintained in a manner that will preserve the natural character of the area and prevent property damage of a type generally attributed to increased runoff rate, velocity increases, unplanned ponding, or storm runoff.

3. Erosion.
The PRD Master Plan shall indicate areas of the site where slopes are greater than 30% and/or are highly erodible as determined by Soil Conservation Service Soils Capability Rating. The erosion plan shall include road systems and shall show that the development has been planned so that a minimum amount of natural vegetation and soil cover is disturbed, that adequate provision is made for recontouring and soil stabilization and that cuts and fills are designed to minimize erosion.

See related requirements for an Erosion and Sediment Control Plan for Final Design Approval in Section 18.60.080(C)(11).

4. Waste Treatment.
PRD applications shall show that on-site sewage treatment systems are adequate to accommodate the volume and composition of sewage expected to be generated by the proposed use, that the on-site sewage disposal system will be properly maintained and designed to prevent overloading or any other failure which could cause the discharge of inadequately processed effluent into the environment. On-site sewage disposal shall meet the Whitman County regulations and standards for waste treatment, the Washington State Department of Health and the Washington State Department of Ecology standards.

5. Wildlife.
PRD applications shall show that the development has been planned, in conjunction with the Washington State Department of Wildlife, to mitigate significant adverse impact on wildlife habitat including but not limited to deer wintering areas, migration corridors, fawning sites, nesting grounds, breeding areas, and other significant wildlife habitat areas.
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6. Archaeological and Historical Features.
PRD applications shall show that any development located on or near a historical or archaeological site is consistent with and would not destroy or have an adverse affect on the historical or archaeological site.

7. Critical Areas.
The PRD application shall show that Critical Area Ordinance requirements have been addressed and that areas designated as Critical Areas are protected within the development.

8. Aquifer Recharge
The application shall provide evidence to demonstrate that the proposed development does not interfere with aquifer recharge on the site and complies with requirements of the Aquifer Recharge Ordinance of Whitman County.
Note: See additional Standards in Application for Final Design Approval, Section 18.60.080.

An arrangement between the project owner service providing districts and Whitman County will be worked out in advance of granting of the Final Design Approval defining the coverage of additional services and costs generated by the Development. Such services would include but are not limited to: Fire Protection and Management, Emergency Medical Services, Security Systems, and schools.
See Final Design Approval, Section 18.60.080 C.16 for more information.

The above review criteria shall be in addition to any standards or requirements established by applicable state and county laws or ordinances. They are not intended to be absolute in nature or to discourage creativity and innovation. The Planning Commission shall have the authority to modify standards contained within criteria as may be found necessary. However, said modifications shall be made only to ensure that the proposal is adapted to any unique or special site feature and is compatible with surrounding land uses.

18.60.045 CONCEPTUAL REVIEW.
The Conceptual Plan Review Phase entails an administrative review by the Planning Director, (County Planner) and the Planning Commission (at the discretion of the applicant). The Review phase provides an opportunity for feedback and recommendations by the Planning Director, the Planning Commission (at the applicant’s option) and reviewing agencies including the County Department of Health and State Department of Ecology at an early state of the project development. It is understood that additional information is required for evaluation to meet the criteria for the subsequent Preliminary and Final Approvals.
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18.60.050 APPLICATION FOR PRELIMINARY APPROVAL.

The Application for Preliminary Approval requires further development of the Master Plan in more detail, additional site and environmental information, summary of expected project impacts. In addition to those elements outlined in Requirements for Conceptual Approval (18.60.030), the following items will be required:

A. Location of any major physiographic or other natural features, such as drainage ways, wetlands, steep slopes, shorelines, and/or other development-limiting overlay zones.
   
   To more clearly show environmental attributes of the site, an overlay or overlays of the topographic site map shall illustrate environmentally significant features of the site including priority habitat areas, wetlands, streams, shorelines, recommended buffer areas, nesting sites, recommended wildlife corridors and other important features. Note: An overlay illustrating important native plant associations is recommended at this stage and will be a requirement for Final Design Approval. See 18.60.080(C)(10).

B. Any existing drainage patterns and systems and the nature and location of proposed temporary and permanent storm water and drainage systems or description of storm water systems to be employed. (Final Design Approval Application will contain detailed description and location information.)

C. An approximation of the percentage of proposed paved or other impervious surfaces, natural areas, wetlands, steep slopes, or other development-limiting overlay zones, recreation areas, and total area of the site.

D. A map showing location of all anticipated uses and zones of the site including natural areas, recreational areas, trails, community buildings and uses, amenities along with location of natural site features including wetlands, habitat and buffer areas.

