

**WHITMAN COUNTY
PLANNING COMMISSION
Public Service Building Auditorium
Workshop
January 7, 2026
7:00 p.m.**

MEMBERS:

Dave Gibney- Chairman
Weston Kane
Bill Myers
Dean Kinzer
Julian Matthews (Zoom)

Brian Davies (Vice Chairman)
Chris Melhus
David McKeirnan
Tami Southern

Staff: Alan Thomson, WC Planning Director; Grace Di Biase, WC Assistant Planner (Zoom); Mark Storey, WC Public Works Director (Zoom); Brandon Johnson, Public Works; David Werner, Clerk.

Zoom: Jim; Ken Duft; Tom Handy; Carol Black; St. Marie; Tom Thompson; Denis Tracy; Julie; Jamie Anderson; Parker Mclaughlin; Jacks phone; Shelley Chambers-Fox; Morgan; Angela Taylor; iphone; Rick

Audience: A complete list of those in attendance is available in the Planning Office.

7:08 p.m.- Dave Gibney opened the **WORKSHOP**.

Dave Gibney: I am currently, as acting chair, going to call this meeting of the Whitman County Planning Commission for Wednesday January 7th, 2026, to order. Introductions.

Bill Myers: Bill Myers, Colfax.

Chris Melhus: Chris Melhus, Malden.

Dean Kinzer: Dean Kinzer. Pullman.

Tami Southern: Tami Southern. Garfield.

David McKeirnan: David McKeirnan, Pullman.

Brian Davies: Brian Davies, Uniontown.

Dave Gibney: Dave Gibney, Pullman.

Weston Kane: Weston Kane, La Crosse

Julian Matthews: Julian Matthews, Pullman.

Alan Thomson: Alan Thomson, County Planner.

Dave Gibney: Alright, and Grace is online also.

Grace Di Biase: Yeah, Grace Di Biase, Assistant Planner.

Dave Gibney: And Mr. Storey's with us.

Mark Storey: Good evening.

Dave Gibney: So, on our regular business the approval of the minutes from December 17th.

Brian Davies: Mr. Chairman I move to approve.

Chris Melhus: Second.

Dave Gibney: Motion by Brian and second by Chris to approve those minutes all in favor please say aye.

PC Board: Aye

Dave Gibney: Opposed? Reports that Allen.

Alan Thomson: Board of adjustment forthcoming hearings, none. Forthcoming administrative use permits, none. Update on previous conditional use permits and variances, none. Update on previous administrative use permits known board of county commissioners' action, none. Update on previous board of county commissioners' action, none. Forthcoming shoreline of the state substantial development permits, none. Update on previous shoreline of the state substantial development permits, none. Planning Commission forthcoming hearings, none.

Dave Gibney: OK we also have no unfinished business so the first order of business would be to appoint a Planning Commission chair and vice chair. And I am willing to continue but I should say that someone else should, like Brian, should conduct at least this little bit of it so.

Brian Davies: This little, conduct this little bit of it?

Dave Gibney: Yeah, unless you're going to fight me for it or anybody else.

Brian Davies: So, do we have to conduct an election because this is the election time that this would be the end of Chad what would have been Chad's term as chairman that you were appointed to replace.

Dave Gibney: Yeah, and the bylaws say we do this at our first meeting of every year period.

Brian Davies: OK. Well then, I guess let's have discussion or are there, how does the board feel about this.

Bill Myers: I'd like to nominate Dean Kinzer for chairman.

Chris Melhus: Second

Brian Davies: It's been moved by Bill and seconded by Chris to nominate Dean.

David McKeirnan: I'd make nomination and Brian Davis.

Brian Davies: OK, well we have a couple of nominees now. Do we have discussion?

Bill Myer: The reason I've nominated Dean is that he's not only has experience here, but he's been a county commissioner, and I think that uniquely qualifies him for what we've got ahead of us.

David McKeirnan: I guess I'd follow that up with defending or reinforcing my nomination of Brian. Brian has, I just feel that he could really keep us in order and nonpartisan, and I just think that the citizens and everybody, just some fresh blood at the chair would be great and Brian's been a good mentor through this process for me.

Brian Davies: So.

Julian Matthews: I make a motion that nominations cease. Julian.

Alan Thomson: What did you say?

Brian Davies: Julian made a motion that nomination cease.

Julian Matthews: Right.

Brian Davies: So, I'm sort of searching for Roberts rules here we've got we opened the nominations we had a second on Dean, we had me nominated with no second.

Julian Matthews: I'll second your nomination, Julian.

Brian Davies: So Julian seconds my nomination so now we have a horse race and.

Dave Gibney: I guess I have to do it myself, but I will nominate myself.

Brian Davies: OK, now what?

Dave Gibney: If there's no second then that's it and if there is then you got a 3 way.

Julian Matthews: So.

Brian Davies: Hearing no second.

Julian Matthews: Oh sorry.

Brian Davies: Pardon me?

Alan Thomson: What did Julian say?

Julian Matthews: No, if say if there's no second on Dave then then we can, I can make my motion that nomination cease and then we just go to the vote. I believe.

Brian Davies: Maybe.

Weston Kane: Yeah, that would be. If there's no more debate we go do a vote? Assuming the nominations the people nominated are accepted.

Tami Southern: Yeah.

Brian Davies: I discussed it with Dave, and I would be, so I guess we're going to have a roll call vote or we're and by nominee. So is that what I would say all those in favor of and show of hands.

Dean Kinzer: Or just or do we want to have a paper ballot?

Brian Davies: Or do we want to have a paper ballot, or what, how do we do?

Alan Thomson: I, that's up to you guys. So, I don't know that you need to do a paper ballot, if you want to do that. Or you could just go through everybody one at a time and they can tell you A or B, and keep a tally of that, Brian or Dean. You guys are going to have to make up your minds.

