

**WHITMAN COUNTY
PLANNING COMMISSION
ZOOM Workshop
March 16, 2022**

MEMBERS:

Chad Whetzel, Chair
Dave Gibney
Matt Webb
Fred Wexler

Brian Davies, Vice-Chair
Weston Kane
Rusty Jamison
Keith Paulson

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

Others: Ron Miller, Karen Hinnenkamp, Laurence Fox, Shelly Fox, Ken's phone, Ashley, Mr. Mousel.

7:03 p.m. – Brian Davies called the meeting to order. Introductions were held. We are going to postpone the decision on the By-Laws to the end of the public hearing.

Dave Gibney – Yes, but these are the proposed changes to the Legislative Public Hearings. Is this acceptable for tonight? Or do we want to tweak it before we get going?

Rusty Jamison – Why not leave it the way it is and then we will find out if it needs more tweaking?

Weston Kane – Sounds good to me.

Brian Davies – Yes, I think if we just set some rules on, if we have a lot of people who want to speak, we may have to put some limitations on that. Other than that, I think we could just go with it if everyone is in agreement? Hearing no major objections, we will move forward with the agenda. I will open the public hearing. I believe Alan, the Findings of Fact, would that be the first thing?

Alan Thomson – Yes. Normally what we do, Brian, is you'll go through the Findings and read them out loud.

Brian Davies – Wouldn't that be your job, Alan?

Alan Thomson – No, remember this is a Planning Commission Hearing.

Brian Davies – Yes, I understand. Dave, you may have to bring those up for me.

Dave Gibney – There are 21 Findings of Fact and then the Conclusions prepared by our Staff.

Alan Thomson – The one that I added was #21 which put into the record all of the public comments that were received during the whole process of amending the Plan. So, that is Exhibit #1. That is the only change from the Findings that I sent out a week ago.

Rusty Jamison – Are you saying that since this is a public hearing that we need to read this out loud for all the people to hear or just make the adjustment on the typo?

Dave Gibney – It has been in the past on this Commission to read the Findings of Fact out loud.

Rusty Jamison – Do you want me to do that for you, Brian? You shouldn't have to do that as the Chair.

Brian Davies – No, unless the Chair always has, I would be happy to do that. It sounds like the Chair has been the one that has usually read the Findings. So, Dave, just move with me, okay?

Dave Gibney – Just for the record, this may be something that we tweaked in the Rules of Procedure for Legislative Hearings in the future.

Brian Davies – This is the proposed update to the Findings of Fact. It is dated March 16, 2022.

- 1. The Whitman County Comprehensive Plan was first adopted in 1960. It was updated in 1970 to address major changes, including Pullman's rapid growth at the time, development of industrial and commercial sites along the Snake River, and the creation of new County parks. In 1978, the Comprehensive Plan saw a more thorough update, assessing issues and adopting policies in three broad categories: land use, transportation and coordination and plan implementation.*
- 2. Since 1978, the Comprehensive Plan has received minor amendments over the years but has not seen a major update to reflect current issues, goals, and vision for the future.*
- 3. The 2022 revision of the Comprehensive Plan serves as an opportunity to respond to recognized trends and anticipated changes and to produce a more accurate depiction of current conditions and assessment of service-related needs for residents.*
- 4. The Comprehensive Plan has been developed pursuant to Chapter 36.70 of the Revised Code of Washington (RCW), the purpose of which is to authorize and describe how counties in Washington are to engage in planning activities. Specifically, this chapter, known as the "Planning enabling Act."*

Mark Storey – Brian, and maybe this is an Alan question, don't we typically read each item and ask if there are any comments by the Planning Commission itself?

Alan Thomson – Yes, you can do that. If at any time, anybody can chime in if you see something that you want to change or disagree with.

Mark Storey – On the Commission, there will be time for public comment as you allow it but as you get further down the list, I think this gets more important. Just a comment, you might want to pause and see if there are any comments along the way.

Brian Davies – I will do that. Do we have any comments up through #4? Okay.

Dave Gibney – Can you see items 1-6 on your screen?

Brian Davies – I can see items 1-5 on my screen. I see down to the end. Correct, right there.

- 5. The purpose and intent of the Planning Enabling Act is to provide the authority for, and the procedures to be followed in, guiding and regulating the physical development of a county or region through correlating both public and private projects and coordinating their execution with respect to all subject matters utilized in developing and servicing, land, all to the end of assuring the highest standards of environment for living, and the operation of commerce, industry, agriculture and recreation, and assuring maximum economies and conserving the highest degree of public health, safety, morals and welfare. (RCW 36.70.010)*

Brian Davies – Any comments?

