

**WHITMAN COUNTY
PLANNING COMMISSION
October 3, 2018**

MEMBERS:

Chad Wetzel – Chairman
Brian Davies
Russell Jamison

Keith Paulson
Dave Gibney
Bob Hill

Staff: Alan Thomson, Whitman County Planner; Elinor Huber, Clerk.

Audience: Jan Smith; Arthur Sager; Colene Sager; Linda Hennigar; Larry Fox; Shelley Chambers Fox; Michael Allen; Sandy Passmore; Warren Horton, Ken Duft.

7:04 p.m. – Chad Wetzel opening the meeting. Introductions were held around the room.

MOTION by Keith Paulson and seconded by Bob Hill to approve the minutes of September 5, 2018. Motion passed.

Chad Whetzel – So we are missing the new actions on this. Where shall I put those in? Right now, I would assume before reports?

Alan Thomson – Are you talking about PNW? Under V, down at the bottom.

Chad Whetzel – Oh, okay. so Reports.

Alan Thomson – So, BOA forthcoming hearings, nothing. Forthcoming administrative use permits, the Weiss Tower proposal is still on the agenda and no word from them yet, so we are still on hold with that one.

We have a new one that has come in, that is Sundance South. So, the Evergreen subdivision on the west end of Pullman opposite the Jess Ford. There is a construction site inside the City of Pullman. It's going to be a housing development and it is right next door, just immediately east of the Evergreen subdivision.

The people doing that want to dispose of top soil from that subdivision and put it in a farmer's field in the County, which is right next door to the new subdivision. So, that means an administrative use permit, according to code.

So, we have that permit ongoing right now. It is advertised for public comment. It will go in tomorrow's paper and if no comment is received it is just the same as a conditional use permit, except is it is administrative.

The code, as you know, well, those of you who have been on the Board for a while, you guys created that code so it is a step by step, how they have to do this. Put it in two foot lifts, compact it and eventually it is returned to farmland. So, that is ongoing right now.

Ken Duft – A simple question, please. As it relates to the Weiss tower. Does there exist a sunset provision that would apply here such as it would as ultimately disappear from the agenda if no action is forthcoming?

Alan Thomson – Not by code and not by policy.

Ken Duft – Okay, thank you.

Alan Thomson – Any further questions on the administrative use permits?

Brian Davies – That area out there is so kind of fractured as far as what is in the City and what is still in the County. Where are they putting the dirt? On Meyer's 30 acres, adjacent to them?

Alan Thomson – Yes.

Brian Davies – So that piece is still in the County even though it is surrounded by city?

Alan Thomson – Yes, basically what happened there was, the City at some point in time reached out and took all the businesses on the south side of the road. They didn't want the Evergreen Subdivision so they kind of carved out the businesses and connected them to the City and the roads.

Dave Gibney – And the Evergreen didn't want the City at the time, either.

Alan Thomson – So it is kind of convoluted.

Dave Gibney – But the Evergreen is now in the City because their sewer system went defunct and Evergreen is in the city limits now.

Alan Thomson – When did that get annexed?

Dave Gibney – Oh, twenty years ago. Maybe fifteen.

Alan Thomson – So, that residential subdivision that dirt is going immediately to the west, which is in the County.

Brian Davies – Yes, Ed Meyer, and John Meyer.

Dave Gibney – It's not going to be long before that is brought into the city.

Chad Whetzel – But the dirt will already be there and it will be Pullman’s problem then.

Alan Thomson – Forthcoming variances, none. Update on previous administrative use permits, none.

Board of County Commissioner’s Action, the Bill Swan zone change that you dealt with last month was held on October 1, 2018, and that was granted. So that one went through.

Update on previous Board of County Commissioners’ action, none.

Shoreline of the State Substantial Development Permits, we have one. The applicant David Baumgartner, wants to build a pedestrian bridge over Union Flat Creek which is close to Union Center by the quarry there. It is actually on the Almoda Road. So coming down Hamilton Hill, you hit Union Center, you turn left heading towards Pullman, and almost immediately on the right it is an undeveloped piece of ground that goes across the river.