Brian Davies: We should call it.

Julian Matthews: Probably though isn't well Dave is still the chairman until if he's not reelected.

Dave Gibney: I guess that that's correct. And since I guess that's correct and well, I'm I was the acting and since Brian has become a nominee and I am not it would be up to me to run it for the moment. I, yeah, I think it's I don't think we get to do a decision even of this nature outside of the public in secret with the private written ballot so I would say that we would do a all in favor of Dean please raise your hands, we have 3. All in favor of Brian please raise your hand, we have 5.

Julian Matthews: For me yeah.

Dave Gibney: And Julian too, OK we have 6 so? There you go that's what I had to do if we.

Brian Davies elected as new Chair.

Brian Davies: You're going to still run the meeting tonight, right?

Dave Gibney: No.

Alan Thomson: You're the chair now, you're in.

Julian Matthews: Effective immediately.

Brandon Johnson: I do have someone online who was wondering why we didn't do the pledge of allegiance?

Brian Davies: Yeah, I was going to ask about that.

Dave Gibney: Because we have an item of discussion relevant to that.

Brandon Johnson: I said we'd do it after this.

Dave Gibney: Well, we have an item of discussion to that before we get there but I or to Brian.

Brian Davies: It's musical chairs.

Weston Kane: I didn't want to steal your pin.

Dave Gibney: My coat.

Brian Davis: I threw your coat on the floor I didn't mean to,

Unknown: Now we have elections for vice president or vice chair

Julian Matthews: So, then we voted to approve Brian as a new chair.

Dave Gibney: Right, we need to do vice chair at this time.

Julian Matthews: OK how about, can we open it up for nominations.

Dave Gibney: That'll be Brian 's job.

Julian Matthews: OK.

Brian Davies: OK, action before the board, so.

Dave Gibney: But vice chair.

Brian Davies: so, the next, yes, vice chairman, do we have we will open that for nominations.

Julian Matthews: I nominate Dave Gibney, Julian.

Brian Davies: Can I vote, I'll second that?

Chris Melhus: I nominate Dean Kinzer.

Bill Myers: Second.

Brian Davies: Do I hear any other nominations? It's been moved and seconded that Dean and Dave are nominated. We'll have a vote, all those in favor of Dean, I count 4. All those in favor of Dave.

Julian Matthews: Aye, Julian.

Brian Davies: I count 4, 5.

Julian Matthews: So, is a congratulations in order or what?

Brian Davies: Dave has been elected vice chair by a vote of 5 to 4. And yes, congratulations can be made now.

Dave Gibney Elected Vice-Chair.

Julian Matthews: Alright, congratulations to both of you.

Brian Davies: And I'll be leaning on you.

Dave Gibney: Ok

Brian Davies: So, we've gotten through those two. Talk about critical area or discuss the prayer and, first of all, do we do the pledge first

Dave Gibney: The pledge has the words under God in it; it counts as prayer. In this part of this discussion.

Brian Davies: So, Dave had some notes about this discussion and Julian had a request that we would open the meeting with a prayer, so I'm opening for discussion.

Dave Gibney: I was hoping Denis would talk to us.

Brian Davies: Dave was hoping Denis would speak to us Dennis are you there.

Denis Tracy: Yes, I am.

Brian Davies: Good evening. Alright so we've, are we, we're looking for some input on can we have prayer and or does the Pledge of Allegiance kind of count as the same thing.

Dave Gibney: I guess I'll have to apologize I didn't include Brian in any of the, this is what we'll probably talk about tonight because I didn't anticipate this so yeah.

Brian Davies: I might have seen an e-mail but so I am shooting from the hip.

Dave Gibney: I didn't, I didn't include you in the e-mail to Alan and Denis about let's talk about the prayer OK.

Brian Davies: So, I guess Denis, what's you're feeling on it.

Denis Tracy: Hmm. Whether to have, excuse me, whether to have an invocation or prayer or recitation of the Pledge of Allegiance at the start of the local government meeting is a matter of discretion to be decided by the governmental body. If you choose to start your meeting with an invocation, I recommend you adopt a policy consistent with the United States, consistent with the United States Supreme Court 's ruling and I can assist in drafting that policy if, but first they'll say if you want to recite the Pledge of Allegiance go right ahead it's legal. Beyond that I have a question for the Planning Commission and if you want, if 5 members vote to ask me to spend my time drafting a policy about prayer for you then I'll do so. And it might be done in a month or 2. Beyond that I'm available for specific questions tonight which I might know the answer to, or I might not.

Brian Davies: So, thank you, thank you Denis. Julian.

Julian Matthews: Or can we just have a say a prayer is it legal or are you saying it's not legal you got to determine if it's legal or not or what does any law preclude us saying a prayer at this meeting tonight or any other meeting.

Brian Davies: I believe what Denis was saying is that we would need to have a policy about a special prayer. Saying the Pledge of Allegiance as most other government meetings may start with is, would not require that. I think that's what I was reading?

Weston Kane: That's how I take it.

Brian Davies: Dean.

Dean Kinzer: I took the liberty to research it a little bit. MRSC, they have a page on prayer and pledges and should you or shouldn't you and of course they go kind of go through what has happened across the States and Supreme Court in the United States and that their bottom line, I'll read what their bottom line is. It says whether you have an invocation, prayer or recitation of the Pledge of Allegiance at the start of the local governing meeting it is a matter of discretion to be decided by the local government legislative body. Our legislative body is the county commissioners, the 3 county commissioners. And I do have the examples of the resolutions by different counties in the state; Clark County, Washougal County, and I believe this was, oh a city of Oak Harbor and that they have specific instructions how not to get off on offending people and you're not to preach from the pulpit at those and it should be something fairly generic. So, if we're interested in pursuing that I don't know if what other people think if we're supposed to run this by the

county commissioners first, or not. I know the county commissioners have the Pledge of Allegiance to each of the start of their meetings. They have not made it a policy or a practice to have invocation or prayer to start of the meeting.

