

**FRANKLIN COUNTY
PLANNING COMMISSION
MINUTES
January 6, 2009**

MEMBERS PRESENT:

Burl Booker, David Piovesan, Claude Pierret, Gary Bosch and Flo Sayre.

MEMBERS ABSENT:

Lois Hanses and Bruce Flippo.

The Franklin County Planning Commission was called to order at 7:00 p.m. by Planning Commission Chairman David Piovesan. A quorum was present.

APPROVAL OF MINUTES:

Flo Sayre made a motion to approve the November 4, 2008 minutes as written.

Claude Pierret seconded the motion.

Motion carried

APPROVAL OF AGENDA:

Burl Booker made a motion to approve the agenda as written, with the addition of an item under Other Business as requested by Claude Pierret regarding Public Hearing Notice requirements (clarification).

Flo Sayre seconded the motion, including the additional Other Business item.

Motion carried

ITEM #1 – **CUP 2008-13**, an application by Kevin DeGroot, 700 Radar Hill Road, Othello, WA 99344 for a Conditional Use Permit. Said application is a Conditional Use Permit for the expansion of an existing dairy (and associated young stock) operation. The proposal is to replace an existing milking parlor and increase the overall animal unit headcount to a maximum of 2800 animals. Of this, approximately 1400 are milking cows and 1400 are the associated young stock. The property is located in North Franklin County, approximately ½ mile south of Adams County, south of Mail Road along the east side of Radar Hill Road (Parcel Number 120-030-082).

APPLICANT: Kevin DeGroot, 700 Radar Hill Road, Othello, WA 99344.

OWNER: Louie DeGroot, 700 Radar Hill Road, Othello, WA 99344.

OPEN PUBLIC HEARING/STAFF REPORT:

Greg Wendt presented the staff report for the conditional use permit application (CUP 2008-13).

APPLICATION DESCRIPTION:

This is a Conditional Use Permit for the expansion of an existing dairy (and associated young stock) operation.

The proposal is to replace an existing milking parlor, add new loafing sheds for the animals, and increase the overall animal unit headcount to a maximum of 2800 animals. Of this, approximately 1400 are milking cows and 1400 are the associated young stock.

The site is outright permitted (without the review and approval of a CUP) with the following headcount numbers per the County Zoning Ordinance: 499 milking cows and 999 feedlots animals (heifers and young stock).

The requested headcount number will secure the applicant of a spot within the operation's two (2) mile buffer. Specifically, the County Zoning Ordinance states that no more than two (2) operations, greater in size than 1300 milking cows, shall be located within an operation's two (2) mile buffer.

PUBLIC NOTICE:

1. A Public Notice was published in the Herald and Graphic on December 11, 2008.
2. Property Owners within 1 mile were mailed notice during the 2nd week of December 2008.
3. The Planning Staff mailed out review packets to Technical Agencies on December 4, 2008.

AGENCY COMMENTS/CRITERIA FOR FINDINGS OF FACT:

1. AGENCY COMMENTS

- a. **County Planning and Building Department:** The Planning Department has determined the following findings/comments for this application:

1. **WHAT IS A SPECIAL USE/CONDITIONAL USE PERMIT (CUP):** A CUP allows the County to consider special uses which may be essential or desirable to Franklin County, but which are not allowed as a matter of right within a zoning district, through a public hearing process. A conditional use permit can provide flexibility within a zoning ordinance. Another traditional purpose of the conditional use permit is to enable a County to control certain uses which could have detrimental effects on the community and examine the compatibility of the proposed use.
2. **ZONING:** The property is located in the AP-20 Zone. A conditional use permit is required for milking cow dairy operations that exceed a headcount of 499 and feedlot (young stock) operations that exceed a headcount of 999.

Further, the County Zoning Ordinance states that no more than two (2) operations, greater in size than 1300 milking cows, shall be located within an operation's two (2) mile buffer.

3. **COMPREHENSIVE PLAN:** The Comprehensive Plan designation for the property is Agricultural. The Comprehensive Plan encourages agricultural industries in agricultural areas.
4. **HEADCOUNT NUMBER:** Currently, the applicant has approximately 600 milking cows and 600 young stock on the property. Applicant is requesting the ability to increase the total headcount number to a maximum of 2800, with this total being comprised of 1400 milking cows and 1400 young stock.
5. **SITE IMPROVEMENTS:** A new milking facility and loafing sheds will expand and replace existing facilities on the site as the head count numbers increase.
6. **FARM SIZE:** Total DeGroot Ownership in general area is approximately 290.21 acres consisting of the following parcel numbers and acreage: Parcel Number 120-040-133 (57 acres); Parcel Number 120-030-055 (84.4 acres); Parcel Number 120-030-046 (2 acres); Parcel Number 122-030-117 (20.51 acres); Parcel Number 120-030-108 (44 acres); Parcel Number 120-030-082 (82.3 acres). The main dairy site is located on Parcel Number 120-030-082 which is approximately 82.3 acres in size.
7. **SEPA REVIEW:** A SEPA review has been completed and a Mitigated Determination of Non-Significance (MDNS) has been issued for the project.
8. **FARM SITE LOCATION/COMPATIBILITY TO SURROUNDING LANDS:**
 - a. The animal operation and its expansion at this site is a compatible use with the Agricultural Production 20 Zoning District and the surrounding areas.
 - b. The farm site is in an area zoned Agricultural Production 20 (AP-20).
 - c. The farm site is not located near a Rural Settlement Area or a designated Urban Growth Boundary.
 - d. Active farms and another animal operation are located near the proposed farm site.
 - e. The dairy site is approximately ½ mile from a rural residential zoning designation (RR-5).