There is no access to it. They have actually been walking to it and it is actually quite pristine, or driving a 4-wheeler across there. So, they want to build a bridge and that is a Shoreline of the State which requires a substantial development permit. That has been issued by me and it is now in the appeal period, comment period for the State.

They have a 30-day comment period and that probably will not happen if at all, this year. It can’t happen before near the end of this month, before they could actually construct it. But it is just a simple pedestrian bridge.

Planning Commission forthcoming hearings, nothing yet. That is all for reports.

Chad Whetzel – Okay, on to unfinished business. So, at the last meeting we were discussing the PNW facility out there near Dusty, across the highway. Since then, we have had a letter from PNW regarding their facilities and I will read it so everyone is aware of what it says.

RE: Grain Storage Facility; Stay of Proposed Rezone from Agricultural to Limited Heavy Industrial to Allow for a Detailed Conditional Use Permit Review

Dear Mr. Thomson:

Pacific Northwest Farmers Cooperative and McCoy Land Company, LLC (“PNW Farmers”) request that the rezone process be stayed. To address the questions raised at the last Planning Commission hearing, PNW Farmers will submit a conditional use permit application and ask that the process be heard by an appointed hearing examiner.

The CUP process will result in considerably more project detail being submitted to the County, along with additional mitigation, which will be available for public review and comment. Once the final CUP is issued, the rezone application will be withdrawn. With our application materials being completed by mid-October, we expect the CUP process to be completed within the next 90 days.

Please let us know if you have any questions. Thank you.

*Sincerely,
Keith Backer*

Alan Thomson – One comment from Denis Tracy. The reason why he said you should not open up the hearing is because it has never been advertised. That is correct. So we have not advertised that we are going to re-open this hearing.

Dave Gibney – We stated that in the motion.

Alan Thomson – It would have to go through a public advertisement, though.

Chad Whetzel – So it would have to be advertised in the Gazette?

Dave Gibney – It was advertised when we had it last month. This is a continuation of that hearing. The motion was quite clear and we just open it and just close it back up. You don't have to actually take anything, but you can't, the motion was quite clear to a date and time certain which is what a postponement. A postponement indefinitely is a, we're never going to see it again. It's not a book in the rule.

Alan Thomson – Well, for the record, our attorney said not to open it because it has not been made public. It would have to have an advertisement in the paper in order to re-open this. You can make a decision on this letter without opening up the public hearing.

Brian Davies – I was going to ask that. Can we make a decision on the letter and not open the public hearing?

Alan Thomson – Yes, that's what he was telling us. Do not open up the public hearing but you need to make a decision on this letter. If you go and open up this public hearing without having notified the public that we are having another hearing tonight,

Dave Gibney – It's not another hearing.

Alan Thomson – You are opening up a hearing.

Dave Gibney – It is not another hearing. It is the same one that was already notified.

Alan Thomson – And we haven't, well we have told the public basically that this hearing is not going to happen tonight. We are not going to be talking about PNW and the rezone tonight.

Chad Whetzel – My opinion is, if it wasn't properly advertised, if it wasn't, although we did state at the last meeting that this was going to be tonight. It wasn't advertised, then we should discuss nothing on this matter at all, even this letter.

Alan Thomson – No, you have to address this letter.

Chad Whetzel – I'm looking at this from their point of view. They were expecting to have this meeting. Most of the people in this audience, I believe, were probably expecting to have this meeting on PNW because that is what we stated at the last meeting.

So, in my opinion, and if you guys have another one, let me know, but it is not fair to say to them that we can discuss this portion of it but not the portion they were expecting. Even though the advertisement didn't go out but that is not the people that attended last time, it is not their fault.

They are taking time away to come to a meeting. I would be kind of irritated, more than slightly irritated, but it is not their fault for showing up for a meeting that is not going to happen because it wasn't properly advertised.

Alan Thomson – If it is not properly advertised, it can be appealed. That is the issue.

Chad Whetzel – I believe that. That's why I believe that we shouldn't even discuss this letter.

Dave Gibney – If it is not properly opened at the time it was stated it would be, it can be appealed.

Alan Thomson – Okay, one more time and only one more time and I will leave it up to you to decide. Denis Tracy, the Prosecuting Attorney, told me that we should not open up the public hearing. He told me also, we should address this letter. You guys decide, I'm done.

