

**FRANKLIN COUNTY  
PLANNING COMMISSION  
MINUTES  
February 1, 2011**

**MEMBERS PRESENT:**

Burl Booker, Gary Bosch, Claude Pierret, Lois Hanses, Brent Stenson and David Piovesan.

**MEMBERS ABSENT:**

Melinda Didier.

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:**

**Claude Pierret** made a motion to approve December 7, 2010 minutes as written.

**Burl Booker** seconded the motion.

Motion carried

**APPROVAL OF AGENDA:**

**Claude Pierret** made a motion to approve the agenda as written.

**Burl Booker** seconded the motion.

Motion carried

**ITEM #1 – ZC 2011-01**, an application by Tom Philleo, 4550 Eltopia West Road, Eltopia, WA 99330 for a zoning designation change. Said application is to rezone approximately 13,225 square feet of a 1 acre (approximate) parcel of land. The parcel is currently zoned Rural Service Commercial (C-2). The rezone will involve changing the western most 13,225 square feet (115' x 115') of the parcel from C-2 to Agricultural Production 20 (AP-20). The reason for the rezone is to place a home on the property. The land is located within the Merrill's Corner Rural Settlement Area as designated in the Franklin County Comprehensive Plan. This area allows for a mixture of uses such as agricultural, commercial, industrial and residential

**APPLICANT:** Tom Philleo, 4550 Eltopia West Road, Eltopia, WA 99330.

**OWNER:** Same as above.

**APPLICATION DESCRIPTION:**

This is a zone change to rezone approximately 13,225 square feet of a 1 acre (approximate) parcel of land. The parcel is currently zoned Rural Service Commercial (C-2).

The rezone will involve changing the western most 13,225 square feet (115' x 115') of the parcel from Rural Service Commercial (C-2) to Agricultural Production 20 (AP-20).

The reason for the rezone is to place a single family home on that portion rezoned to Agricultural Production. The land is located within the Merrill's Corner Rural Settlement Area as designated in the Franklin County Comprehensive Plan.

### **PUBLIC NOTICE:**

1. A Public Notice was published in the Herald and Graphic on January 13, 2011.
2. Property Owners within 1 mile were mailed notice during the 2<sup>nd</sup> week of January 2011.
3. The Planning Staff mailed out review packets to Technical Agencies on January 6, 2011.

### **AGENCY COMMENTS/CRITERIA FOR FINDINGS OF FACT:**

1. **South Columbia Basin Irrigation District:** No Comments
2. **Fire Code Official:** No Comments
3. **Franklin County Public Works:** No Comments
4. **County Planning Department:** In reviewing this application, the Planning Department staff has found the following.
  - a. This zone change application involves rezoning approximately 13,225 square feet from Rural Service Commercial (C-2) to Agricultural Production 20 (AP-20).
  - b. The land is located within the Merrill's Corner Rural Settlement Area as designated in the Franklin County Comprehensive Plan. This area allows for a mixture of uses including agricultural, residential, commercial, and industrial.
  - c. The Growth Management Act requires the County to include a Rural Element in its Comprehensive plan. The Rural Element must describe and accommodate land uses that are compatible with the character of rural areas. Rural Lands are those areas outside of both Urban Growth Areas and Resource Lands. This zone change application is occurring within an area designated as Rural Lands and more specifically within the Merrill's Corner Rural Settlement Area.
  - d. The Merrill's Corner Rural Settlement Area has been an integral part of central Franklin County's farming community for many years. A crossroads commercial and industrial farming area, the vicinity continues to grow with new businesses and homes. The area consists of agricultural services, residential homes, multiple gas stations, a library, and a post office. The logical outer boundary for Merrill's Corner follows the areas' historic pattern for growth.