- i. This area has a minimum lot size of 5 acres and allows agricultural uses as a permitted use in this zoning classification.
 - ii. The residential area is designated in the County Comprehensive as a Rural Remote. A Rural Remote generally is characterized by lot sizes that are 5 acres in size, private wells, on-site sewage disposal systems, and gravel roads. Boundary expansions of the Rural Remote area are not expected and infill at a 5 acre standard complies with the Plan.
- f. The animal operation is approximately 8.5 miles north of the Rural Settlement Area known as Basin City and is approximately 5.25 miles south of the City of Othello, located in Adams County.
 - g. The animal operation is generally downwind (prevailing wind) from the area zoned RR-5.

9. ODOR AND FLY CONTROL PLAN: In 2001, the Franklin County Board of Commissioners adopted County Resolution 2001-238 identified as the Franklin County Odor and Fly Control Guidelines for Livestock and Poultry Operations. These guidelines were adopted for use by the County Planning Commission in reviewing new operations and existing operations wishing to expand that require a special/conditional use permit. The guidelines were developed by a task force consisting of the Franklin Conservation District, County Planning Department, County Planning Commission, USDA Natural Resource Conservation Service, Benton Franklin Health Department, the local Poultry Industry and the local Dairy Industry.

- a. The Odor and Fly Control Guidelines state that an Odor and Fly Control Plan may be required as part of a Conditional Use Permit for animal operations.
- b. An Odor and Fly Control Plan shall focus on Odor Production (Sources and Controls) and Implementation (Timelines, Maintenance and Monitoring).

10. ODOR AND FLY CONTROL PLAN GUIDELINES: Odor and Fly Control Guidelines adopted by the Board of County Commissioners (County Resolution 2001-238) are applicable to this dairy expansion. The following are important guidelines to follow when reviewing this application:

- a. County Resolution 2001-238 identified as the Franklin County Odor and Fly Control Guidelines for Livestock and Poultry Operations states: “Franklin County understands the importance of managing odor and nuisance issues to a reasonable extent as they

relate to Livestock and Poultry Operations” (County Resolution 2001-238);

- i. A Conditional Use Permit is required for dairy operations greater in size than 499 (headcount).
- b. General Philosophy: “No Livestock operation can be 100% odor free”. “Zoning should be used to avoid conflict where possible”;
- c. Introduction: “Elimination of odor from livestock and associated facilities is not realistic. Odors of some sort will always be produced and are usually released to the environment”; “What can be evaluated and possibly changed is the frequency of odor occurrences, the duration of the odor, the intensity of the odor and negative perceptions by some neighbors”;
- d. Selection of a Site: “Many operations are already situated close to neighbors and major roads. Such farms should be examined to identify potential problems and ways to avoid them by modifying the collection, processing, storage, and disposal of manure. This is especially important when considering the upgrading or expansion of an existing site. Sometimes it is better to abandon the site and invest remodeling or expansion money in new facilities at a better location”.
 - i. Abandonment of this site is not recommended. Implementation of an odor and fly control plan in addition to an updated nutrient management plan will assist in minimizing impacts to surrounding areas.

11. NUTRIENT MANAGEMENT PLANNING: Nutrient Management Plans (NMP) are designed to satisfy the requirements of Washington State's Dairy Nutrient Management Act. The Department of Agriculture has the following objectives as it relates to Nutrient Management Plans: *“Preventing discharge of contaminated waste water to streams, drainage ditches, or other surface waters from the facility; Preventing migration of contaminants from the facility to the underlying aquifer; Using facility nutrients to supply crop nutrient needs at rates and times tailored to reach realistic yield goals; Meeting the requirements of the Dairy Nutrient Management Act of 1998, the Clean Water Act and compliance with Federal, State And local laws regarding water quality standards”* (Dept of Agriculture-Livestock Nutrient Management Program Website).

- a. Nutrient management plans focus on water quality related issues as described above. Enforcement of approved Nutrient Management Plans is the responsibility of the Washington State Department of Agriculture.

- b. The applicant's current Nutrient Management Plan for the dairy operation was completed in 2004. With the proposed expansion, an updated NMP is required.

12. **STOCK WATERING:** Applicant has stated the dairy facility utilizes an existing well for stock watering purposes. A separate irrigation source is also provided to the farm.