Brian Davies – Can we have discussion?

Alan Thomson – Sure.

Brian Davies – Would that be helpful to us?

Rusty Jamison – It sounds to me that maybe Denis didn't understand that we are not opening up a new discussion. The motion that was made was that we tabled the discussion until tonight. So when we open this meeting we had no choice but to continue on what we were doing last time.

Now, if we choose to close that discussion or table it to another meeting we could do that. But if we're going to do anything with this letter we need to decide whether we are going to use the legal advice or not.

Alan Thomson – One piece of information that you’re not addressing and you might not be aware of, is that there was a public notice put in the Gazette postponing this hearing indefinitely. That was announced to the public. Regardless of what was said,

Dave Gibney – That was not with the authority of this commission.

Alan Thomson – Right. But nonetheless, it was done. That is what Denis Tracy is addressing. There was a public notice saying there was not going to be a hearing on PNW tonight.

Brian Davies – Who put that in the Gazette?

Alan Thomson – That was planning staff. So, regardless of whether correct or incorrect, that is a fact. So the public was made aware that we are not going to continue this hearing tonight. That is Denis’ point. If we were going to, another legal notice would have to be put in.

Dave Gibney – Then we should open it, move to postpone it to a date approximately 90 days out of here from now or whenever that meeting is, and close it and be done with it.

Chad Whetzel – Or we can postpone it until further notice.

Dave Gibney – You cannot postpone a public hearing until further notice. You have to do things, I could be wrong. My understanding of such a hearing is that it has to be postponed to a date and time certain, not to a date and time in the indefinite future which could be decades from now.

Keith Paulson – So, doesn’t PNW say that we expect the process to be completed within 90 days? Can’t we go to the 90-day period?

Dave Gibney – Yes, well, open it up, move to postpone to the planning commission date 90 days plus out of here.

Keith Paulson – But if it is was advertised that there was no meeting tonight, no open forum.

Alan Thomson – That’s the point that I’m struggling with is that the public was made aware that there is not going to be a continuation tonight. So, they weren’t notified.

Dave Gibney – The only purpose of the actual opening is to re-continue it.

Alan Thomson – If you open up the hearing, don’t you open up to public comment?

Dave Gibney – No.

Brian Davies – So, how do we administratively deal with this?

Dave Gibney – Open the public hearing, I move that we postpone to the date of the planning commission meeting at the beginning of February, somebody seconds it, we all say, “I,” and we’re done. That effectively gives them their stay, too.

Alan Thomson – Okay, if that is what the planning commission wishes.

Russell Jamison – Are you okay with that?

Alan Thomson – Well, I told you I was only going to make one last attempt. I made that attempt, now it is up to you. It is your decision.

Keith Paulson – I guess I am a little concerned about opening it when our prosecuting attorney says don’t. So, he is a little bit more,

Dave Gibney – I don’t see how we can make a decision on anything if the matter isn’t open before us. The decision has to be part of the hearing and we actually did close the comment portion of that hearing. But if you want us to formally say yes, we agree with the stay. The only other alternative is to flat out reject it or to postpone to a date and time.

Alan Thomson – Another part of Denis Tracy’s comment was that if you are making a decision on this PNW, say you did not approve to send it over to the BOCC, you can’t do that either. You have to make a public announcement to have that decision made. The only decision tonight would be to address PNW’s request. You can’t make any other decision on this without public involvement without advertising.

Chad Whetzel – I guess, what was the advertisement? I didn’t see the paper this week. I haven’t read through it. My concern is what trumps what? We postpone a meeting tonight but then the paper says it’s not going to happen. Which one is,

Alan Thomson – So, think about the record. You are in front of the Judge. That advertisement comes up. The public has been notified that there is no hearing tonight. Then you open the hearing.

Dave Gibney – Think about the Judge. We were not in a formal hearing and we made a decision.

Alan Thomson – If you open the hearing you are in a formal hearing.

Dave Gibney – But if we make a decision without doing that, without it being a part of the process,

Brian Davies – But we have it on the agenda.

Dave Gibney – Okay, so hypothetically we decide that we don't want to grant the stay. Where are we then?