E. Summary of additional Site Studies and Project Reports. In addition, a report summarizing anticipated environmental impacts as outlined in the Environmental Checklist.

F. Visual studies or sketches illustrating architectural standards along with conceptual renderings of proposed primary project buildings or typical buildings.

   Further development of Architectural and Development Guidelines.

G. Any information previously submitted during a Conceptual review, such as the list and map of land owners within one (1) mile of the exterior boundary of the
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Proposed PRD, needs to be updated by the applicant if there have been changes.

H. The applicant shall agree to provide public access or to acquire and provide public access on-or-off-site to the public water body associated with the proposed PRD. This public access land is to be offered to a State Agency or Whitman County. If the dedication of this public access is accepted, the appropriate ownership conveyance documents shall be filed along with the filing of the Final Plat.

I. If required, compliance with WCO 19.10.110.

18.60.060 Preliminary Approval.

A. Prior to the Preliminary Approval public hearing, legal notice as prescribed in the Whitman County Zoning Ordinance, Section 19.04.040 (2) [published legal notice requirement] and Section 19.06.040 [written notice via USPS mail] shall apply, except that written notice shall be sent to all landowners within one (1) mile of the exterior boundary of the proposed PRD parcel.

B. At the public hearing, the Planning Commission shall consider all relevant evidence to determine the adequacy of the preliminary plan, compliance with WCO 19.10.110, together with any information developed as part of the SEPA review of the proposal, and any input received from reviewing agencies.

When in the opinion of the Planning Commission, the review of the preliminary application indicates the presence of significant adverse impacts, the Planning Commission shall recommend the imposition of conditions, or performance standards designed to mitigate the adverse impacts. If in the opinion of the Planning Commission, impacts cannot be mitigated sufficiently to assure maintenance of the public health, safety and welfare, and/or the applicable comprehensive planning goals are not met, they may recommend disapproval of the application. The Planning Commission recommendation to the Board of County Commissioners for their Preliminary Approval must include Findings and Minutes. The Board of County Commissioners shall also hold an open record public hearing on this legislative decision. The Board shall then or subsequently decide to approve or deny the PRD.

C. Upon Preliminary Approval of a PRD and Special Conditional Use pursuant to WCO 19.10.110, the approving authority, the Board of County Commissioners, shall affix their signature(s) in an appropriate place on the plan, along with a brief statement that the authority has granted Preliminary Approval of the PRD, referencing any conditions of Final (Design and Project) Approval, if any, and the date of the approval.
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18.60.070 LIMITATIONS AND CONDITIONS.

The approving authority shall have the authority to place on any PRD granted preliminary approval, appropriate limitations and conditions to insure that the development is consistent with applicable ordinances, plans, and policies of Whitman County and to carry out the recommendations of the Planning Commission or reviewing departments as applicable.

18.60.080 APPLICATION FOR FINAL DESIGN APPROVAL.

A. Two (2) copies of the Final Planned Residential Development Design Application package shall be submitted to the Planning Department for approval.

B. The PRD plan shall be plotted in permanent black ink on one (1) or more sheets of mylar capable of reproduction, 24" by 36" in size, and bearing the information listed below unless specifically waived by the approving authority at the time of preliminary approval. (NOTE: Site plan may be of a larger size to accommodate a readable scale.)

C. The PRD plan shall contain updated versions of all information contained in the Preliminary Application with additional information provided as follows:

1. The legal description of the land contained in the Planned Residential Development;

2. The boundary lines of the PRD and any lots within it showing the full extent of the parcel from which the PRD is to be segregated;

3. The length and bearing of PRD boundary lines and lots, if applicable;

4. The location of monuments or evidence used as ties to establish the PRD boundaries;

5. The location, dimensions, and auditor's file number of all easements and/or private rights-of-way within or adjoining the planned residential development and the purpose thereof, together with the names of all public rights-of-way within or adjoining the PRD;

6. The location of all approved improvements, wetlands, priority habitat, natural areas, steep-unstable slopes, and other development-limiting overlay zones within the PRD;

7. Tabulation of the area (in acres) of various uses contained within the PRD, including common areas and community buildings and services, roadways,
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individual home sites, natural areas, dedicated habitat or park areas, community trail system, and recreational areas;

8. Typical building elevations of common buildings, along with program description including building areas and uses;

9. In separate document, summary version of architectural and development guidelines for project describing common design standards for all building and site development, and maintenance standards for the project. Architectural guidelines will include acceptable design methods and materials, construction standards and methods, and design review process.