Other Agency Comments:

- b. **Health Department:** The Department has no objections provided:
 1. The **facility must provide domestic drinking water** by a public water supply in accordance with WAC 246-291, approved by the Washington State Department of Health Office of Drinking Water.
 2. The **facility must be served by on-site sewage systems** that are permitted, installed, and approved in accordance with Benton Franklin District Board of Health Rules and Regulations #2.
 3. The **Nutrient Management Plan be updated** and as part of that plan the **liquid manure holding pond(s) and manure waste lagoon are inspected** to determine if they conform to current standards and are functioning properly. The current manure waste lagoon is located approximately 250 feet from a surface waterway that feeds several large lakes that are used for recreational purposes. These lakes could be impacted if the manure waste is not managed properly.
- c. **Public Works Department:** The existing dairy's access is from Radar Hill Road which is classified as a local access road. Radar Hill Road is a paved road with a current ADT (average daily traffic) volume of approximately 125 vehicles per day. The projected increase of 10 vehicles a day from this proposed expansion should have little or no impact on the current road. As for accident history on Radar Hill Road, there have been only two minor accidents in the last 15 plus years, which in both cases were not related to the condition or design of the road.

From the drawings and maps submitted with the application, it appears that there is adequate area for handling off road parking with vehicles associated with the dairy operations.

Although Radar Hill is a paved road and its current condition is considered to be fair to good, it is not built to an all-weather standard. What this means is that the road does not have the proper depth of rock and asphalt to support heavy loads during the freeze/thaw periods of winter and early spring.

Based on the severity of our winters, when the frost depth is considerably greater than the average mild winter and we experience a quick warming in the temperature, the sub bases of roads like this turn soft and weak to the point that heavy loads have a tendency to destroy the road. When a winter like this happens,

we initiate road restrictions which restrict the hauling of most legal loads. We do, by permit process, allow the hauling of certain products but restrict these loads to weights that do not cause damage to the roadway. It is hard to predict the weather and the winters we have so road restrictions may not happen for years or they could be enforced for an unknown amount of consecutive years.

Finally, approach permits are required for any new approaches onto county roads.

RECOMMENDATION : (CUP-2008-13)

According to **Chapter 41 (Special/Conditional Use)** of the Franklin County Development Regulations, the Planning Commission shall:

1. Make and enter findings of fact from the record and conclusions thereof;
2. Shall render a recommendation to the Board of Commissioners as to whether the proposal be denied, approved, or approved with modifications and/or conditions.

Findings of Fact Criteria by Planning Commission: The planning commission shall make and enter findings from the record and conclusions thereof as to whether or not:

1. The proposal is in accordance with the goals, policies, objectives, maps and or narrative text of the comprehensive plan;
2. The proposal will adversely affect public infrastructure;
3. The proposal will be constructed, maintained and operated to be in harmony with the existing or intended character of the general vicinity;
4. The location and height of proposed structures and the site design will discourage the development of permitted uses on property in the general vicinity or impair the value thereof;
5. The operation in connection with the proposal will be more objectionable to nearby properties by reason of noise, fumes, vibrations, dust, traffic, or flashing lights than would be the operation of any permitted uses within the district;
6. The proposal will endanger the public health or safety if located and developed where proposed, or in anyway will become a nuisance to uses permitted in the district.

Staff: Planning Staff will assist the Planning Commission with the determination of findings and conditions for CUP-2008-13.

RECOMMENDATION:

The Franklin County Planning Department recommends that the Planning Commission forward a **POSITIVE** recommendation to the Franklin County Board of Commissioners for Application #CUP-2008-13, with the following suggested findings of fact and suggested conditions of approval:

Suggested Findings of Fact:

1. The proposal **is in** accordance with the goals, policies, objectives, maps and or narrative text of the comprehensive plan;

- a. The land is zoned Agricultural Production 20 (AP-20) and the Comprehensive Plan designation is Agricultural.
 - b. Pursuant to the Comprehensive Plan, the approval of a Conditional Use Permit is required for large scale confined animal feeding operations.
 - c. A dairy operation greater in size than 499 head count requires approval of a special/conditional use permit.
 - d. A feedlot operation greater in size than 999 requires the approval of a special/conditional use permit.
 - e. Encourage agricultural industries in agricultural areas (Comprehensive Plan, Page 113).
2. The proposal **will not** adversely affect public infrastructure;
- a. The existing dairy's access is from Radar Hill Road which is classified as a local access road. Radar Hill Road is a paved road with a current ADT (average daily traffic) volume of approximately 125 vehicles per day. The projected increase of 10 vehicles a day from this proposed expansion should have little or no impact on the current road.
 - b. The activities at the site will not be more adverse to the public roadway and public infrastructure than other approved animal agricultural operations or industries that are located in Franklin County.
 - c. Mitigation such as load size limitations, restrictions, and public works permitting, etc. will be required if winter conditions exist and Public Works restrictions exist.
3. The proposal **will be** constructed, maintained and operated to be in harmony with the existing or intended character of the general vicinity;
- a. The site location for the animal operation expansion is in an area zoned Agricultural Production 20 (AP-20);
 - b. The general area consists of farms, animal operations, and scattered single family homes;
 - c. The animal operation expansion is in harmony with and is compatible with the surrounding lands, including the existing and intended character of the agricultural area:
 - i. The animal operation and its expansion at this site is a compatible use with the Agricultural Production 20 (AP-20) Zoning District and the surrounding areas.
 - ii. The farm site is in an area zoned Agricultural Production 20 (AP-20).