- 6. City and County planning in Washington is also governed by RCW 36.70A, known as the Growth Management Act (GMA). This law outlines planning requirements for all jurisdictions to coordinate development and growth, protect resources and the environment, and lay the groundwork for sustainable economic development and quality of life. Only some counties and cities within those counties are required to “fully plan” under the GMA.*
- 7. Whitman County, which is predominately rural and has experienced modest population growth, is identified as a “Partially Planning County” by the State of Washington. This means the County is not required to fully plan under the GMA. However, the GMA does require all counties (including Whitman County) to identify and protect resource lands and critical areas. Additionally, all counties must have development regulations (zoning and subdivision codes) that are consistent with the adopted Comprehensive Plan.*

Brian Davies – Are there any questions or concerns on #7?

- 8. The Whitman County Comprehensive Plan is the primary policy document of the County, which decision-makers use to guide critical decisions on the overall operations, maintenance, and future development of the County.*
- 9. The Whitman County Comprehensive Plan is organized into the following elements: Land Use, Natural Resources & Agricultural Conservation; Transportation; Parks, Recreation & Trails; Economic Development; Environmental Protection and Climate Change; and Facilities and Utilities.*

Brian Davies – Did we miss anything? Okay.

- 10. These six elements are vital to the function of Whitman County. Each element contains a purpose statement and introduction, followed by findings and broadly defined goals that will help bring the Comprehensive Plan’s vision statement into focus. Each element also contains specific policies that will be used to guide the development or modification of standards and procedures that implement the Plan in Titles 9, 18, and 19 of the Whitman County Code.*

11. *On September 3, 2020, the County advertised in the Whitman County Gazette a notice to consultants to help with updating the Comprehensive Plan.*
12. *On November 30, 2020, the County hired LDC, Inc. from Woodinville, WA to guide the Comprehensive Plan update.*
13. *On January 6, 2021, at a regularly scheduled Planning Commission meeting, the consultants introduced themselves and laid out a schedule for the Comprehensive Plan update. All three members of the Board of County Commissioners were present. The meeting was virtual through the Zoom App.*
14. *A resident survey was created and posted on the County webpage in January 2021. The objective of the survey was to help identify resident's priorities for the future of the County. Over 300 responses were received.*
15. *On March 10, 2021, at a regular Planning Commission meeting, LDC gave a PowerPoint presentation to introduce the schedule to update the Comprehensive Plan.*
16. *On April 21, 2021, LDC gave a PowerPoint presentation updating progress on the Comprehensive Plan. All three County Commissioners were present.*

Dave Gibney – Just as a point of clarification, all of the meetings, including these two, on this process have been virtual on zoom.

Brian Davies – Correct. We were having two meetings a month. Is that correct?

Alan Thomson – Not completely. Sometimes yes.

17. *Three virtual "open house" public meetings were held on June 2, 16, and 30, 2021, to present work completed on the Comprehensive Plan and obtain feedback from the public.*
18. *After the three virtual open houses held in June, the Planning Commission conducted a number of workshops to go over the Comprehensive Plan line-by-line. Those workshops were held on July 7, August 4, September 1, September 15, October 6, November 3, November 17, December 1, December 15, 2021, January 5, January 19, and February 16, 2022.*

Brian Davies – That is an inventory of all the meetings we had.

Alan Thomson – Yes.

Brian Davies -I believe that is what I was thinking about.

19. *As required by the State Environmental Policy Act, a SEPA Environmental Checklist for this non-project action was prepared, and a DNS (Determination of Nonsignificance) was issued on February 24, 2022. The comment period ended March 10, 2022, and no comment was received.*
20. *A legal notice regarding this hearing and the SEPA decision was published in the Whitman County Gazette on February 24, 2022, and another legal notice regarding the hearing was published in the Gazette on March 10, 2022.*
21. *Adopted into the record is a list of public comments received through the update process. See Exhibit #1.*
22. ***On March 16, 2022, a public hearing was held by the Planning Commission and additional public comment was taken. See Exhibit #2, meeting minutes.***

Dave Gibney – I think we would want to stop and open up to the public.

Brian Davies – Okay, I will at this time open the floor to members.

Dave Gibney – Okay, before we do that, there was one typo pointed out to us that we should just say we will adopt.

Brian Davies – The one that was just fixed earlier?

Dave Gibney – Yes, but I guess, then we would open up to public comment on the Comp Plan itself and we may or may not have additional Findings after the public hearing is concluded.

Brian Davies – How do we deal with the exhibits that Alan has posted at the end of this? Do we need to read those?

Dave Gibney – I think we can just include them as Exhibit #1 in this public hearing at this time. If I am correct, this is a re-ordering of a document that is on the website. Some of the pages were out of order but all the information was all there. It has been available for some time.