10. A landscape plan, drawn to scale, showing community area, pathways, or other recreation area, significant landscape features and vegetation on the site, and the location and design of landscaped area, the types, and other pertinent landscape features and irrigation systems required to maintain trees and plant materials. As a prerequisite to detailed site planning and engineering, an overlay locating significant native plant associations is required for Final Design Approval. The plan(s) for Final Design Approval shall be in a scale appropriate to the area shown. For example, areas to be developed more intensely should be shown at a larger scale than a general site plan illustrating natural areas of the site.

11. General grading and drainage plans for the PRD along with plans for the storm sewer system. In addition, an Erosion and Sediment Control Plan will be required. The intent of this plan is to prevent runoff from the site draining directly into adjacent water bodies and to minimize erosion and sedimentation from the site.

12. Plans illustrating location of utilities for the site, including placement of water, and waste treatment systems.

13. Restrictive covenants that are to be recorded with respect to property included in the proposed PRD. In addition, description of Homeowners’ Association and rules for enforcement of restrictive covenants.

14. A Habitat Management Plan for the site describing measures to ensure protection of sensitive areas of the site. Plan should also describe goals for coexistence with wildlife on the site, and measures to monitor and achieve stated goals. The Plan shall be developed with the input of a qualified biologist.

15. Owner’s consent and acknowledgment of the Planned Residential Development, signed by the owners of the property.
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16. A Fire Management Plan shall be included which describes the fire prevention and control measures designed into the project, and the methods for covering costs and logistics.

17. A Plan describing Security systems and measures for the project.

D. Such documents or other information as may be required to demonstrate compliance with and/or satisfaction of all terms and conditions of preliminary approval. These documents shall be recorded along with the PRD when appropriate;

E. A current plat certificate showing all ownership interests in the subject property; and,

F. Final approval of the County Engineer, Building Official, Fire District Chief, Health Officer and Planning Director.

G. Planned Residential Development Standards: For Final Approval, the applicant shall be required to show compliance with the following items, and may be required to provide analysis by professionals with documented expertise, of the following items:

1. Water Availability.
   For Final Approval, PRD applications shall submit a report to show that adequate water exists to support the proposed development. The applicant shall comply with requirements of Whitman County Department of Health on water availability and water quality issues.

   If required, an approved Water Right Permit must be obtained for applicable withdrawals as defined by the State Department of Ecology. The applicant shall comply with the requirements of Whitman County Building and Fire Codes.

2. Agricultural Compatibility.
   The Planned Residential Application shall address issues of compatibility with surrounding area uses as well as potential conflicts that may arise as a result of the development.

   PRD Applications shall show that the development has been planned to minimize the loss of the lands within the proposed PRD that are designated agricultural land of long term commercial significance. To ensure proper management of marginal agricultural lands dedicated as common and a management plan shall be incorporated into the homeowner’s covenants. The Plan shall also address proper maintenance of buffer areas bordering agricultural uses.
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PRD applications shall show that design and construction standards will minimize the aesthetic impact of the proposal on the site. The application shall also describe what steps are being taken to maintain integrity of the terrain (native vegetation, planting, streams) and to maintain architectural and building clusters compatible with the surrounding area.

4. Reduction of Non-Conforming Uses.
The PRD Master Plan shall show that the development will result in the upgrading or elimination of existing non-conforming uses and structures which occur on the subject property. (Structures or building designated as historical by State of Washington may be granted a waiver of this provision by the Planning Commission.)

18.60.090 COMMUNITY AREA.
A. Any natural or developed areas and/or recreation areas may be designated as community area on the Planned Residential Development Master Plan.

B. No areas may be accepted as community area under the provisions of this chapter unless it meets the following standards:

1. The location, shape, size, and character of the community area must be suitable for the PRD.

2. Community area must be used for amenity or recreational purposes. The uses authorized for the community area must be appropriate to the scale and character of the PRD considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

3. Community area must either be suitably improved for its intended use or suitably reserved and protected from development. The buildings, structures and improvements which are permitted in the community area must be appropriate to the uses which are authorized for the community area and must conserve and enhance the amenities of the community area having regard to its topography and unimproved condition.

C. All land proposed as community area must be established and conveyed under one (1) of the following options:

1. It may be conveyed to a public agency that will agree to maintain the community area and any buildings, structures, or improvements which have been placed on it; or
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2. When no maintenance of the community area is required, it may be conveyed to all new owners in undivided joint ownership; or

3. When maintenance of the community area is required and the applicant does not propose to remain responsible for maintenance, then a homeowners' association or similar organization shall be established by covenant for the maintenance of the community area. Membership in the association or organization and dues or other assessment for maintenance purposes shall be mandatory. Noxious weed control is the responsibility of the applicant until a homeowner's association is formed.