- iii. The farm site is not located near a Rural Settlement Area or a designated Urban Growth Boundary.
 - iv. Active farms and another animal operation is located near the proposed farm site.
 - v. The dairy site is approximately ½ mile from a rural residential zoning designation (RR-5).
 - This area has a minimum lot size of 5 acres and allows agricultural uses as a permitted use in this zoning classification.
 - The residential area is designated in the County Comprehensive as a Rural Remote. A Rural Remote generally is characterized by lot sizes that are 5 acres in size, private wells, on-site sewage disposal systems, and gravel roads. Boundary expansions of the Rural Remote area are not expected and infill at a 5 acre standard complies with the Plan.
 - vi. The animal operation is approximately 8.5 miles north of the Rural Settlement Area known as Basin City and is approximately 5.25 miles south of the City of Othello, located in Adams County.
 - vii. The animal operation is generally downwind (prevailing wind) from the area zoned RR-5.
4. The location and height of proposed structures and the site design **will not** discourage the development of permitted uses on property in the general vicinity or impair the value thereof;
- a. The farm site is located in an agricultural area that is not densely populated.
 - i. The farm site is not located near a Rural Settlement Area or a designated Urban Growth Boundary.
 - b. Agricultural industry and animal operations are consistent with the uses allowed in agricultural areas.
 - c. The area is zoned Agricultural Production 20 (AP-20).
 - d. The dairy site is approximately ½ mile from a rural residential zoning designation (RR-5).
 - i. This area has a minimum lot size of 5 acres. Permitted uses in the RR-5 zoning classification include single family homes, agriculture, floriculture, horticulture, general farming, rural retail businesses, veterinary clinics and nurseries/greenhouses.

- e. The animal operation is generally downwind (prevailing wind) from the area zoned RR-5.
 - f. The height of structures and site design as submitted is in compliance with the AP-20 development standards. The dairy expansion will not discourage the development of permitted uses in the area.
5. The operation in connection with the proposal **will not** be more objectionable to nearby properties by reason of noise, fumes, vibrations, dust, traffic, or flashing lights than would be the operation of any permitted uses within the district;
- a. The area is zoned Agricultural Production 20 (AP-20) which allows for a wide range of agricultural activities and animal agricultural operations to occur.
 - b. The proposed animal agricultural activity and operation is not more objectionable than other permitted uses allowed in the area. A dairy facility does not create more noise, fumes, vibrations, dust, traffic, or flashing lights than other agricultural uses permitted in the AP-20 zoning district.
 - i. The existing dairy's access is from Radar Hill Road which is classified as a local access road. Radar Hill Road is a paved road with a current ADT (average daily traffic) volume of approximately 125 vehicles per day. The projected increase of 10 vehicles a day from this proposed expansion should have little or no impact on the current road.
 - ii. As for accident history on Radar Hill Road, there have been only two minor accidents in the last 15 plus years, which in both cases were not related to the condition or design of the road.
 - iii. From the drawings and maps submitted with the application, it appears that there is adequate area for handling off road parking with vehicles associated with the dairy operations.
 - c. To further ensure its compatibility with the surrounding agricultural area and reduce potential impacts to neighbors, the dairy operation is required the following:
 - i. Applicant is required to comply with a State of Washington Dairy Nutrient Management Plan as enforced by the State of Washington.
 - ii. The applicant currently has a Nutrient Management Plan for the existing dairy operation. With the expansion an updated Plan is required and shall be completed.
 - iii. Completion of an Odor and Fly Control Plan for the operation is required.
 - a. An Odor and Fly Control Plan (along with the associated Nutrient Management Plan) will identify potential problems and find ways to

avoid them by modifying the collection, processing, storage, and disposal of manure if necessary. This is especially important when considering the upgrading or expansion of an existing site. Abandonment of the existing dairy site is not recommended. Implementation of an odor and fly control plan in addition to an updated nutrient management plan will assist in minimizing any potential impacts to surrounding areas.