Alan Thomson – You don't have to read this. This has been on the website for months. We just had a couple of new ones that came in today which I added into this, but this is exactly as you see on the screen right now.

Brian Davies – Okay, about the petition, we will discuss that and the other one later, or just call those as exhibits?

Alan Thomson – The two at the end there, so if you want to have a discussion about them or get feedback from the public, yes, you can do that.

Dave Gibney – At this point we will just, this has been introduced.

Brian Davies – I'm taking your suggestion that we fix the typo on page 56, down at the bottom of the page.

"Whitman County has a higher educational attainment rate ~~that~~ than compared with the State."

Alan Thomson – This is thanks to Ken Duft for catching that one.

Dave Gibney – Unless somebody objects, we just amend this as it is right here and now.

Keith Paulson – I have a quick question. In the next column, it is talking about *"Whitman County is also a contributor in sales of livestock, including hogs and pigs, sheep, goats, wool, mohair, and milk."* Where is mohair raised around here?

Alan Thomson – Mohair comes from goats. There must be goats around.

Brian Davies – I'm kind of party to that information from my wife, a veterinarian. The goat population in WC has rather grown to a considerable size. There is definitely some mohair production out there.

MOTION by Dave Gibney and seconded by Rusty Jamison to amend this and change "that" to "than."
Motion passed.

Dave Gibney – So, I want to close this page.

Alan Thomson – One more thing that Ken brought up was that on the zoning map of the County, Brayton Road is mislabeled. You should put this on the record that Staff will take care of changing that.

MOTION by Dave Gibney and seconded by Weston Kane that Staff will update the reference to Brayton Road on the zoning map. Motion passed.

Brian Davies – Now we can have public comment, correct?

Dave Gibney – Yes, unless there are additional changes that the commission wants to make first, which I hope not. We have spent a lot of time on this.

Brian Davies – I will ask the Commission a couple of questions. Have you all had a chance to read the comments from Ken Duft? Have you had a chance to look at the petition that was sent to us today on the railbanking, Rails to Trails issue? Are there items in these two that we need to discuss? I think we do because I saw quite a bit in there that I think is substantive. I will take any comments from any Commission members at this time.

Dave Gibney – I think there are some valid statements on both sides both on the railbanking and some of what Ken had to say, but I also think that the BOCC will get ample opportunity to take additional public comment and take into account and make changes to the sections of this plan before it is finally adopted. We previously agreed on the railbanking and the railroad itself so that we were happy with what we had and we are going to defer to the BOCC, being the political body to make those decisions. I am happy to go forward having included those most recent comments into the record for the BOCC.

Brian Davies – I think they are good comments and we are at a point in time where we are ready to hand this over to the BOCC. If everyone is in agreement, then I am too.

Rusty Jamison – I feel the same way as Dave. We put a lot of time into this and if the BOCC like all the plans and if they want to make changes, they have the authority to do that and that is up to their discretion.

Brian Davies – Thank you. Anybody else? Okay, I will open up to the public. Any comments are welcome and then if anyone has specifics about the Comp Plan what we've done, we are more than happy to go through the contents. So, we are open to the public at this time. I'm not seeing the entire gallery in my view.

Alan Thomson – I've counted six people that I don't know.

Ron Miller – I am from Pullman and I'm coming in on this a little late. I've been involved with railways and the railbanking issues here. It appears that you have moved well down the road on this but because it is a public opportunity to comment on this, I would like to comment, if I may.

Brian Davies – Please do.

Ron Miller – First of all, I've been in the area for a long time. I'm a retired police officer from Pullman. I've been here for over 50 years. I have and do run cattle and horses in that corridor. I am concerned with the Rails to Trails and the issues surrounding it.

I'm not going to spend a lot of time tonight because things are going to be moving forward. I just want to be on the record that it is really clear reading this document, a lot of times you don't know where you are until it is finalized. You can go to meetings and listen to all this stuff and when you finally get this document, you get a direction. I was hoping the direction would be a more neutral direction, which really is clear here, is that you are supporting railbanking.

As such, presents problems to the rest of the people in the corridor that are owners of this property that this right-of-way on the railroad goes through. It is a legal issue that is going to probably resolve into litigation. As a result, from my perspective, what you are doing is you are putting the County in the position of supporting the railbanking against the people who own the property, because this is the first on pages 20 and 21. The first two paragraphs on the first part of are okay but then they can't leave it alone and they have to go on to the railbanking.

Then on page 49, the definition of railbanking and the Pullman Civic Group which is an unbiased group that has been advocating for the railbanking and trail, managed to get it into this document.