D. The community area must be subject to covenants approved by the county which restrict the community area to the uses specified in the PRD application and which provide for the maintenance of the community area in a manner which assures its continuing use for the intended purpose.

E. Community area may not be put to any use not specified in the application unless the PRD has been amended by Whitman County to permit said use. However, no change of use so authorized may be considered as a waiver of any of the covenants limiting the use of community areas.

18.60.100 FINAL PROJECT APPROVAL.

A PRD shall not be deemed finally approved until:

A. A copy of the application with the signature and statement of the approving authority is filed by the applicant with the planning department, building department, engineering department, and health department.

B. Any land restricted as community area is recorded with covenants through easement or other conveyance by the applicant with the county auditor, together with an adequate legal description of the community area.

C. All site and off site improvements required as a condition of preliminary PRD approval are completed or, at the discretion of the Board of County Commissioners by recommendation of the planning director and county engineer, are bonded for.

D. The boundaries of the property and lots created therein, if any, proposed as shown on the PRD shall be shown on a survey made by a registered land surveyor or under his direction, in conformance with legal requirements pertaining to surveying.
Proposed Subdivision Ordinance amendments regarding Agricultural District rural residences and correcting some Cluster Residential District needed changes, for Board of County Commissioners public hearing April 17, 2007. Language to be deleted shown as strikethrough, like this: new language in bold like this.

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E. The boundaries and locations of all parcels dedicated to the public or reserved for community use, and all conservation easements.

F. A certificate of title showing the ownership and title of all interested parties in the Planned Residential Development shall be submitted to the planning director. The certificate shall be dated not to exceed thirty (30) days prior to the time of submitting the plat for final approval.

1. Necessary certificates and declarations, including:

   a) Surveyor Certificate
   This map correctly represents a survey made by me or under my direction in conformance with the requirements of Whitman County and the Washington State Survey Recording Act, in the month of __________, 20_____.

   ____________________________
   Signature and Seal Certificate Number

   b) Owner's Consent and Acknowledgment
   Know all men by these presents that the undersigned applicant(s) hereby certify that this Planned Residential Development is made as his/their free and voluntary act and deed.

   ____________________________   ____________________________
   Owner's Signature date                   Owner's 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 owner’s certificate, and that they signed the same as their
   free and voluntary act and deed in witness thereof, and date above written.
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Notary Public in and for the State of Washington
Residing at _______________________________
My Commission expires ___________________.

c) Health Official’s Approval:

Examined and approved this ___ day of ___, 20___

d) County Engineer’s Approval:

Examined and approved this ___ day of ___, 20___

e) Assessor’s Certificate:

The parcel(s) of land shown hereon is/are assessed to ________________

______________________________________________________.

f) Treasurer’s Certificate

All taxes levied which have become a lien upon the lands herein described have been fully paid and discharged according to the records of my office, including taxes for the current year, _____, advance tax for year _____ plus 25% have also been paid.

g) Planning Commission Certificate

The PRD Plat as shown is consistent with the Preliminary Approvals that were examined and approved by action of the Whitman County Planning Commission at a regular meeting, with a Quorum Present, this ___ day of ________________, 20___

__________________________________
Chair, Whitman County Planning Commission

h) Board of County Commissioners approval

This Planned Residential Development conforms to the requirements of the Planned Residential Development as established by chapter 18.60 and 19.10.110, Whitman County Code, and is hereby approved this _____ day of ____________, 20____.

______________________________
Chair, Board of County Commissioners
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Member, Board of County Commissioners

Member, Board of County Commissioners

G. The Final PRD, incorporating any conditions of Preliminary Approval, is filed for record with the county auditor.

The procedure for recording is as follows:

1. Upon approval of a Final PRD, the Planning Director shall forward the original and one (1) paper copy of the plan and associated documents to the auditor for recording.

2. Upon receipt of an approved final PRD, the auditor shall record the plan and associated documents and place the original in the appropriate volume of plats. Following recording, the legal description of each lot or reference for each building, in a PRD shall be known as:
   The Legal Filing has an Auditor's certificate, and
   the reference is to plat book or computer.

18.60.110 DEVELOPMENT IN CONFORMITY WITH PLANNED RESIDENTIAL DEVELOPMENT.

Where the approving authority approves a PRD, any and all development and use of the land to which the PRD pertains shall be in conformity with the PRD as finally approved. Further, no development pursuant to an approved PRD shall be undertaken without meeting the requirements of Whitman County pertaining to on-site waste disposal, land development, and water standards.