- iv. Outdoor lighting at the facility shall be shielded downward. This will assist in ensuring the outdoor lighting will not become a nuisance to neighboring properties and will limit light pollution in the rural area.
6. The proposal **will not** endanger the public health or safety if located and developed where proposed, or in anyway will become a nuisance to uses permitted in the district.
- a. The dairy expansion is in harmony with and is compatible with the surrounding lands, including the existing and intended character of the agricultural area.
 - b. To protect water quality and health related issues, the applicant is required to comply with a State of Washington Dairy Nutrient Management Plan. The Nutrient Management Plan, as enforced by the Washington State Department of Agriculture has the following water quality objectives: “Preventing discharge of contaminated waste water to streams, drainage ditches, or other surface waters from the facility; Preventing migration of contaminants from the facility to the underlying aquifer; Using facility nutrients to supply crop nutrient needs at rates and times tailored to reach realistic yield goals; Meeting the requirements of the Dairy Nutrient Management Act of 1998, the Clean Water Act”.
 - c. The applicant currently has a Nutrient Management Plan for the existing dairy operation. With the expansion, an updated Plan is required and shall be completed.
 - d. Completion of an Odor and Fly Control Plan for the operation. This Plan will discuss numerous items including potential sources of odors and flies on the farm including methods to control and reduce odors and flies at the dairy site.
 - i. An Odor and Fly Control Plan (along with the associated Nutrient Management Plan) will identify potential problems and find ways to avoid them by modifying the collection, processing, storage, and disposal of manure if necessary. This is especially important when considering the upgrading or expansion of an existing site. Abandonment of the existing dairy site is not recommended. Implementation of an odor and fly control plan in addition to an updated nutrient management plan will assist in minimizing any potential impacts to surrounding areas.
 - e. Compliance with any current or future State/Federal dairy requirement for this operation, will further assist in ensuring the dairy expansion, as located, is not a nuisance to the surrounding permitted uses in the agricultural area.

Suggested Conditions of Approval:

1. Approval allows for the expansion of an existing dairy (and associated young stock) operation. The proposal is to replace an existing milking parlor, add new loafing sheds for the animals, and increase the overall animal unit headcount to a maximum of 2800 animals. Of this, approximately 1400 are milking cows and 1400 are the associated young stock.

The property is located in North Franklin County, approximately ½ mile south of Adams County, south of Mail Road along the east side of Radar Hill Road (Parcel Number 120-030-082).

2. The requested headcount number will secure the applicant of a spot within the **operation's two (2) mile buffer**. Specifically, the County Zoning Ordinance states that no more than two (2) operations, greater in size than 1300 milking cows, shall be located within an operation's two (2) mile buffer.
3. A **Mitigated Determination of Non-Significance (MDNS)** has been issued as part of the SEPA review and determination. An approved Conditional Use Permit, compliance with the required Dairy Nutrient Management Plan, and compliance with the State Department of Agriculture's regulations is required for this application.
4. Applicant shall comply with the State of Washington's requirements for Dairy operations including the implementation of a **Nutrient Management Plan** for the operation. Nutrient management plans focus on water quality related issues. The applicant's current Nutrient Management Plan (NMP) for the dairy operation was completed in 2004. With the proposed expansion, an updated NMP is required and shall be completed and accepted by the approving conservation agency by July 2010 (18 months from the date of CUP approval). A copy shall be provided to the County to be placed in the CUP case file if allowed per federal disclosure laws.
5. The Odor and Fly Control Guidelines adopted by County Resolution 2001-238 by the Board of County Commissioners states that an **Odor and Fly Control Plan** may be required as part of a Conditional Use Permit for animal operations. An Odor and Fly control Plan is required for this operation and expansion. The applicant is required to complete and submit an Odor and Fly Control plan by July 2010 (18 months from the date of CUP approval), which is consistent with the required NMP submittal.
 - a. To assist in being a good neighbor and encouraging positive neighbor relations, the applicant shall ensure the required Odor and Fly Control Plan discusses the following:
 - i. Field spraying of animal waste should only occur at times that will least impact surrounding neighbors. With this, spraying should not occur on weekends and on holidays when neighboring landowners may be spending an increased amount of time enjoying the outdoors;
 - ii. Applicant should maintain an open door policy with surrounding land owners. Address neighbor issues to the best extent reasonably possible and in turn assist in eliminating nuisance issues to the best of applicants' ability.

6. The applicant shall, at all times, comply with the necessary Federal and State standards for dairy operations. This includes, but is not limited to the Washington State Department of Agriculture requirements for dairy operations.
7. Comply with the standards of the **Benton Franklin Health Department**. The Department has no objections provided:
 - a. The **facility must provide domestic drinking water** by a public water supply in accordance with WAC 246-291, approved by the Washington State Department of Health Office of Drinking Water;
 - b. The **facility must be served by on-site sewage systems** that are permitted, installed, and approved in accordance with Benton Franklin District Board of Health Rules and Regulations #2; and
 - c. The **Nutrient Management Plan be updated** and as part of that plan the **liquid manure holding pond(s) and manure waste lagoon are inspected** to determine if they conform to current standards and are functioning properly. The current manure waste lagoon is located approximately 250 feet from a surface waterway that feeds several large lakes that are used for recreational purposes. These lakes could be impacted if the manure waste is not managed properly.
8. All activities associated with the dairy operation shall maintain a 200' setback from the designated **Critical Area** (State of Washington Priority Habitat Area) located on the south end of Parcel 120-030-082. At the current time, the applicant maintains a setback of approximately 500 feet. Protection of the Critical Area is encouraged and required by County Code.
9. The operation shall comply with the rules and regulations of the **Franklin County Public Works Department**. This dairy is located off Radar Hill Road. Although Radar Hill is a paved road and its current condition is considered to be fair to good, it is not built to an all-weather standard. What this means is that the road does not have the proper depth of rock and asphalt to support heavy loads during the freeze/thaw periods of winter and early spring. Based on the severity of our winters, when the frost depth is considerably greater than the average mild winter and we experience a quick warming in the temperature, the sub bases of roads like this turn soft and weak to the point that heavy loads have a tendency to destroy the road. When a winter like this happens, we initiate road restrictions which restrict the hauling of most legal loads. We do, by permit process, allow the hauling of certain products but restrict these loads to weights that do not cause damage to the roadway. It is hard to predict the weather and the winters we have so road restrictions may not happen for years or they could be enforced for an unknown amount of consecutive years.
10. **Approach permits** are required for any new approaches onto county roads.
11. New barns, pen areas, and an expansion of the parlor will need to be established as the headcount number increases. Applicant is required to comply with the requirements of the **County Building Division** regarding any new construction at the site.