Brian Davies: Thank you Dean. That's basically what I got from what Denis said. Also it's up to the discretion of the legislative body.

Dave Gibney: I heard Denis say it was up to the body that is opening or closing, opening the meeting the MRF this advisory body which is not exactly what Dean has does say that the county commissioners would be able to determine what we do. I'm not sure that's correct but that's what.

Denis Tracy: And again if 5 members of this Planning Commission vote to have me spend my time researching this issue, I'll put a memo together for you and you'll have it in a month or 2.

Brian Davies: How does that sound Julian?

Julian Matthews: Well, the thing I don't get is so you're going to be looking at the legality of it or whether we can or can't do it. Or are you going to make a recommendation, that we can or can't do it, that's the thing.

Denis Tracy: Right, all those things.

Julian Matthews: OK so

Denis Tracy: And I've already said more than once whether to do it or not yet, well no strike that sorry I. I'll stick with what I've said already.

Dave Gibney: I believe you said that it is legal but that we should have a policy.

Denis Tracy: No, I've said that if 5 members asked me to research this issue I will and I'll send you a memo.

Denis Tracy: Yeah, we need a vote.

Weston Kane: So, I guess it's one of those things, my 2 cents I'm going to throw in there. And this is from working years in education. Why, I mean we do the Pledge of Allegiance every day every function? We cannot do a prayer. Now I have heard of schools where they can do like a moment of reflection for something like that each individual can do whatever prayer they want to do that meets their religious abilities or desires, but I guess my question would be if we were to even think about pursuing this, how do you cover a prayer that's going to cover every denomination that can come through that door? Because I mean, you really can't and that's why you can't have prayers in school, typically. So, I think

this, I mean maybe we could do a moment of reflection something like that but beyond that as a whole group my thought would be no for that reason for me, mainly discrimination, those types of issues.

Julian Matthews: Well, I personally feel that that's what I've mentioned last time about doing a general but I feel a prayer to me is a prayer to an entity whatever you may call it and that's my belief that's my personal belief and whether the government approves it or not it's not, I don't care whether the government approves it or the whoever Supreme Court. Because if this is something that I feel is important, which I do believe is important to do then regardless of all that schools and I know there are separate they have implications, but we could develop it and come up with something that we all agree on. I mean it's not that complicated but when the government gets involved in determining what we can say or if we can pray or say what we're not going to be making it some single entity or a single religious belief. Because it says that governments can't establish a religion. It doesn't say that we can't pray. And we can have a variety of prayers whatever it would be, but prayer is the thing moment of silence that's great, sounds nice sounds real progressive and you know Washington state sounds great you know no prayers can't offend anyone but this is not about offending people it's just about respecting people that have certain beliefs a lot of people have beliefs some people don't and they don't have to take part. You know that's the thing. But I don't think the government should determine what you can or can't do at a meeting at a public meeting that represents a lot of people of different beliefs and different faiths that's my big issue the government to me doesn't should have the authority to determine that. That's great if you work for the school and they do it, that's great that's your thing, that's where you work. I don't work for the school, I don't work for the State of Washington.

Weston Kane: But we are, as such representing the state of Washington and government here as I do in a school. And so, and we represent all different faiths. How do you represent that? In an organization like this a moment of reflection something like that then you could do a prayer that's appropriate to you I could do one appropriate to me everybody could be covered.

Julian Matthews: OK, so then do we want to go with that, or do we have to have a legal opinion from Dennis Tracy about it?

Dave Gibney: Cut Julian off and Chris have you, what's your comment.

Brian Davies: Let's hold off Julian. Chris what's your comment?

Chris Melhus: I think my thing would be the Pledge of Allegiance is global you know it encompasses everyone here. Faith is a personal decision for everyone and I don't think

that necessarily it belongs in a public meeting setting. I think everyone has plenty of time to you know make their reflections a prayer amongst themselves prior to meeting during the meeting driving here but I think for now to me the Pledge of Allegiance makes the most sense that's what we're all here representing initially. And I just don't think putting a prayer in the start of this is necessary, beneficial and/or inclusive or exclusive, but I just don't feel like that's in place for our meetings

Brian Davies: Having heard those comments, I am going to ask for a motion on whether or not we should look into adopting a policy on prayer at our meeting.

Weston Kane: I move that we postpone this topic indefinitely of prayer on meetings.

Dean Kinzer: Second.

Brian Davies: It's been moved and seconded that we postpone this indefinitely. I will call for a vote. All those in favor say aye.

PC Members: Aye

Brian Davies: All those opposed.

Julian Matthews: No.

Dave Gibney: I'm abstaining which counts as a null.

Brian Davies: And I'm abstaining which counts as a no, so it looks like, 8 to one. We will table this indefinitely too

Unknown: No, it's 6 to 1, 6 to 3

MOTION TO INDEFINITELY TABLE PRAYER TOPIC PASSED

Brian Davies: Make sure the minutes reflect that. OK, moving right along to talking about.

Dave Gibney: Why don't we explain the SEPA?

Brian Davies: The SEPA delay, Alan. Do we want Alan to explain that.

Alan Thomson: And then Denis can chip-in as well. So, the previous SEPA decision has been withdrawn officially. That was undertaken over the last week so it's now official, that SEPA is no longer. The reasoning for that is that legal counsel felt that it was necessary to notify the tribes about the decision about the SEPA decision, and that was not done. So that's the reason why we withdrew the original SEPA. So now we have to redo the SEPA and wait this 14-day comment period out. That is going to happen tomorrow morning. The new SEPA has been prepared and will be issued tomorrow morning. And then 14-day comment

period follows that, so the 22nd of January is when that 14-day comment period is over with. And hopefully we can move on after that. Do you like to add anything to that Denis?