18.60.120 AMENDMENTS AND MODIFICATIONS TO DEVELOPMENT PLAN.

A. An approved PRD may be amended by the same procedures provided under this chapter for the original PRD approval. For purposes of this chapter, amendment shall include changes in building layout, type or size, changes to community area, or improvements thereto, modifications of conditions of approval and changes in approved uses; provided that changes that comply with all previously imposed conditions of approval shall not require a PRD amendment unless (a) major alterations in building layout, circulation, project phasing, building type or size are proposed, or (b) the changes may generate environmental impacts not considered in the previous PRD approval.
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B. Major Modifications.
Application for major modifications of the final design approval package plan must be submitted to the Planning Commission, hearings held, and recommendations made and referred to the Board of County Commissioners for approval.

C. Minor Modifications.
Minor Modifications in the final design approval package plan may be approved by the Administrator (County Planner). Such changes may including minor shifting of the location of buildings, proposed streets, public or private ways between the easements, parks or other features of the plan, but shall not include those changes in exterior boundaries, changes in land use or other changes of location of specific land uses or changes that impact previously identified buffers to priority habitat or species.

Minor Modifications to the language or content of this document may be approved by the County Planner (Administrator).

18.60.130 EXPIRATION OF PRELIMINARY APPROVAL.

A. Preliminary Planned Residential Development Approval shall expire if a complete application for Final Design Approval is not submitted and accepted for approval within five (5) years of the date of the Preliminary Approval of the proposed project, or first phase of such project if a project phasing schedule has been approved for a PRD, or within one (1) year if processed administratively.

B. An applicant who files a written request with the approving authority at least thirty (30) days before the expiration of the Final Design Approval period shall be granted a single one-year extension. However, said extension may be granted by the approving authority only upon a finding that the applicant has attempted in good faith to complete the final PRD within the designated period.

C. In the event that judicial review or quasi-judicial review of preliminary approval or amendments to Preliminary Approval is sought, the applicant may file a written request with the approving authority to extend the herein above stated final PRD approval deadline. The request must be filed at least thirty (30) days prior to the expiration of the original deadline. For the extension to be granted the applicant must demonstrate that judicial review or quasi-judicial review prevents the timely completion of the project and fulfillment of conditions required by the approving authority.

18.60.135 FINAL PROJECT APPROVAL -- ACTION OR NON-DEVELOPMENT.
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If, within ten (10) years after the granting of Final Project Approval of a PRD building permits have not been issued for the first phase of the approved project, the Planning Commission shall review on its own motion the grant of such planned residential development at a public hearing after giving appropriate written notice of such hearing to all persons claiming any right, title or interest of record in and to the affected property and adjacent property owners.

The Planning Commission shall determine whether the continued existence of the planned residential development is in the public interest, and such determination shall be based on the criteria specified within this document. The Planning Commission shall adopt a motion by a majority of its voting members which shall recommend to the Board of County Commissioners that the final planned residential development be continued or extinguished.

18.60.140 FEES.
The required fees shall be paid to each department in accordance with their adopted fee schedules.

18.60.150 ENFORCEMENT.
Any PRD approved under this chapter and its requirements shall be legally enforceable on any subsequent purchaser or other person acquiring ownership of the land subject to the PRD or any lot, tract, or parcel of such land, as well as on the applicant(s) and owner(s) of the land who obtained PRD approval.

18.60.160 PENALTIES.
Any violation of a PRD approved by Whitman County, or any sale, lease, transfer, gift, or other conveyance of a lot, tract, or parcel in violation of a PRD approval, or any other violation of the provisions of this chapter shall be considered a violation of the County Subdivision Ordinance Sections 18.32.010 and 18.32.020.

18.60.170 SEVERABILITY.
A. If any provision or provisions of this chapter or its/their application to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision or provisions to other persons or circumstances shall not be affected. Revised 05/03/04, Ordinance #062507

B. Scrivener’s errors, typographical errors that do not affect the intent or substance of the code provisions or that cause them to be illogical obviously or apparently due to the error, may be corrected by the Planning Director without need for a public hearing by filing the corrections with the clerk of the Board of County Commissioners and filing for
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enactment on the consent agenda of the elected board. Scrivener’s errors are errors of drafting the text of the code that include inadvertent errors of codification, cross-reference, citation to other sections, the index, table of contents, ordinances, laws and office administrative manuals, manuals of practice cited by reference in the code, misspellings, incorrect grammar, punctuation, syntax or ambiguous grammatical structure. Typographical errors are errors of preparation of the text for printing that is typed or set in type that include: inversions of numbers and words, order of words, mispaginated pages, incorrect fonts or styles, inverted, broken or indistinct type characters and upside down typed materials or pages. (Revised 05/03/04, Ordinance #062507)