Alan Thomson – Well if that's the case, and I did ask Denis specifically that, you would have to advertise that we are going to re-open the hearing on such and such a date, to give the public enough time to respond, so at least 12 day time period.

Dave Gibney – So, you're really saying let's do what I'm trying say let's do. We have to say such and such a date. If we put that date within the time frame that is being requested that they anticipate finishing, we are effectively agreeing to their stay. We're effectively keeping our continuity of the hearing going. The opening of the public hearing does not say that you also open it to public comment right at that meeting.

You formally open the hearing on the matter, you move to postpone the hearing and you say that there will be public comment at the next time or not. We open the proceedings, we move to postpone to this specific date and we're done.

Alan Thomson – I'm not an attorney and I don't play one on TV. So, your decision.

Chad Whetzel – I know that as the planning commission it is us but Staff is part in some respects of the commission. The hard part is we verbally said this is what we agreed to do.

Dave Gibney – No, we didn't just verbally say it we moved it in a motion and we put it in the minutes.

Chad Whetzel – So, it is written and that is what we agreed to do. Then we turned around and without the commission's knowledge and it was tabled without our input. So, if this does go to court, if it were to go to court, where are you at? We have two competing ideas with two different people saying different things. I don't know the answer. That's what I'm struggling with right here.

Alan Thomson – I'm going to leave it in your hands. You decide.

Brian Davies – I think that it is obvious there was an advertisement made so we can't, the fact that there was something published in the paper of record for the County carries quite a bit of weight. So, we should not re-open the public hearing. I think we should just move ahead with the new business of discussing the letter and its implications and act on it.

Dave Gibney – I'm going to agree with Chad. We should just move on to Chapter 19.05 and be silent.

Chad Whetzel – The way I'm looking at this is part and parcel to the last meeting. I don't feel that we should be discussing any of it if we can't open the meeting. Basically, this never happened.

Rusty Jamison – Could you read the motion back to us so we are very clear exactly what the motion is recorded?

Dave Gibney – Its right here.

Russell Jamison – Let the chairman read it.

Chad Whetzel – The motion was, *“Motion by Matt Sutherland and seconded by Keith Paulson to continue this hearing on October 3, 2018, at 7:00 p.m. at this location. Motion passed.”*

Russell Jamison – Okay, so in effect when we opened the meeting, we did not open the hearing or we are going to decide whether we open the hearing based on that motion?

Brian Davies – So, we have to say, *“We are going to now open.”*

Russell Jamison – Okay, I understand.

Chad Whetzel – That’s where we are at.

Russell Jamison – I understand, the motion was clear. Now, exactly what was in the news? I didn’t read it.

Alan Thomson – *“This hearing is postponed until further notice.”*

Russell Jamison – Okay, so it does contradict completely.

Alan Thomson – You have to do something here.

Dave Gibney – I believe you will find the procedural laws don’t allow you to postpone until further notice without also, I think you might find the State RCW.

Chad Whetzel – So, I guess in light of all that I would entertain a motion to postpone this to a specific time.

Alan Thomson – Wait a minute. Are you opening up the hearing?

Chad Whetzel – We talked about it. No, I guess you are right.

Dave Gibney – I think we just, somebody needs to go talk to Denis Tracy again and say that you have a conflict here. The action that was stated and another action was put in the paper and it is, I don’t think you can legally postpone anything to a time unknown in the future that could be decades or centuries from now. There has to be a time certain.

Alan Thomson – So, what I think I hear you saying is that that nullifies that public notice. Because what was said and agreed by the Planning Commission on September 5th, you said you were going to open it up again right now, today.

David Gibney - I don't think we need to take any further action other than just postponing it again to a specific time in the future. I think we,

Chad Whetzel – If we don't open the meeting we can't even do that.

Keith Paulson – It got taken out of our hands when it got printed in the Gazette.

Dave Gibney – It got taken out of our hands by actions not even for the chair of the commission.

Keith Paulson – So how can we open it up?

Alan Thomson – Basically what you are saying is that that notice was not done properly and therefore your motion still stands. Take the plunge.

Chad Whetzel – I see someone in the audience. Please come up and speak in the microphone so we can get it on record.