Denis Tracy: No thank you.

Alan Thomson: Any questions?

David McKeirnan: Alright so are we doing another hearing again like we did the last time and going through all that again.

Alan Thomson: No, the hearing was for the ordinance. We're not going to revisit that. We're just redoing the SEPA decision.

Brian Davies: So, everything after the determination of non-significance. Is that still stand

Alan Thomson: the DNS

Brian Davies: the DNS that you issued first was that issued prior to the SEPA comment the original SEPA comment period.

Alan Thomson: Well, no. A DNS was issued and that was what was withdrawn so one has to make out, the responsible official has to make a determination as to whether or not that the changes to the code are going to be impactful. So, DNS, MDNS, or EIS are the 3 choices, DNS was chosen and a DNS will be also forwarded tomorrow OK.

Brian Davies: Thank you. Any other questions?

Dave Gibney: Just going to say that this this pulling back of the DNS and the reissuing, it doesn't change the result of the hearing, and it doesn't imply a need to invalidate the hearing and rehailed it.

Brian Davies: It just restarts the clock.

Alan Thomson: Yeah, your decision on the code remains the same

Brian Davies: OK. Thank you, Alan. Thank you, Denis. Looks like the next thing we need to address is the, we have a resolution before us that Denis prepared to fix the scriveners' errors that we were alerted to. So, I would like the board to consider this. Do we have copies for them or?

Unknown: I don't know.

Alan Thomson: I don't have any, no.

Dean Kizner: I have one copy.

Brian Davies: Yeah.

Alan Thomson: Do we have one that can go? Up on the screen

Brandon Johnson: No, no one sent it to me.

Alan Thomson: OK.

Dave Gibney: You can pass the copy I brought around.

Weston Kane: It came in our email, didn't it?

Dave Gibney: Read it. And we did all get it in our emails.

Tami Southern: Yes

Brian Davies: Did everyone get a chance to look at it? Is everybody comfortable about approving this so that we can move forward. If so, I will ask for a motion that we approve this resolution?

Bill Myers: I move we will approve the resolution which states that the values be restored to 7 miles on all those locations that falls.

Brian Davies: And those 2 notations yes.

Bill Myers: And both Buttes and that's.

Brian Davies: Stand by.

Dean Kinzer: Seconded

Brian Davies: It's seconded. It's been moved and seconded all in favor that we pass this resolution.

PC Members: Aye.

Brian Davies: Any opposed? Motion passed. The resolution is passed so. Hold this for signature signatory.

MOTION PASSED

Denis Tracy: And Mr. Chairman, would you state the count of the vote for the record.

Brian Davies: What was that? Could you repeat that please?

Denis Tracy: Would you state the count of the vote

Brian Davies: The count of the vote was unanimous.

Denis Tracy: OK there's a spot to fill in on the resolution itself when you go to sign it, thank you.

Brian Davies: Let's talk about the critical area ordinance update. Alan?

Alan Thomson: Yes, that is needing to be done. So, through the Growth Management Act we are all responsible, all entities in Washington are responsible for critical areas. Our time is now to revisit that. It used to be every 8 years. I think now it's 10 years. So, we have that on board. We have been given a grant by the Department of Commerce to hire a consultant to help us through that process and we are ongoing on that. We have put out a request for qualifications, RFQ. We received one application back and we're now negotiating with them, talking with them to get a contract together. So, it's 2 companies that are kind of teaming up together and its Facet is one of the companies, F-A-C-E-T, and the other one is, I'm having a blank on that. Rachel Granrath she is...

Grace Di Biase: Kimely Horn.

Alan Thomson: Yes, thank you, thank you. So, they both have worked with the county before. Both of them with different companies at that time helped us with our Shoreline Master Program back in 2015 with Dan Nickel and Facet. He was with the Watershed Company at the time. And then Rachel Granrath with SCJ Alliance in 2024 updated our SMP, Shoreline Master Program. So that we are familiar with their work and we are confident that they can help us through with this so we anticipate over the next couple or 3 weeks that we will have the contract in place. And our next meeting at the beginning of February, March, or no, February, we will have them on board, and we need to start doing, you know, making headway. We have a deadline.

Brian Davies: Are they going to offer Things that we need to change or add into.

Alan Thomson: Yes. Now one of the things about the critical areas' ordinance is the agencies such as Fish and Wildlife, Ecology, they have their templates, pretty clear templates, that they need everybody in the state to follow. So, for instance our floodplain development permit, our floodplain ordinance, has pretty much been rewritten by Ecology. Because of the floodplain study that has been going on in Whitman County for the last 2, 3 years they require us to update the floodplain ordinance which is a part of the critical areas ordinance and they've already rewritten that. So, it's pretty, pretty much that's the way it has to be.

Brian Davies: And the consultants know this and they bring that to the table and then we adopt that into our language and we move forward.

Alan Thomson: Yeah. The same goes with Fish and Wildlife. They have their templates as well, this is what you must do and it's pretty much the whole state of Washington has to comply. There could be a little bit of discussion here and there, but it's pretty much set so

yeah, they will take us, the consultants will take us through that whole process, and we have to get this done by, before the end of June. That's when the money runs out. So, it's a pretty quick process.

Brian Davies: I'm doing this with Uniontown right now too, but I have 2 years to do mine.

Alan Thomson: Yeah. So, I really don't think there's going to be an issue except we have to focus on it. This Planning Commission has to focus on it. It has to be our top priority so.

Brian Davies: How much work is it going to entail for us. I mean are we just, we're going to get recommendations from the consultants through you. You'll bring those on board to us, and we'll be and you'll say we need to add this into our language, and we'll read it over and then vote on it right and? Adopt it yeah

Alan Thomson: Yeah. So, the consultants will take us through this they will be you know in charge of the process they'll explain why the language is the way it is, what the, and we're going to have input from Ecology Fish and Wildlife, Army Corps

Brian Davies: And then that the litmus test is the comment period, so everybody gets to weigh in on that and then.