This is a guiding document for those of us who have been around this Comp Plan. It becomes a bible by which everything goes forward with. So, a year from now, five years from now we are going to look at this thing, "Hey, this is where it's at." I would hope that it would have been more neutral and just let it, if it is legitimate and these people have a right for abandonment then it should go forward. Like I say, you are tipping the scales and at the end of the day, the County may be party to this and have to defend railbanking against the people in the corridor. That is how strong this is.

On page 49 where you talk about railbanking you should have had, in all fairness, something on abandonment and the rights of the people that own that property as such, that it could be bought back. It could be something else could be done with it. This is a one-sided thing and like I say, I have great concern. I don't anticipate any changes tonight because of where you are at. It is probably exactly like you are saying.

The next part is going to be with the BOCC. Are they willing to step up to the plate and defend this? That is where it is going to end up at because it is something that for everybody down the corridor, the vast majority of these landowners and stakeholders are against this. It is the entitlement of the local entities, the City of Pullman, Colfax, Albion that you know they want to move forward with this.

Like I said, if they can't in the end, they may prevail. But it is something that will probably be litigated in order to get some resolution. I think this is a document that will bring forward, if you guys go forward with this, you are compromising the County. The County is the one who will step up to the plate and say "Okay, we are going to back this railbanking." At any rate, that is my take on this thing that I feel like this stuff should be taken out. I think you should take out the railbanking part of it and I think the last paragraph on page 21 where it says:

"The Whitman County Comprehensive Plan supports the use of rail banking to preserve currently unused railroad corridors for future use while allowing other uses, including agricultural access and recreational trails, for example, to use those spaces on a temporary basis until such time as they are needed again for rail transport. This approach is preferable to permanent abandonment of railroad corridors."

Hey, if this is where it's at, then the County has a position on it and it is against the landowners in the corridors. It is a sad commentary from my position. I would hope that they would have least taken a neutral one and say, "Let's let the courts decide and let's move forward with this."

At any rate, that is my position and I just wanted to be on record as having some major concern with this document as we move forward with this issue. This is a major issue that affects so many of the residents and farmers and people that have been there for the last 150 years. That is my comments for the night. Thank you for listening.

Brian Davies – Thank you, Ron. We appreciate your comments. Is there anyone else who would like to comment?

Rusty Jamison – I'd like to comment to Ron. I am a farmer in Garfield. I have a railroad that was abandoned that goes through our farm. Years ago, it was abandoned and we looked into what rights we had as property owners next to the rail abandonment. What I found is that once the railroad owner of the property abandons the railroad, then the property goes to the adjacent landowners. It is supposed to be attached to the sections and quarter sections that it was taken from.

So, if you have a neighbor and a railroad goes between you, you may have to divide the right of passage that they attain. But if it is through your property and only your property then the abandon strip becomes the property of the landowner at the current time that it is abandoned.

As far as the County goes, with regards to using this property for trails and things like that, once they got, at this point it was determined that if no one claims the property, the way I understood it, then the

County would use it for these things they want to do. If the adjacent landowner, and I'm one of those, chooses to use the property, you have a legal right to do that.

I know that because I exercised that right and I got bulldozers in and took down the railroad right-of-way and I farm those. I also have that on our tax notice. So, I legally own the land the way it was before the railroad was put in.

So, I'm just trying to explain to you that if this rail is abandoned and you are concerned, you need to be prepared and have your ducks in a row as the adjacent landowner as to how you are going to handle it, and who you are going to get ahold of to make sure that the transfer of ownership is done properly.

Ron Miller – Yes, I appreciate that and I agree. It is an undertaking but it belongs to the people and they should have an opportunity to do that. What you are talking about takes some work but it is possible. It is possible that you know and the reality of this railroad going through here. I did a bunch of research on it. Part of it is the issue of right -of-way. So, they have a right-of-way issue and a procurement clause on the right-of-way issue, but also, some of that property has been sold to the railroad.

So, the thing is, that exactly what you are saying is, if it doesn't go one way, if it has been quit claim deeded back in the 1850's going through one of the quarters or something like that, that is something that has to be worked out with that. It could be sold, it could go up for auction, it could be something else. But there's a diversity of things that have occurred down through corridor on the properties that are there.

So, you're right. There is a lot of work, but the fact remains that there are people that entered into right-of-way agreements with a performance clause in it that says that if it is not for legitimate railroad purposes, that nullifies the right-of-way. That is the position, okay? The thing is, but if one that prevails, it is going to be a checkerboard type of situation of those that have the right-of-way and those that the areas of rail that ended up being quit deeded to the railroad. It is a menagerie along this whole line.

But like I say, it goes back to the fact that if it comes across your property and you have that right-of-way and the performance of that and it ends, it's yours. Okay? Somebody can't come in. If you go back to the intent and again, it is like everything else, like on Brayton Road, where I have the horses and stuff right now.