Larry Fox – I'm from an unincorporated portion of Whitman County. My suggestion is to ask the Staff to retract the notice in the Gazette. Have it published as a retraction and then go ahead and follow Mr. Gibney's suggestion of calling a motion. So, things appear in the newspaper and they are often retracted.

So, there was an error, you retract it, you announce it and then you can still carry on with discussion and opening the motion to then stay or table the motion further. So, in actuality you have accomplished everything without any procedural letters. Just a suggestion.

Alan Thomson – Are you an attorney?

Larry Fox – Do I look like one? My hands are not in my pockets, or anybody else's.

Dave Gibney – So, our normal meeting in January would be the 2nd. Are we going to meet the day after New Year's? Are we going to be,

Alan Thomson – How about February?

Dave Gibney – That would be the 6th of February. That is almost 120 days or so.

Chad Whetzel – The only other concern at least from my point of view, the weather can be pretty nasty getting in. I guess they can submit letters if they would like to, and given enough

due notice, people could probably do that. But in January and February can be a real push. I have driven that section from Dusty to SR 26 to know that isn't always fun.

Alan Thomson – The purpose of doing this is that maybe it is not going to be necessary to open up this zone change hearing again, because they are going apply for a conditional use permit.

Brian Davies – They are going to do a whole different process.

Alan Thomson – Absolutely, a whole new process with a CUP and this is just in case something goes wrong with the CUP process.

Brain Davies – So they want to hold their place. Nothing more than just a place holding.

Alan Thomson – The zone change may be withdrawn when and if they ever get a CUP.

Dave Gibney – By keeping us in abeyance we are still also in the no exparte quasi-judicial situation.

Alan Thomson – Yes, it is still open.

Dave Gibney – I don't think we can do anything but open it long enough to postpone it to another time. Because you did do the notice and they have asked this.

Chad Whetzel - And according to, although I rarely like doing this, we are not required to take public testimony. Ninety-nine percent of the time you would be a fool not to, but in something like this where we just open it, close it.

Alan Thomson – Just state for the record that the purpose of opening it is to address this letter and only to address this letter. Make a decision and then close.

Chad Whetzel – I don't think it's,

Dave Gibney – We are doing the equivalent of honoring the action requested but I'm not saying I'm going to do it.

Brian Davies – What about the people in the County that are interested in this? Don't we need to let them know the content of the letter or why the letter was written?

Alan Thomson – The letter has been made public. It is on the website. It is open to anybody who wants it.

Chad Whetzel – I read it into the minutes.

Brian Davies – So, the community of Dusty is aware that this whole thing has been shut down?

Alan Thomson – I gave this information to the Dusty attorney and some other people whose email addresses I had in the Dusty area. This is very public.

Brian Davies – So the news has probably gotten out to the public and in the community that their request for a stay and they will look at another avenue.

Alan Thomson – Right. It is in the newspaper as well. Tomorrow, or if you have an advanced copy, tonight. Garth has written a story.

Brain Davies – As long as the public knows what is going on.

Chad Whetzel – Well, then we will open the meeting on McCoy Land Company and, or the public hearing, excuse me, I don't have all the information in front of me.

Dave Gibney – So, Mr. Chair, I would move that we postpone further consideration of this matter until our meeting on February 6, 2019, at 7:00 p.m. in this room.

Keith Paulson – And the way things have come about, I second the motion.

Chad Whetzel – It has been moved and seconded to postpone this until February 6, 2019, at 7:00 p.m.

Roll Call vote: Dave Gibney, aye, Russell Jamison, aye, Bob Hill, aye, Brian Davies, aye, Chad Whetzel, aye, Keith Paulson, aye. Motion passed.

Chad Whetzel – Okay, we will continue that in February 2019. We will close that.

Alan Thomson – On to less fun things.

Chad Whetzel – Less fun than that? I don't think so.

Alan Thomson – Critical Areas Ordinance. We need to, we are close to having this one prepared to send off so unless you have any more comments, any further thoughts on where we are right now? We have a large document that we have gone over. Do you want to discuss anything?

Chad Wetzel – Do we get the final copy of what we are planning to submit?

Alan Thomson – I sent it. The last one I sent you was the final copy.