Alan Thomson: Yeah. So, once we get a document in place and that's what the consultants are going to be doing, they're going to be crafting this ordinance. I'm putting it on paper and then eventually it's going to go through the SEPA process. And then after hopefully successfully going through the SEPA process then it comes to you, this board, the Planning Commission, and then it goes to the board of County Commissioners.

Brian Davies: OK.

Dean Kinzer: Is it based on our current ordinance or is it going to be a whole new one?

Alan Thomson: Well, I'm only thinking about the floodplain permit part of it. Floodplain ordinance they significantly changed it. But there are still going to be parts that are there that will continue to be there and so I would imagine that that's going to be the same. There are 5 parts to a critical area's ordinance. Floodplain is only one of them. So, there will be changes but I don't think it's going to be a complete change. I think there will be a lot of the same language in there but definitely some different. That's up to the consultants to figure that one out.

Mark Storey: Mr. Chair.

Brian Davies: Yes Julian

Unknown: That's Mark.

Mark Storey: Just a question for Alan just to make sure I understand it. The funding for the consultant lasts until the end of June. When do we, do we have a time when we have to adopt the ordinance or can we just make sure we've got a good solid draft before the end of June and then do the adoption after that?

Alan Thomson: There is a scope of work and that scope of work tells us when it has to go through SEPA and when it has to be adopted. And that's before the end of June.

Mark Storey: So, the adoption has to be by the end of June also.

Alan Thomson: Yes.

Mark Storey: OK, thank you.

Dave Gibney: Is that at BOCC or here?

Alan Thomson: BOCC. Yeah. So, it's going to be kind. Of rapid fire.

Julian Matthres: So that's like 6 months from now.

Alan Thomson: Thereabouts

David McKeirnan: Just a question for Alan. The one that I printed off today that I found on our website was passed, improved by the county commissioners first day of April, 2019? Would that be correct? If 75 pages, is that what we need to be reviewing we go forward OK?

Alan Thomson: Yeah, yeah. That's the current critical areas ordinance. Yes.

David McKeirnan: Yes, OK I just want to make sure that we have the right stuff to do the homework thank you.

Alan Thomson: Yeah.

Brian Davies: Anybody else have any questions on the board about that process as we get ready to embark on it if not we'll.

Dave Gibney: I guess I would echo kind of what Alan is saying, this there's going to be a lot of changes to that that's the basis but there's going to be an awful lot of changes that you might just kind of wait for the consultant to have their first pass if you unless you're eager to read it

Alan Thomson: Yeah, I don't think the objective is not for us to start thinking about changes

Brian Davies: No

Alan Thomson: The consultant is going to guide us through that process so each of the agencies, Fish and Wildlife, Ecology, Army Corps will have their particular recommendations that we need to have in the ordinance and then that will be shown to you. And then ultimately you have to say yes or no to it.

Brian Davies: Yeah, and then we'll just discuss how.

David McKeirnan: Well, I just wanted to make sure that what I was getting off the website was and stuff that we so that when that stuff starts coming forward that you have a little history and background here so.

Bill Myers: I looked at that today and I noticed there's 46 pages of definitions of phrases and words before you get into the and on the Internet it's 114 total pages so there's a lot of definitions and phrases

Alan Thomson: Yeah.

Julian Matthews: So, oh, I raised my hand . Alan, so what they'll do, the consultants will come in and look at our current and then they'll make suggested changes and then we would primarily be reviewing those suggested changes like to comply with what's currently the, or whatever is that right.

Alan Thomson: Yes.

Julian Matthews: Like we're not going to start over and try to redo it like we did with the ordinance.

Alan Thomson: No, it's going to be a completely different ball game here.

Julian Matthews: OK, thank you.

Brian Davies: All right, we've talked about that enough we can move on, and you have a presentation, a PowerPoint presentation for us I believe, would you like to do that?

Dave Gibney: I do and sure if again this was kind of anticipation of my still sitting there but if the board would like to see it I will go through

Brian Davies: Was this based off the one that they gave on

Dave Gibney: It's mostly me.

Brian Davies: Mostly stuff you put together. OK, well yeah, I'd like to see it. We have it on our agenda and let's take a quick look at it.

Dave Gibney: Let me bring up my copy can you just go ahead and get the slide show there. Oh, never mind or of course I've never done this myself, so you have to give me a moment to get it into the view where I.

Brian Davies: There's no pressure Dave

Dave Gibney: Of course, not you

Brian Davies: Never.

Alan Thomson: Is Dave driving.

Dave Gibney: Let me get it into the view where I can see the, no I'm not driving. I'm looking at my own copy

Alan Thomson: OK

Dave Gibney: So, do whatever it is that makes it big.

Alan Thomson: Wave your magic wand.

Brian Davies: We probably don't need the side panels on that view.

Dave Gibney: Slideshow no, no go to slideshow and start from the beginning.

Unknown: Dave Gibney present slideshow.

Dave Gibney: Slideshow is up at the top middle. Little up from there over right there. From the beginning. There. Can you guys see it or?

Brian Davies: Can you see it on the big screens pointing to you good.

Alan Thomson: This was just generated today

Brandon Johnson: I got it last minute.

Brian Davies: All right. Thank you.