- e. As described in the Franklin County Comprehensive Plan, a Rural Settlement Area is generally characterized as a small cross roads business center that provides housing, convenience goods and services to residents in and around the area.
- f. The frontage road along Glade N Road currently provides access to 5 parcels. The eastern portion of each lot, along the frontage road, is zoned C-2 Rural Service Commercial. For 3 of these parcels, the western portion of each respective lot is zoned AP-20 and has a home located on the property. The applicant is requesting a proposed use (home) and zone change (AP-20) that is consistent with what is occurring on adjacent properties to the north and south.
- g. The proposed rezone location is fully located within the Rural Settlement Area and can be accomplished without expanding the Logical Outer Boundary of the Rural Settlement Area as described in the Comprehensive Plan.

**APPLICABLE STANDARDS/ORDINANCES:**

- a. Franklin County Comprehensive Plan.
- b. County Zoning Ordinance.

**RECOMMENDATION: (Zone Change 2011-01)**

According to **Chapter 42 (Amendments and Rezones)** of the Franklin County Development Regulations, the Planning Commission shall:

- 1. Render a recommendation to approve, approve with modifications and/or conditions, or reject the petition based on its findings and conclusions. The Planning Commission's recommendation, to include its findings and conclusions, shall be forwarded to the Board of Commissioners at a regularly scheduled business meeting thereof.
- 2. After completion of an open record hearing on a petition for reclassification of property, the Planning Commission shall make and enter findings from the records and conclusions thereof which support its recommendation and find whether or not: **(Findings of Fact by Planning Commission)**
  - (a) The proposal is in accordance with the goals and policies of the comprehensive plan.
  - (b) The effect of the proposal on the immediate vicinity will be materially detrimental.
  - (c) There is merit and value in the proposal for the community as a whole.
  - (d) Conditions should be imposed in order to mitigate any significant adverse impacts from the proposal.

- (e) A concomitant agreement should be entered into between the county and the petitioner, and if so, the terms and conditions of such an agreement.

**Staff:** If the Planning Commission wishes to forward a **POSITIVE RECOMMENDATION**, the following suggested findings of fact may be applicable for this case file:

**Suggested Findings of Fact:**

1. The application to rezone approximately 13,225 square feet of a 1 acre (approximate) parcel of land from C-2 to AP-20 **IS** in accordance with the goals and policies of the Comprehensive Plan.
  - a. This zone change application involves rezoning approximately 13,225 square feet from Rural Service Commercial (C-2) to Agricultural Production 20 (AP-20).
  - b. The land is located within the Merrill's Corner Rural Settlement Area as designated in the Franklin County Comprehensive Plan. This area allows for a mixture of uses including agricultural, residential, commercial, and industrial.
  - c. The Growth Management Act requires the County to include a Rural Element in its Comprehensive plan. The Rural Element must describe and accommodate land uses that are compatible with the character of rural areas. Rural Lands are those areas outside of both Urban Growth Areas and Resource Lands. This zone change application is occurring within an area designated as Rural Lands and more specifically within the Merrill's Corner Rural Settlement Area.
  - d. The Merrill's Corner Rural Settlement Area has been an integral part of central Franklin County's farming community for many years. A crossroads commercial and industrial farming area, the vicinity continues to grow with new businesses and homes. The area consists of agricultural services, residential homes, multiple gas stations, a library, and a post office. The logical outer boundary for Merrill's Corner follows the areas' historic pattern for growth.
  - e. As described in the Franklin County Comprehensive Plan, a Rural Settlement Area is generally characterized as a small cross roads business center that provides housing, convenience goods and services to residents in and around the area.
2. The effect of the proposal on the immediate vicinity **WILL NOT** be materially detrimental.
  - a. The rezone application will not substantially damage or be harmful to the immediate vicinity.
  - b. The surrounding area consists of a mixture of residential, agricultural and commercial uses.

- c. The rezone area is adjacent to lands zoned both AP-20 and C-2.
  - d. The frontage road along Glade N Road currently provides access to 5 parcels. The eastern portion of each lot, along the frontage road, is zoned C-2 Rural Service Commercial. For 3 of these parcels, the western portion of each respective lot is zoned AP-20 and has a home located on the property. The applicant is requesting a proposed use (home) and zone change (AP-20) that is consistent with what is occurring on adjacent properties to the north and south.
3. There **IS** merit and value in the proposal for the community as a whole.
    - a. The rezone from C-2 to AP-20 is consistent with the intent and would further the implementation of the Franklin County Comprehensive Plan.
  4. Conditions **ARE** required to be imposed in order to mitigate any significant adverse impacts from the proposal.
    - a. All future development at the site shall comply with County Development Regulations (including Zoning and Subdivision). This will ensure the proposed development complies with local, state, and federal agency standards and ensure appropriate access and health issues are sufficiently addressed.
  5. A concomitant agreement between the County and the petitioner **IS NOT** required for this application.