12. **Fire Code Standards:** Separations between buildings shall be 60 feet. Fire lanes shall have a clear path of 20 feet and covered with 4" of 5/8 minus gravel. Fire extinguishers shall be clearly marked.
13. If a business office is planned at the site in the future, office standards and permitting is required. The office may be subject to compliance with **ADA standards** and development regulation parking standards.
14. The following **Fire Code Official** requirements shall be complied with: The project is located within Fire District #1. Prior to building permits being issued for the site, a fire apparatus lane shall be constructed to the site, a 20' clear area shall be provided around all buildings and the following setbacks are required for new construction on the property.
 - a. Setbacks: The following separation standards shall be required for all existing, new building(s)/structure(s) placed on this parcel:
 - i. Front yard setback: Twenty-five (25) feet from a road right-of way and/or a dedicated roadway/easement, and/or fifty-five (55) feet from the center line of such road right-of way and/or roadway/easement which ever is greater.
 - ii. Rear yard setback: Twenty-five (25) feet.
 - iii. Side yard setback: Twenty (20) feet.
 - iv. Building separation standards will be determined at the time of building plan review. Typical separation standard is 60 feet.
 - b. Fire extinguishers shall be clearly marked.
15. Per Franklin County Ordinance Number 5-2007, as amended, prohibits the **accumulation of irrigation water on County Roads** in Franklin County. Compliance with this Ordinance is required for this operation.
16. **Outdoor lighting** at the facility shall be shielded down. This will assist in ensuring the outdoor lighting will not become a nuisance to neighboring properties and will limit light pollution in the rural area.
17. Any **discontinuance or abandonment** of the approved use (dairy operation) for a period of one (1) year shall null and void this CUP approval.
18. Nothing in this CUP approval shall be construed as excusing the applicant from compliance with any federal, state, or local statutes, ordinances, or regulations applicable to this project.
19. In accordance with the County's Zoning Ordinance, any special permit may be revoked by the Board of Commissioners if, after a public hearing, it is found that the conditions upon which the special permit was authorized have not been fulfilled or if the use authorized has

changed in size, scope, nature or intensity so as to become a detriment to the surrounding area. The decision of the Board is final.

20. This permit applies to the described lands and shall be for the above named individual and/or his heirs and/or assigns. Any transferring of this permit will require that notice be granted to the Franklin County Planning Department or the permit will be cancelled. It cannot be transferred to another site.

PROPONENTS:

Kevin DeGroot, 700 Radar Hill Road, Othello, WA 99344.

Vernon Hawks, 1491 Agnus, Richland, WA 99352.

Louie DeGroot, 700 Radar Hill Road, Othello, WA 99344.

Dan Baginski, 433 Desert, Othello, WA 99344.

* 3 Letters of support marked Exhibit A, B, and C were read and entered into the record.

OPPONENTS:

Ted Melgrenn, 1825 West Lee Road, Othello, WA 99344.

John Martin, 350 Radar Hill Road, Othello, WA 99344.

Ron Melgrenn, 1739 Hatton Road, Othello, WA 99344.

Kathy Ramirez, 352 Radar Hill Road, Othello, WA 99344.

Joyce Melgrenn, 1825 West Lee Road, Othello, WA 99344.

* 16 Letters of opposition marked Exhibits D through S were read and entered into the record.

CLARIFICATION OF PUBLIC STATEMENTS:

None.

PLANNING COMMISSION DISCUSSION:

There was discussion amongst the planning commission, staff, the applicant, and members in the audience in regards to the elevation difference from the top of Sagehill Road to the bottom of Sagehill Road – no elevation available, but hillside is covered in 15-40% slope, prevailing wind direction, slope causes winds to swirl, how often does the emptying or pumping of the waste lagoon occur – 3 to 4 times a year (twice in spring and twice in summer), how quickly the waste disced into the ground, no complaints to the County regarding this facility, number of complaints to the operator is unknown, operator wants to utilize the manure in accordance with best management practices to get the best results – more cost effective, they don't land apply in bad weather - they hold it in the lagoons, odor and fly control plan, update to the nutrient management plan will address lagoon size, other dairy and feedlot operations in the immediate vicinity and in Adams County, Condition of Approval # 5i – questioning on whether or not # 5i should be beefed up for number of days to incorporate into the soil – no need to as nutrient management plan will address incorporation and suggested times, discussion on the smell, flies, additional road traffic, the County's dairy restriction for size and number of dairy operations within a certain proximity of each other, the possibility of adjacent dairy expansions, property values, land development possibilities, priority habitat and the setback associate with it, etc.