Dave Gibney: All right. So let me see if I can zoom a little bit for my reading. Because like I said you know this is, it's sort of scripted. I put some time into this because I, you know. Can you guys hear me? Because there's been... I felt that a lot of our newer people and even myself and others could use a bit of review and this is somewhat based on the short course but it's. So, anyway the goal is kind of a shared understanding and going into the next year go ahead to the next slide. And let's see if I can figure out how to do that myself and yeah, that works. OK, so this is the kind of the emphasis of this presentation. It's not a checklist, it's not complete but I've got something to bid on the legal framework and the comprehensive plans and evaluating and our having a good record. Go ahead and hit the

next one. The, you know the, this is how and why in the legal basis for our account for any local planning and I've got a little bit on each of these things. The big thing is that we at the local level don't get to you know we're subject to everything at the higher levels. Next slide. The, and it, this is the federal, this is at the federal constitution level the as we've been told many times our core authority is from the police power. Which is actually the 10th amendment which I believe is what's not you know what the what isn't part of the federal government is left to the states to do? So, oh I sometimes find it hard to remember what the 9th and the 10th amendment is but so do a lot of things and that it's delegated to the counties by the state. And I did send this to the Commission members, and you can you know make it available to anybody. I'm not copy righting it. Next slide. The other stuff that we are obligated to for at the federal level is the due process from the 5th and the 14th amendments. We've got to be fair and reasonable and not argue arbitrarily. We have to be again equal protection. We have to be fair, which means that you, you have to treat any given property the same as you would any other. You can't make special arrangements. The property rights we've discussed is part of the 5th amendment and you know, you can't take personal property without compensation and there are some things that are regulated, You can't regulate something to the point to where it's totally unusable by the owner. There's public participation which says we have to listen and do all of our work here in front of the public. Next slide. The Washington State Constitution, it's article 11 section 11, and this is where the counties, this is what passes that police authority from the state down to the counties and it's really the root authority for all of our zoning and land use. Again, you know I'm not going to go through all of it but basically as we were just mentioning, our critical areas ordinance has, will have to follow the you know the directions of the state. Next slide. Why didn't my, next slide. Then we get into the state laws and the state and there's links in this to the state RCW that establishes the counties is title 36. And the fact that we can actually do planning is the Planning Enabling Act which authorizes us to do comprehensive plans and zoning and defines the Planning Commission. The next slide mentions, OK, so we are not a fully, we're not a fully GMA planning county so this next slide that's there is.

Brian Davies: You want to speak about that real quick or, that the state is made-up of counties that are either fully planning or partial planning and all of us in West, in Eastern Washington, we don't have enough population so we're partially planning and we, there are certain things we don't have to do

Dave Gibney: Right, and actually when and that this RCW 36.70, that's the GMA act and when it was enacted certain counties who didn't have to apply accept it and chose to because there was state money available at that time, Whitman County chose not to. But we are still required to plan on certain things specifically the critical areas and the natural

resources and we still needed to look at you know the GMA principles do inform the best practices and we're still required for the best available science next slide.

Brian Davies: And that makes it a reason that's the reason we have a county planner is because of all that.

Alan Thomson: I just want to add to the reasons for opting in or opting out. So, the original regulation, law was counties with 50,000 or more and a 17% growth, yearly growth rate had no option, they, they were in. Those below that level had a choice. There was money, you know money involved in this so the state offered an incentive for those counties that did not have those parameters and we can thank Mr. Mark Bordson for persuading our county commissioners not to opt in so Whitman county chose not to opt in but we're getting mighty close to the 50,000 population yeah but we don't have a 17% annual growth rate no right

Brian Davies: And that saves us right there

Alan Thomson: yeah, yeah.

Dave Gibney: If you took, if you look at a map of planning and our GMA and non-GMA counties around half of the rural counties chose to take that money and to become fully planning and around half didn't.

Alan Thomson: And there were several counties just recently that wanted out, desperately wanted out. They had less than a 50,000 population, they opted in and I think there were 2 or 3 of them that were successful. It was a pretty hefty lift to get out of that but they did.

Brian Davies: What really happens if you get over that 50,000 mark is you've got to put in an urban growth.

Alan Thomson: Well, if you're over the 50,000 population and the annual growth rate you have no choice. Then you're going to be fully planning.

Dave Gibney: Yeah. And there's an awful lot to that and then and I there's a link to that law and yeah, I mean there's a growth management, a statewide growth management board that you have to answer to. So anyway, we are, we're not required to do it, we're only required to do natural resources and critical areas. But Whitman County has chosen to have a 6-element comprehensive plan of the 6 that I've listed there. And once you, and we do have the plan you don't need to look through it all but the plan does drive our zoning ordinances and everything else and next slide. And it's important that we be consistent with our comprehensive plan, it is consistencies of fundamental principle of our Washington law and it this consistently applies to non-GMA 's our zoning decisions need to

be applicable or aligned with that policy and there's some other points there. And I and this one cites there's a, there's case law that says even though we're not planning and GMA we do have to do things consistent with the comprehensive plan. We did recently revise our comprehensive plan. The city of Pullman's doing theirs again right now so next slide. And as we've learned comprehensive plans contain competing goals. There's some common tensions. And where were and so that's one of the things that we as a Commission we need to be aware of the goals and weigh the trade-offs and then document our decisions based with the findings of fact and that's this is where that findings of fact concept comes in is that we need to protect the county from being accused of being arbitrary and capricious. Next slide. There are some considerations about doing a balance and I'll admit I asked artificial intelligence is help with putting this stuff together and then I worked on it and I tried to be sure that I wasn't accepting any lies from the Skynet or anything like that. But this is you know it a decision is defensible when we show that it reasonable and transparent balancing of those competing goals. Next slide. So, we just discussed the critical areas ordinance. Critical areas are required under the GMA and this part of it is we are required. And they're required to protect those 5 elements that we discussed, wetlands, Fish and Wildlife, frequently flooded areas, geologically hazard and critical area aquifer recharge. Now when we were doing the Whitman County comp plan last time, we concluded in with the best available science that there are no known critical area aquifer recharge areas in Whitman County. I don't know if that's still the case but it was when we last did it.

Alan Thomson: Our authority on that is Mark Storey if he's still there.

Brian Davies: No, I don't see Mark.

Alan Thomson: That, that is true, right Mark?