In 1898, when they signed this thing and for the railroad to go through, it wasn't Brayton Road at that time, but if they had said that, we want to put a trail down through there and that is what we are going to do, there's not a farmer that would (inaudible) for that. They said block the road. So, the reason that they agreed to this stuff was for commerce and for that railroad to go through their property. And if things had been otherwise, they wouldn't have agreed to it.

What you are talking about saying okay, you got part of sections or it is not a nice clean fit, doesn't negate the fact that it belongs to somebody and somebody doesn't have entitlement just to run down through there and put a trail through there. There are property rights and there are contract rights.

Like I say, there are issues here and I can't solve them tonight, and neither can you. But the thing is, this document sets a position for WC and where they are going to be and how they are going to do it. If

you read your things that you were reading, I forget what you just approved, I think it was #10 or the #11. It talked about this was going to be the guiding document. This is the bible that which is going to drive the future development in WC.

So, like I say, it is one of those things. If they buy off on it there are some lingering issues that can raise your ugly head. They understand that WC owns probably within 80-85% of that trail or more belongs in the County. The County ends up being responsible for it for services and everything else. At any rate, its one of those things that people feel really strongly about. You do too.

I mean those are the things that if it is across your property, you know, and you don't want, you live in the country because you choose to and you like the solitude and you like all the things that go along. So, does everybody else, but you are the one that is there and it is yours. It has been there.

At any rate, I could meander all night on this. I appreciate your listening to me. Thank you. I didn't expect to solve this and I appreciate that you have an appreciation for what I am talking about. It's not easy but it is something that I feel really strongly about. To be honest with you, I'm not a property owner out here. I lease ground out there and have for the last 30 years.

I'm very much involved with what is going on and I feel like I am equivalent to the property owner. I have property but not out there. But at any rate, this is something, like I say, I feel strongly enough that I felt like I wanted to raise my hand. If nothing else, if we look at this and the County thinks about that, if we are going to agree to this, are we representing all of our constituents equally? And do we have to take a position or couldn't we find middle ground and say, "You know, consider railbanking and abandonment, go through the process and whichever one prevails that's the way it ends up without taking a side." At any rate, go ahead.

Dave Gibney – I hesitate to speak here because of the position that I think we have beaten this and it is time to go forward. But it is in the County's interest to retain transportation corridors represented by the railroad. That's the position that I take and others that I know of. That is, railbanking is a tool to prevent the abandonment and it is in the County's interest to not have the railroad corridors abandoned.

Ron Miller – Can I speak? I hear what you are saying. I don't agree with it, but you know I think that when you look at the corridor you are looking at, there's no federal ground there. It's all private property from one end of it to the other. If you were going through the national forest or something like that, that's one thing. But when you start crossing private property it is a different ballgame.

But I understand it is an easy way to put trails through rails and it is something that has been happening in this State for some time. It is just that this area is unique and it has lots of private interest, farmers throughout the whole thing. Again, I'm not going to solve it tonight and neither are you because it is probably going to, high probability of being litigated. So that's where, probably where it ends up.

Brian Davies – We are going to move on.

Alan Thomson – Brian, can I just make a comment to this? Mr. Miller, I am the County Planner. The purpose of the Comp Plan is not to make bold statements about how, and this may never happen, but in order for us to move forward we have to make a statement. But it is not going to say in there that

we definitely want this developed. All comp plans have to have some verbiage in there talking about the potential for railbanking.

That is exactly what we've done and if you omit that completely then the County is not in favor of having any railbanking. Period. That's not where we stand. The survey came back and 68% of the respondents answered that particular question as to whether or not the County participants were interested in railbanking. Sixty-eight percent versus fourteen percent in favor. We can't just ignore that because this is the vision of the County.

So, that's the numbers we have and by putting that verbiage in there does not mean that it is ever going to happen. I think everybody understands that if a proposal is ever put forward in the future, you know because you have already expressed it, where the pathway to that is going to go down.

You are right. It is probably going to get litigated. But that's not what we are trying to do here. We are not trying to say one way or another that this is going to happen, but we have to have language in there that says railbanking and the possibility of it. That's all. I think you are overreacting with your position and that is not what we, we're not saying this is ever going to happen, but we have to have words in there.

Ron Miller – I would like to make a comment. I've been down this road before. Not with you, but with Moscow with comprehensive planning on some property I have in Idaho. I had it shoved down my throat on the issue that had to do with gravel pits and blasting and things like that. What they relied on was the comprehensive plan.