MOTION:

Claude Pierret made a motion for the *approval* of the conditional use permit application (CUP 2008-13) with the findings of fact and conditions of approval as specified in the staff report.

Flo Sayre seconded the motion.

ROLL CALL:

Lois Hanses	Absent	David Piovesan	Yes
Flo Sayre	Yes	Claude Pierret	Yes
Gary Bosch	Yes	Bruce Flippo	Absent
Burl Booker	Yes		

Motion carried (Unanimous) for the *approval* of this application – CUP 2008-13.

ITEM #2 – ZC 2008-05, an application by Franklin County, 1016 North 4th Avenue, Pasco, WA 99301 for a zoning designation change. Said application is to conduct a County-Wide Zoning Map Update (Pasco Urban Growth Area). This Zone Change application is being completed to ensure consistency between the County Zoning Map, the County Development Regulations (Zoning Ordinance), and the Pasco Urban Growth Area Comprehensive Plan – all as required by RCW 36.70A – The Growth Management Act.

APPLICANT: Franklin County, 1016 North 4th Avenue, Pasco, WA 99301.

OWNER: N/A.

OPEN PUBLIC HEARING/STAFF REPORT:

Jeremy Underwood presented the staff report for the zone change application (ZC 2008-05).

APPLICATION DESCRIPTION:

This application is an Update to the County-wide (Urban Area) Zoning Map. This Zoning Map change is being completed to ensure consistency between the County Zoning Map, the County Development Regulations (Zoning Ordinance) and the recently updated Pasco Urban Growth Area Comprehensive Plan.

This application focuses on the lands within the Pasco Urban Growth Area. The City of Pasco adopted a new Land Use Map in the Fall of 2008 to re-designate lands within the Pasco Urban Growth Area. Under current Growth Management Act requirements, cities and counties shall have consistency between their Comprehensive Plans, Zoning Ordinances, and Zoning Maps.

Map changes are proposed to occur as follows:

Pasco Urban Growth Area

1. The city designated approximately **18** acres near the Road 68/Powerline Road intersection as Mixed Residential/Commercial. The county is proposing this newly designated area

(north of the Powerline Rd./Road 68 intersection) be rezoned from Rural Residential 1 (RR-1) and Agricultural Production 20 (AP-20) to Retail Business Zone (C-1).

Retail Business Zone (C-1) zoning is established to provide a location for commercial activities outside the central business district but within the Urban Growth Boundary.

2. The city designated approximately 1,160 acres north of the Pasco city limits as Low-Density Residential and Mixed Residential. Currently, this area is zoned Rural Residential 1 (RR-1), Rural Community 1 (RC-1), Rural Community 5 (RC-5), and Agricultural Production 20 (AP-20).

a. Of this 1,160 acres of newly designated land, the county is proposing to rezone approximately **562** acres of the land from Agricultural Production 20 (AP-20) to Residential Transition Zone (R-T).

The Residential Transition Zone is intended to be applied to undeveloped lands within the Urban Growth Boundary which are ultimately intended for suburban or residential use, and acts as a transitional holding zone.

b. Also within the 1,160 acres of re-designated land, the county is proposing to rezone approximately **375** acres west of Dent Rd. from Rural Community 1 (RC-1) to Residential Suburban 40 (RS-40) Zone. An additional area, south of Kau Trail Rd. (approximately **75** acres in size) will be rezoned from Rural Residential 1 (RR-1) to Residential Suburban 40,000 (RS-40) zoning.

Residential Suburban 40,000 (RS-40) zoning is intended to provide a low-density residential environment within Urban Growth Boundaries.

c. The remaining portion of the UGA re-designation, approximately **130** acres along the north side of Dent Rd., is proposed to be changed from Rural Community 5 (RC-5) to Residential Transition Zone (R-T).

3. Additional rezoning within the Urban Growth Area proposed by the county is intended to provide consistency with the Comprehensive Plan and the County Zoning Ordinance.

a. The county is proposing to rezone approximately 84 acres of land designated by the city of Pasco as Low-Density Residential. The land is currently zoned Residential Transition Zone (R-T) and is proposed to be rezoned to Residential Suburban 20 (RS-20), a half-acre minimum zoning district.

b. A parcel, approximately 2.43 acres in size, is proposed to be rezoned from Residential Suburban 20 (RS-20) to Residential Transition Zone (R-T) so that the existing use of the land (veterinary clinic and associated uses) may conform to current county zoning standards.