Mark Storey: Hi, this is Mark. I'm here and they're getting closer to identifying some in the Pullman and Moscow areas, but I wouldn't say that there's anything definitive that we need to hang our hat on at this time.

Brian Davies: Thank you, Mark,

Dave Gibney: OK so, then you know the critical areas as part of developing the comprehensive plan and again best available science. The next slide is about a shoreline. Go ahead to it. When the Shoreline Management Act also requires us to have a plan and adopt these things and if there's a difference between a shoreline management plan and a comprehensive plan the shoreline management plan wins. And my memory on that though also is it shoreline management act is a bit more balanced and that it isn't just protection but it's also to protect and continue the use of the shorelines for recreation and commerce

and the other parts that it's always been part of. And it talks about you know the environmental designations and the allowed uses and. Next one is on SEPA, or no, I'm sorry we're come, yeah SEPA. Those are the 2 laws or that's the state law and the state Environmental Protection Act, it's procedural, doesn't drive the outcomes. An error in SEPA can invalidate our decisions but a procedural glitch like we've had doesn't change anything, it just resets the clock and then it delays the final decision by the Bboard of County Commissioners. One of the things you know requires an environmental review, check for the impacts, there's the determination of non-significance, mitigated determination of non-significance in an environmental impact statement levels. Alan is our responsible authority for that. The Whitman County code and it's a little more later but our Title 9 environment adopts the SEPA by reference and establishes the local responsibilities and it integrates it into our planning, our commissions. You know it, again it matters because when one of our responsibilities is to be sure we have that complete and defensible record for what we do and what we recommend, next slide. This is a little more detail of the who does the different parts and so, you know, our staff. There's a SEPA checklist and the supporting materials to make that threshold determination, manage the comment period and work on the mitigation if it is needed. We on the Planning Commission review the SEPA documents in the record, consider those along with the component. We don't ourselves redo that SEPA work and we reference those in the findings of fact and then the Board of County Commissioners weighs the SEPA and our recommendation, adopts any mitigation if there's any and does our final decision and again the SEPA is a procedure on an informational thing, it's not a yes or no, this will or won't happen type of a thing. Environmental Impact Statements note in and of themselves preclude the action that's being studied. The next slide I've got something on the findings of fact. It explains why the decision occurred and it shows the summarizes the evidence shows how we balance the goals or how goals are balanced. The connection between the evidence and recommendations and it's you know this is why we can say our actions and our recommendations are not arbitrary and capricious because we have you know defensible findings of facts and this is you know when it goes when anything gets appealed this is the findings of fact are what's going to be used by the courts and the hearing examiners and everybody else to say yes what we're what we've put into code is defensible. Again, I any there's been a couple of checks or I'm willing to or we can talk about any of these at any point. The next one is about the evaluation of technical evidence and our grant you this a lot of this is this is the AI. But I you know those are those are reasonable things to expect and evaluation of technical evidence. And you know some you know not all information is the same carries the same weight and you know public testimony is very important but it's not necessarily definitive evidence as to what to be to make a decision on. Next slide. Uh there are some common mistakes that, missteps giving

equal weight to opinions of various different supported you know evidence. Over relying on the applicant is a common mistake in this and I've always had in the time I've been doing this I've always had a lot of sympathy for the neighbor of some development because the developer is doing it for a living they've done it many times and it's usually just you know it's a once in a lifetime that somebody is going to build an apartment complex next door. And so, the applicants or the neighbors and the affected parties are always in my opinion at a disadvantage. And some of that's happening around too is the developer doesn't really start advertising what they're going to do until they've got lots of their ducks in a row. And so again we need to that, that's something we need to protect in my opinion we need to protect from. The fact that there's no evidence is not of something, is not evidence that there is that that is a is or isn't going to be a situation. The you know letting public pressure override a record and poorly documented findings and I'm not saying any of these are occurring I'm this again these are things that happen all the you know the can happen and we need to be watching out for. The next slide. Another thing is that we I this is this is my opinion and I asked to put it in we need to avoid regulatory overreach and zoning. If it belongs in the building code it doesn't belong in the zoning code. If it's in the SEPA that's where it belongs. And again, this is my opinion mostly, but it does require us to have a familiarity of where everything is and to be well trained. Yeah, my copy I hit the button so. OK, so you know zoning regulates land use not all aspects of development another thing that happens when you put the same, put code in 2 different places is over time you'll amend one and not the other and they'll be greater and greater conflict. And the regulatory overreach can unintentionally restrict the property rights. Go ahead, hit the next one. So, this is you know what I'm, what I hope for us over the next, over this year. We do need, everybody needs, to refresh the Open Public Meetings Act I believe at least annually or maybe once a term but frequently. And I did put some links in this stuff. And you know all of the RCW 's and everything is available on the web. I would hope that we can have some refreshers as we go through that additional workshops. Go ahead. Training does matter. It helps us make proper decisions. It strengthens the legal defensibility and hopefully it helps us build the public trust that we're doing or working in transparent and consistent manner and it's to make everything is to help us make good decisions under proper procedures and everything. Hit the next one. These are some links to MRSC, Commerce, Ecology, Fish and Wildlife. All of those templates that Alan mentioned they might not be immediately findable but they're all there. Commerce has got the growth of management and planning, Ecology's got Shorelines and SEPA. MRSC is a great resource for all of this stuff and there's also the Planning Association of Washington. Next one. So that's what I'm you know we need to understand you know where we're at and what you know our framework is. Continue to apply consistent evidence-based evaluation. Document our findings and decisions quite well. And you know hopefully as new agenda items come up we will think

about this and do this and while we're working and I hope that we will have at least one joint meeting with the BOCC. The next and closing. Go ahead to the next one, yeah. That's the same as the first one so appreciate you guys taking your time and listening to me and.

Brian Davies: Thank you, Dave. I appreciate you doing all the work to put that together.