So, don't tell me that the comp plan doesn't carry weight. It ends up being a tool to be used. When you put it there and it is accepted, it can be used and it has been. I was a recipient thereof. So, like I say, again. I can't stop it but at some point, you, if it is litigated, you know, you've raised the liability of Whitman County and I just hope they recognize that there is a, they are going to be defending this and that's where they are going to be. As soon as they buy, that's where it gets. But at any rate. Thank you.

Chad Whetzel – One of the things to remember, too, is that it used to talk about the Pullman to Colfax trail and it is completely devoid of that now. It is just generalized trails.

Dave Gibney – It states that the County's interest is to not abandon the rail corridors. That is the top part of the plan is that whether you believe it or not that they will ever have a train run through there again. It is still in the County's interest to retain that potential. That is the purpose of these sections.

The fact that it might be railbanked and it might have a trail and it might have people walking down it in the far or near future, is not the point here. The point is to retain and, it is not in the County's interest for those corridors to be abandoned. There may not be an agreement by the Commission for it but that is the point of this language in the Plan.

Ron Miller – Again, I don't agree with you. I understand that the, what you are saying that this is what they would like to do, practically speaking. If there are property rights then they need to, and contractual rights, they may supersede what we would like there. I will agree, as long as you got rails running down through that thing you are probably okay that nothing is going to happen. But as soon as you start pulling the rails off it, and you change it, as soon as there are no rails, there is no railroad, and

you're moving into a different area. Like I say, and the State is going to be making these decisions. That's another thing that's interesting.

Dave Gibney – Again, it is a statement by the County that the preservation of the railroad corridor is important. That is all it is in this plan.

Ron Miller – I just raised my hand. That's all.

Brian Davies – We need to move on. Are there any other members who have any comment?

Keith Paulson – Yes, I understand both sides of this. I know everybody is passionate about this. I might lean towards the property owner just a little bit but that is just my thing. As we go along with this and we transfer this on to the BOCC if they don't like how we have written this and see a different direction that they think the County needs to go, they will write it as to how they want. So, I have faith that they will come up with something good and use our recommendations. They are the overseers of it all.

Brian Davies – Yes, they are going to read what we've done and they will read the last minutes and comments that have been entered in as exhibits. Then they will either come back to us to change it or they will make a decision to change something or we could go through some more public hearings. So, it is going to be up to those guys.

Mark Storey – Just to make sure, I know for a fact that the BOCC will read the verbatim minutes, which will include all of Mr. Miller's comments and all of your comments and that will all be used and they will take this very seriously. It's been coming for a lot of years and they will look thorough every single comment and back and forth agreement and disagreement. Be assured that will happen. I have watched it happen before. That is what this hearing and the testimony of this hearing is for them to use.

Rusty Jamison – I'd like to make another comment, too. All I was going to suggest was exactly what Mark just said. The BOCC are the ones who can change this and I suggest, Ron, that you call your commissioner. Actually, they are all very open. I know you have one in particular that represents your area, but if he is not available, if you call and just visit with them, they will listen to you and they will not take your comments lightly. This is an issue we talked about it a lot on this Board. We came up with what we all could agree on and we are planning on submitting it the way we can without all of us arguing. But again, I suggest you call your commissioner and let him know how you feel about it.

Brian Davies – Thanks, Rusty. Any other comments? There are still four other members of the public attending. Did everyone see Ken's comment about water? Does that need to be discussed?

Alan Thomson – The water is not anything that we have control over.

Brian Davies – No, we don't have any control over it, but it will dictate the direction of a lot of things in this County.

Alan Thomson – As it does all over the State and it is the Department of Ecology. (DOE) If they want to put the brakes on development in a particular area, that's what they do.

Brian Davies – The DOE is requiring now that small water, like the Town of Uniontown, put on a device on our well that measures the depth of the well, the aquifer, etc., and logs that information in real time, so that the DOE can look at the aquifer levels across the State in real time.

Keith Paulson – I think when the wells are drilled, they are recorded with the depth and the flow. If I remember right, it is in Spokane that there is a business there that keeps track of all that.

Dave Gibney – I believe there is some language in this plan already about being careful and conserving of the water. I'm pretty sure we mentioned PBAC. I know we discussed it. There is cooperation and recognition of water issues.

Brian Davies – Now that I'm thinking about just how dominant the DOE is in this State with regard to water, they are the guidance for the rest of us. I'm not really sure what we could put in our Comp Plan other than, water is a scarce commodity in our County and we would like to do everything we can do to try and not waste and conserve our water as best we can for future use. Which is mainly for private, out in the County, it is for private homeowners.

Mark Storey – The Palouse Basin Aquifer, (PBAC) only comprises about 10% of WC so it is difficult to regulate the whole County based on what is in place around Pullman. Just keep that in mind. That shouldn't be your governing thing for the whole County, because there is no water shortage in a lot of the County.