Chad Whetzel – I got something but I didn't see the, there are no marks on the actual changes.

Alan Thomson – All the changes we made on in the document.

Dave Gibney – So you sent draft divisions to Chapter 19.05?

Alan Thomson – Yes, all the tracked changes are in there. The last time we discussed this we made some, I had to make some comments to Ecology. I had a conversation with the DOE on it and we, all the concerns that we had the previous time were okayed by Ecology on that phone call with them.

I actually have presented this, so the next step is it needs to go to the Department of Commerce for a 60-day review period before we can actually adopt this. I sent that out to Commerce a couple of days ago. It is going to be reviewed and there could be some other changes going on.

But given the time frame, 60 days with Commerce, then there is a 60-day appeal period that follows that. So, we can't adopt this for 120 days from a couple of days ago. Which gives plenty of time for everybody to pitch in.

So, we've had a couple of comments back from Ecology already, a couple of changes that they wanted and that was just minor details on the setbacks to wetlands. There were a couple of things that were incorrect there. I already have changed that. It really doesn't make any difference, but it is now in that review period with the State. But, do you have anything else that you want to add to that?

Russell Jamison – No, I don't. I mean, until it comes back it sounds like it will be 120 days so basically at that point we will bring it up again and send it on. Isn't that correct?

Alan Thomson – Yes, well there may be some comments between now and then and we will have to adjust and I will keep you apprised of that. If something comes in, I will bring it to you and either Fish & Wildlife, Ecology or the Corps will have some comment on it. If we have to change something and discuss it, then we will do that at that meeting.

Russell Jamison – But you don't need any action tonight?

Alan Thomson – No, no action, what I am asking is do you have any further comments on this? Questions or further comments?

Brian Davies – I don't. I'm ready to hear what the Department of Commerce says about it and Wildlife and Ecology.

Alan Thomson – I went over it thoroughly with Ecology and they liked it. They actually asked if they could use this as an example. So, kudos to you guys. So, that minor change was on the buffer width and the wetland tables. We had 3-4 feet and it should have been 3-5 feet. So that was how minor that change was. So, Ecology noted that and I already changed it. That was the only comment so far but we are only a couple of days into the review period.

So, then the only other thing tonight would be to discuss Chapter 19.05. We have already started discussing that. Remember there were some minor changes done to 19.05. (Alan passed out copies to everyone.)

So, Chapter 19.05 is Administration and Enforcement. From time to time I look at the ordinances and I see something that is not quite right and that is why we are talking about it.

The first change would be under letter “C,” we are adding in *“or his/her designee, shall issue Rural Housing Certificates...”* That is because my assistant issues most of those so I wanted to formalize that in the code so that she or he has the authority to do that.

Further down, *“No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made **and approved** for a rural Housing Certificate...”* That is just further clarifying the meaning there.

Then, *“The final certificate shall be issued in conformity with the provisions of this title.”* ~~upon completion of the work.~~

Brian Davies – Do the provisions of the title say it has to be done at a certain time, with a time frame?

Alan Thomson – *“The final certificate shall be issued in conformity with the provisions of this title.”* It basically is meaning the same thing. The previous statement was *“...upon completion of the work,”* and now we have eliminated, *“...upon completion of the work,”* just to confirm with the code requirements. I didn’t think it was necessary to have that in.

Of course, we are going to complete the work. When we issue the Rural Housing Certificate we have completed the work. As long as it conforms with the provisions of the title.

Then, letter “D,” there was an addition there to Section 19.05.020(I), or is that a one?

Chad Whetzel – It is an explanation mark.

Alan Thomson – It is supposed to be a “1.”

Dave Gibney – There is no “1” over here in 19.05.020. There is an “A.”

Alan Thomson – Right, so there is another correction. It should be an “A”.

So, down to “F.” Since we changed the Critical Area Ordinance it is now Chapter 9. It used to be Chapter 19, so that needed to change and then it is correct citation to the new Critical Areas Ordinance.

Then on Section 19.05.015, A. I am just capitalizing Conditional Use Permit because that is a

formal tittle.

Chad Whetzel – Where are you? It has the capital letters struck, though.