Dave Gibney: And we should probably, well it's part of our record now so make it available with the minutes or something.

Brian Davies: OK, we can do so noted. And then we have a note to have a conversation about the short course on local planning. Which...

Dave Gibney: This one of the, OK you know I did this because we did have that and it's kind of hard to get that scheduled all the time but while I was there I did, and I need to turn the microphone back on, I did note that they just, they had one of these hybrid out of Walla Walla yesterday. It was more city oriented than county and the materials are all on the website that there's a large manual on the short course of all of this stuff about how to how to hold hearings and quasi-judicial I didn't do quasi-judicial or legislative or any of the some of the other stuff in this presentation so there's just a lot of good information that I hope that Alan and you know we'll be able to avail ourselves of in the future.

Alan Thomson: So, there are, Commerce has some opportunities. They are having a lot of these throughout the state which you can go online to, and I will start sending them out to you, the timelines you know when you can do this in your own time frame. A bunch of short courses that Commerce offers. So, I will send you the links and the time frame and do take advantage of it because this is what we work on, this is what you guys are responsible for.

Brian Davies: Yeah, and the old, in the old days we used to be able to get the growth management office to come and give us a talk and I remember I think being in this room with a lot of people but

Alan Thomson: We can still have an in-person meeting as well but it doesn't happen very frequently that they will come here.

Brian Davies: But Melissa, like would come like she did last time.

Alan Thomson: Yeah.

Julian Matthews: Hey Brian.

Brian Davies: hello.

Julian Matthews: Oh yeah, I was just wondering on that shoreline, could you give me some examples? Is that like Wawawai County Park, Palouse River? You know when they talk

about shoreline, they have a different view when on the West Side, but what are some bodies of water that are shoreline that this would impact in Whitman County?

Brian Davies: Well Julian we have a shoreline master plan that covers every bit of defined shoreline in Whitman County which is every bit of the Snake River, and then all the Palouse River.

Dave Gibney: I can do that.

Brian Davies: You can go ahead.

Dave Gibney: There's a definition of the Shoreline Management Act applies to what's called the waters of the state and there's a specific definition of it which is a flow greater than 20.

Alan Thomson: 20 CFS and lakes greater than 20 acres.

Dave Gibney: And they are all inventoried in the Whitman County Shoreline Master Plan and that applies to any use anytime somebody wants to do something adjacent or in those areas they have to that's, that's one of the things that we talked about in the very first every time is forthcoming shoreline master something hearings.

Alan Thomson: Yeah, substantial development permits which essentially is a conditional use but it's specific to shorelines.

Julian Matthews: So that plan though is in the Whitman County whatever website or something the current one?

Alan Thomson: Yep.

Julian Matthews: OK thanks, thank you.

Alan Thomson: And you can always call me and ask questions.

Brian Davies: All right, well I think we've come to the end of our agenda

Alan Thomson: Wow, bummer. An easy night for you guys.

Brian Davies: It's been an interesting evening, to say the least.

Weston Kane: Mr. Chairman, if this would be the time I, so just come up several times in the last few months I would move that we add the Pledge of Allegiance as a standing agenda item in number 2.

Julian Matthews: Second.

Brian Davies: It's been moved and seconded that we add the Pledge of Allegiance into our agenda as standing item number 2. All in favor.

PC Members: Aye, aye, aye.

Brian Davies: Any opposed? Passed. We will now have the pledge on our agenda right at the start, so we do not miss it.

MOTION PASSED FOR PLEDGE OF ALLEGIANCE TO BE STANDING ITEM 2 IN AGENDA

Alan Thomson: So, it's going to be number one on every, all agendas from now on is that right. What was number 2?

Dave Gibney: Call to order is number one

Alan Thomson: And then so number 2 OK.

Brian Davies: Yeah. Have anything else to talk about, folks. Any questions, concerns? Looks like a, let me pull up my calendar. We're going to meet again on the 4th of February It looks like. Do we have anything else Alan that we need to?

Alan Thomson: For those out there that might be interested in the SEPA decision it's going to be posted the same way the original one was. It's on the website and it will be the first on the, as soon as you go into whitmancounty.gov it'll be right there. It's also on the Planning Commission web page as well.

Brian Davies: And that'll be tomorrow.

Alan Thomson: Tomorrow morning it will be posted on the SEPA register and then I'll post it online. I can't, I don't control posting it online so I don't know exactly how long it's going to take for them to get it there, but it will get there at some point tomorrow, hopefully, or within the next day or so. And people can call me if they want a copy of it. I can send it to them.

Brian Davies: Thank you. A question in the crowd?

Unknown female: I'm just curious why

Brandon Johnson: Can you come to the mic.

Unknown female: There's 5 of us in here.

Brandon Johnson: I know but I needed it for the record.

Brian Davies: And I couldn't hear you. Come closer please.

Unintelligible female

Theresa Bannister: Theresa Bannister, just curious why the tribes weren't notified for SEPA. We've talked about that several times they brought it up quite a bit. What was the decision, why?

Alan Thomson: It was an oversight.

Theresa Bannister: An oversight when I've talked about it at several different meetings. I don't think so. It's in your paperwork they're on the SEPA checklist. They've been waiting.

Alan Thomson: I've given you my answer.

Brian Davies: It was an oversight.

Theresa Bannister: You overlooked it OK.

Brian Davies: That's, that's the long and the short of it and we have moved on so thank you for your comment.

Theresa Bannister: Thank you. You're welcome.

Brian Davies: Any other questions or comments or any other discussion we need to have if not I'll entertain a motion?

Dave McKeirnan: I can make a motion to adjourn

Weston Kane: I'll Second

Brian Davies: it's been moved and seconded that we adjourn all in favor aye opposed. Adjourned thank you everyone. Thank you everyone online.

MEETING ADJURNED 8:26PM