Chad Whetzel – A while back we were very specific about not wanting to be involved with water, because if we start saying anything then every time the State laws change, now we have to go back and change what we are doing here. So, we put that squarely back on the State. Let them deal with it. As much as I don't like that, that is just the way it is.

Brian Davies – That is what I was alluding to in my comment, is that the DOE in the State of Washington takes the lead in this and no matter what we do it won't have much significance over what the State is going to decide to do. Are there any more comments? I will take some guidance on what to do next.

Dave Gibney – First, close the public comment period.

Brian Davies – If I hear no objections, I will close the public comment period at 8:09 p.m. Let's look at accepting the Findings of Fact.

Dave Gibney – I'd like to add one more Findings of Fact, that we held this hearing this evening and accepted additional public comment for the record.

Alan Thomson – So, that would be #22 and yes, we can do that.

Brian Davies – Do we need a motion?

Dave Gibney – I just made one.

Brian Davies – You made the motion? Do I hear a second?

Weston Kane – I'll second the motion.

Brian Davies – Weston seconded the motion that we add #22 to state that we had his public hearing this evening.

Dave Gibney – And solicited and heard public comment.

Brian Davies – I hear no objections.

MOTION by Dave Gibney and seconded by Weston Kane to add #22 to the Findings of Fact that on March 16, 2022, public hearing was held by the Planning Commission and additional public comment was taken. Motion passed.

MOTION by Dave Gibney and seconded by Rusty Jamison that we adopt the Findings of Fact, #1-21 as prepared by Staff and #22 as we just added. Motion passed.

Brian Davies – I will now read the *Conclusions* of the Law.

1. *These proposals are consistent with the Planning Enabling Act, Chapter 36.70 of the Revised Code of Washington (RCW) and the Growth Management Act (GMA), RCW 36.70A.*
2. *These proposals are consistent with the intent, purposes, and regulations of the Whitman County code.*
3. *As proposed, this revision of the Comprehensive Plan will reflect a more accurate depiction of current conditions and public vision of the future growth of the County.*

MOTION by Dave Gibney and seconded by Weston Kane to adopt the Conclusions as prepared by Staff. Motion passed

MOTION by Dave Gibney and seconded by Weston Kane that we forward the Findings of Fact, Conclusions and the draft of the Comprehensive Plan to the Whitman County Board of County Commissioners for their consideration with our recommendation of adoption. Roll Call vote. Motion passed.

Keith Paulson – Yes.

Weston Kane – Yes.

Dave Gibney – Yes.

Chad Whetzel – Yes.

Rusty Jamison – Yes.

Fred Wexler – Yes.

Matt Webb – Yes.

Brian Davies – Yes.

Brian Davies – We have a unanimous vote to forward this the BOCC. Any more discussion on this?

Chad Whetzel – It's been fun.

Mark Storey – On behalf of the BOCC, I thank this Board for all the hard work getting it to this point. It is very much appreciated by Staff and I am sure the BOCC will appreciate it greatly. Thank you very much, everyone.

Brian Davies – Thank you, Mark, and everyone for your hard work and showing up.

Alan Thomson – I second that. Thank you.

Brian Davies – Where are we now, Alan?

Alan Thomson – The recommendation I sent to you, Brian, since you are the Chair tonight, so could you sign that and get that to me as soon as possible?

Brian Davies – Do we need to adjourn the public hearing?

Dave Gibney – You need to close it.

Brian Davies – At this point I will close the public hearing at 8:17 p.m. We will move back to our regular scheduled agenda items.

MOTION by Dave Gibney and seconded by Chad Whetzel to change the agenda and do items #5 and #6 before we get back to #3. Motion passed

Brian Davies – Okay, # 5, approval the minutes of February 16, 2022.

MOTION by Chad Whetzel and seconded by Weston Kane to approve the minutes from February 16, 2022. Motion passed.

Dave Gibney – I am almost afraid to say this but I found this recommendation prepared by Alan, which is the intent of the motion that I made but I didn't specifically move that we adopt this recommendation. I made this same mistake when we did the Pullman Comprehensive Plan and ended up signing something that wasn't quite the same as the intent of the recommendation. So, I don't know if you want to re-open it and we could pass this and close it back up?

Brian Davies – Alan, what do you think?

Alan Thomson – It sounds like we do need to open up and make sure we have done correctly.

Brian Davies – Is this the one you want me to sign?

Alan Thomson – Yes.

Dave Gibney – This is what you sent him to sign?

Alan Thomson – Yes, but it has Chad’s name instead of Brian’s.

Dave Gibney – It is the same, but Brian, you have one that has your name on it.

Brian Davies – I do. I am looking at it right now. How about if I read it to you?

Dave Gibney – Let’s re-open the public hearing.