Alan Thomson – So, it is not a formal title. So it shouldn't be capitalized. If it were a particular conditional use permit like 18.01, then that would be capitalized.

Then, down to Section 19.05.020 (A). we talked about this notifying by written notice and the postmark part, which we have changed. So, we are now stating that, "*The applicant shall receive **email notice or written notice of the decision within fourteen (14) days of the date of the application.***" We are striking "postmarked" because now we don't send out by post. Well, we do the affidavit which is new since this was first written.

Chad Whetzel – And the affidavit is, how is that delivered?

Alan Thomson – We still have to send out letters so it is not "returned receipt," anymore. That is the difference. Now we are emailing or written notice by mail but within 14 days. It doesn't have to be postmarked.

Keith Paulson – So you email it and if they don't have email address then you do a written one?

Chad Whetzel – My only concern here is I have dealt with a number of checks for various things and it has taken me up to 6 months to receive from the day the guy sent it in the mail to get from College Place and Moses Lake to my house, which I could have walked there in that amount of time.

Alan Thomson – We normally email.

Chad Whetzel – Right, but there are some people who do not have email. So I'm just wondering if we really should get rid of the postmark? Usually Spokane loses it before it is postmarked.

Brian Davies – Or a written notice. Does written notice cover it?

Alan Thomson – It has to be received. The applicant, I haven't come across an applicant yet that doesn't have an email address. So, I am hoping that doesn't happen, obviously, but every time they all have an email address and that is how we notify them. We very rarely put anything in the mail unless it is the final certificate or CUP, RHC or whatever. We send that by mail, but we are always notifying the applicant by email or a phone call about how things are going.

Chad Whetzel – I don't see that in there. It just says email or written notice.

Alan Thomson - So, if I phone them, I am also emailing them or sending them a letter. So,

informally I am always going to be in touch all the time, or he/she may come in and I tell them that I will have this to you in a certain time frame but formally you shall receive an email or written notice.

Dave Gibney – If you want to fully cover things you would up there in “B” in the Planning Office Duties, make sure that the email address is a part of the public application material. I’m sure it is but then you could codify it. Then you would basically saying you’re not going to accept applications if they don’t have email.

Alan Thomson – Where are you now?

Dave Gibney – Part “B” on page one. You could codify the email address is to be in that application materials.

Alan Thomson – Okay, do you have suggested language?

Dave Gibney – No, I’m fine with the way it is. I’m fine with your written notice until someone says they didn’t get it.

Chad Whetzel – It doesn’t happen very often but it is frustrating when it does.

Dave Gibney – Is it legal to require that an individual making an application to be far enough into the current century to have an email address?

Alan Thomson – We have entered the email address into the application. We didn’t have that before so we have space for it now.

Dave Gibney – If somebody pushed the issue and said that they didn’t have an email address or I don’t want to provide you one, and then they claimed that they didn’t receive the materials soon or approval within the 14 days and they decided to take action against you.

Chad Whetzel – And then their civil rights were violated, I’m guessing? Due process. All of a sudden the mail disappears because there is something better and we have to do this all over anyway.

Dave Gibney – I’m going to turn the implant down.

Alan Thomson – So, Dave, do you want to change anything?

Dave Gibney – No. I really don’t.

Russell Jamison – Do you need us to approve this?

Alan Thomson – No, we need to take this to a public hearing. So I’m just getting your feedback

right now and if you are okay with this, I will organize the public hearing for next month.

So, that covers that one and that is all the business for tonight.

Brian Davies – So, we take public comment?

Alan Thomson – On what?

Brian Davies – I don't know. I'm used to planning commission meetings where no one shows up except the commission members. So, when I see ten or so members of the community, I'm wondering why they are here.

Alan Thomson – We don't have a hearing or a meeting organized for public comment.

Chad Whetzel – Right, and unfortunately as much as I dislike ignoring people.

Dave Gibney – If they were here to talk about the pending matter in Dusty, it has been postponed and you can't talk about it. We actually can because this is an open meeting but probably better we don't.

Chad Whetzel – So, on that note, we have nothing further?

MOTION by Bob Hill and seconded by Brian Davies to adjourn. Motion passed.

7:57 p.m. – Meeting adjourned.