PUBLIC NOTICE:

1. A Public Notice was published in the Herald and Graphic on December 11, 2008.

2. The Planning Staff mailed out review packets to Technical Agencies on December 4, 2008.

APPLICABLE STANDARDS/ORDINANCES:

1. The Growth Management Act – RCW 36.70A.
2. The Growth Management Act – RCW 36.70A.035 and 140 Public Participation.
3. County Wide Planning Policies—County Resolution 93-015.
4. Franklin County Growth Management Comprehensive Plan.
5. County Development Regulations, Chapter 42 Amendments and Rezones.
6. City of Pasco Urban Area Comprehensive Plan.

AGENCY COMMENTS/CRITERIA FOR FINDINGS OF FACT:

1. **City of Pasco:** Typically, in the City, large undeveloped parcels with no utilities are generally designated as RT. Most of the I-182 Corridor was zoned RT prior to the recent growth in that area.

The RT zone is a low density residential zoning district that is used as a holding zone for property that is undeveloped but that will ultimately be used for suburban or urban residential uses. As utilities are extended and become available to these large undeveloped areas, they can be rezoned for residential uses that match the capacity of the utilities and street network.

The Adams Property, Wilson Property, and the Central Pre Mix area west and north of the Rd. 100 Interchange are examples of property zoned RT. The DNR land east of Loviisa Farms and west of Rd. 68 (on the south side of the Freeway) is another undeveloped area zoned RT. The farm field east of Rd. 68 and north of Sandifur Parkway is also zoned RT. The DNR land and the Rd. 68 farm field are designated in the Comprehensive Plan for future commercial mixed residential and low density residential uses. The RT zone helps control somewhat the haphazard premature conversion of land into one acre parcels or marginal commercial uses.

With the exception of the Sanderson Estates area and the Kau Trail area, the expanded UGA should be zoned RT. The other exception may be the Rd. 68 Power Line Rd. area.

RECOMMENDATION:

The Franklin County Planning Department Staff recommends that the Planning Commission forward a positive recommendation to the Board of County Commissioners for application, **ZC 2008-05**. Said application is a county-wide zoning change (Pasco Urban Growth Boundary) to the official Franklin County Zoning Map.

This **POSITIVE RECOMMENDATION** be forwarded with the following suggested findings of fact/recommendations:

Suggested Findings of Fact/Recommendations:

1. This application is in compliance with the intent and spirit of the Franklin County Development Regulations (Zoning).
2. That this application is in compliance with the Franklin County Comprehensive Plan.
3. This application is consistent with the City of Pasco Urban Area Comprehensive Plan.
4. This application is consistent with RCW 36.70A, the Growth Management Act.
5. This application is consistent with the County-wide Planning Policies.
6. The Zoning Map (Urban Area) Update has been consistent with and is in compliance with the public participation requirements of the Growth Management Act RCW 36.70A.
 - a. Public notification of open public hearing was posted as per County Ordinances and State law.
7. Per Chapter 42 (Amendments and Rezones) of the Franklin County Development Regulations the following shall be determined:
 - a. The proposal **IS** in accord with the goals and policies of the comprehensive plan;
 - i. The Countywide Zoning Map (Urban Area) is consistent with the Franklin County Comprehensive Plan and the City of Pasco Urban Area Comprehensive Plan as required by RCW 36.70A.
 - b. The effect of the proposal on the immediate vicinity **WILL NOT** be materially detrimental;
 - i. The proposed change in zoning classification will not negatively effect the area in question.
 - c. There **IS** merit and value in the proposal for the community as a whole;
 - i. The zoning update will provide consistency in land use planning documents.
 - d. Conditions **WILL NOT** be imposed in order to mitigate any significant adverse impacts from the proposal;
 - e. A concomitant agreement **WILL NOT** be entered into between the county and the petitioner, and if so, the terms and conditions of such an agreement.

PROPONENTS:

None.

OPPONENTS:

None.

CLARIFICATION OF PUBLIC STATEMENTS:

None.

PLANNING COMMISSION DISCUSSION:

There was discussion amongst the planning commission, and staff in the audience in regards to the City of Pasco’s commercial corridor along Road 68 – it is falling short for accommodating future residential growth, Road 100 is for Dr’s Offices and banks and dentist’s, etc. – not really for cash registers, a commercial bee keeper on Road 68 and Kau Trail – commercial agriculture, the Planning Commission wants to comment officially in writing to the City of Pasco any time they propose future amendments, etc.

MOTION:

Flo Sayre made a motion for the *approval* of the zone change application (ZC 2008-05) with the findings of fact and recommendations as specified in the staff report.

Gary Bosch seconded the motion.

ROLL CALL:

Lois Hanses	Absent	David Piovesan	Yes
Flo Sayre	Yes	Claude Pierret	Yes
Gary Bosch	Yes	Bruce Flippo	Absent
Burl Booker	Yes		

Motion carried (Unanimous) for the *approval* of this application – ZC 2008-05.

OTHER BUSINESS

1. Results from Planning Commission Case Files of November 4, 2008.
2. Potential Planning Commission workshop for February of 2009.
3. Current listing of Planning Commission members/districts/terms.
4. In the future the Public Hearing notices that are being sent out need to include the actual head count numbers of the animal operations that are being applied for.

ADJOURN