Brian Davies – Okay, I will open the public hearing so we can read and make a decision on the recommendation.

RECOMMENDATION

NOW, THEREFORE, BE IT RECOMMENDED to the Whitman County Board of Commissioners that they duly amend the Whitman County Comprehensive Plan as described in the proposed ordinance hereto attached and made a part of by reference.

BE IT FURTHER ORDERED that the Recommendation, Findings of Fact, Minutes, and proposed ordinance shall be transmitted to the Board of County Commissioners for the purpose of being accepted or rejected in accordance with the provisions of RCW Chapter 36.70, a copy of said Amendment being attached and made part hereof.

Brian Davies – Does that duplicate the language?

Alan Thomson – Yes, it is exactly it.

Brian Davies – Is everyone okay with that?

MOTION by Dave Gibney and seconded by Weston Kane to adopt the recommendation. Roll call vote. Motion passed.

Weston Kane – Yes.

Dave Gibney – Yes.

Chad Whetzel – Yes.

Rusty Jamison – Yes.

Matt Webb – Yes.

Keith Paulson – Yes.

Fred Wexler – Yes.

Brian Davies – Yes.

Brian Davies - We have a unanimous vote to accept the recommendation that we send to the BOCC. It is accepted. I'll close the public hearing for the second time.

Alan Thomson – What do you want to do about the By-Laws and the Rules of Procedure? Do you want to deal with that next time?

Chad Whetzel – Is there any reason why we can't wait until next time to finish up the By-Laws?

Alan Thomson – No, no reason.

MOTION by Chad Whetzel and seconded by Rusty Jamison to adjourn. Motion passed.

Alan Thomson – Is everyone available for the next meeting on April 6, 2022? Okay, see you then. We will just have the By-Laws and the Rules of Procedure so we can deal with both of them. You have all the proposed changes so look them over and let's get these done.

Dave Gibney –Alan, do we need to read those things verbatim all the time or can we adopt them as part of the record?

Alan Thomson – I think that is a choice for you guys, especially with the quasi-judicial ones. I think you need to choose which ones you want to go with.

Dave Gibney – I agree, especially with the quasi-judicial ones, we need to be more formal. I do know for the City of Pullman they are available to the public ahead of the meeting and we adopt them by reference, 1-2, or whatever has been prepared by Staff and then adopt a new one, do our decision. We don't generally read the Findings of Fact or the Conclusion.

Alan Thomson – That is something that you can make a decision on next time. So, when you look through these, do you want to condense it down or what? That is your homework for next time. Thank you. You did an amazing job. Thank you all.

Adjourned - 8:27 p.m.

**WHITMAN COUNTY
PLANNING COMMISSION
ZOOM MEETING
March 16, 2022**

MEMBERS:

Chad Whetzel, Chair
Dave Gibney
Matt Webb
Fred Wexler

Brian Davies – Vice-Chair
Weston Kane
Rusty Jamison
Keith Paulson

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

Others: Ron Miller, Karen Hinnenkamp, Laurence Fox, Shelly Fox, Ken’s phone, Ashley, Mr. Mousel.

8:16 p.m. – Brian Davies opened the meeting. Introductions were held.

MOTION by Matt Webb and seconded by Weston Kane to approve the minutes from February 16, 2022. Motion passed.

Alan Thomson – Reports.

- a. Board of Adjustment forthcoming hearings. We have one coming up. Panhandle Truck and Equipment Repair, LLC and the hearing is set for March 24, 2022. Grace, can you give us an update on that one?

Grace Di Biase – Yes. Panhandle Truck is a business that will be opening southwest of Tekoa. It will be repairing farm and heavy equipment and their hearing is scheduled, as Alan said, for next Thursday, at 7:00 p.m. by Zoom.

Alan Thomson – Thank you, Grace. Are there any questions about that? Okay, moving on.

- b. Forthcoming Administrative Use Permits -None.
- c. Forthcoming Variances – None.
- d. Update on previous conditional use permits and variances – None.
- e. Update on previous administrative use permits – The cell tower reconstruction for Whitman County Emergency Management Department on Story Road was issued on February 16, 2022. Tully Gunsmithing, LLC, home-based business was issued on February 18, 2022.
- f. Board of County Commissioners’ action – None.

- g. Update on previous Board of County Commissioners' action – None.
- h. Forthcoming Shoreline of the State Substantial Development Permits– None.
- i. Update on previous Shoreline of the State Substantial Development permits – We had one down at Central Ferry for Helena Agri-Enterprises for a pipe line coming to their barge and that was issued on February 28, 2022.
- j. Planning Commission forthcoming hearings – Here we are, tonight, done. Thank you!

Adjourned – 8:21 p.m.