**PROPONENTS:**

Tom Philleo, 4550 Eltopia West Road, Eltopia, WA 99330.

**OPPONENTS:**

None.

**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 this project being consistent with a similar situation in Basin City for Ted Tschirky getting a conditional use permit to have a caretaker's residence versus a zone change, spot zoning was discussed, no other residential type zoning adjacent to Mr. Tschirky's property in Basin City – which makes it a little different than this application, everything seems to be in order with what is and has been occurring in the Merrill's Corner Rural Settlement area, etc.

**MOTION:**

**Burl Booker** made a motion for the *approval* of the zone change application (ZC 2011-01) with the findings of fact and recommendations as specified in the staff report.

**Lois Hanses** seconded the motion.

**ROLL CALL:**

Lois Hanses	Yes	David Piovesan	Yes
Melinda Didier	Absent	Claude Pierret	Yes
Gary Bosch	Yes	Brent Stenson	Yes
Burl Booker	Yes		

Motion carried (6 - 0) for the *approval* of this application – ZC 2011-01.

**ITEM #2 – CUP 2011-01**, an application by Steelman-Duff, Inc., 1490 Fair, Clarkston, WA 99403 for Conditional Use Permit. Said application is to continue the operation of an existing gravel pit in the Agricultural Production 20 (AP-20) Zoning District. The Pit originally received approval to operate in 1996 and re-applications occurred in 2003 and 2005. The applicant has received a new lease agreement with the United States Bureau of Reclamation and plans to expand the pit site area. The land is located east of the City of Pasco, near Locust Water Road and the Smith Canyon area, on the north side of the Pasco-Kaholuts Road (Parcel Number 113-180-022).

**APPLICANT:** Steelman-Duff, Inc., 1490 Fair, Clarkston, WA 99403.

**OWNER:** US Bureau of Reclamation, P.O. Box 815, Ephrata, WA 98823.

**APPLICATION DESCRIPTION:**

This is a Conditional Use Permit (CUP) to continue the operation of a gravel pit (mining activities) in the Agricultural Production 20 (AP-20) Zoning District.

Multiple Conditional Use Permits for the operation of a gravel pit have previously been issued at this site. Specifically, Steelman-Duff has been issued Conditional Use Permits for this site in 1996 (#96-08), 2003 (#2003-03), and 2005 (#2005-05). Each CUP approval contained an expiration date.

Currently, the applicant wishes to amend previous approvals and expand the gravel pit operations. The proposal is to increase the gravel pit area from approximately 19 acres to approximately 38.7 acres. The applicant has received a new lease from the land owner (United States Bureau of Reclamation) to operate the pit site along with crushers and other equipment.

A State Environmental Policy Act (SEPA) review and Critical Area Report (Fish and Wildlife Conservation Area) have been submitted and processed for this application.

**PUBLIC NOTICE:**

1. A Public Notice was published in the Herald and Graphic on January 13, 2011.

2. Property Owners within 1 mile were mailed notice during the 2<sup>nd</sup> week of January 2011.
3. The Planning Staff mailed out review packets to Technical Agencies on January 6, 2011.

**APPLICABLE STANDARDS/ORDINANCES:**

1. County Zoning--Chapter 5 Agricultural Production 20 (AP-20) Zone
2. County Zoning--Chapter 42 Special Permits
3. County Critical Area Ordinance 3-2009, Chapter 6
4. County Comprehensive Plan

**AGENCY COMMENTS/CRITERIA FOR FINDINGS OF FACT:**

**1. AGENCY COMMENTS**

**a. Public Works Department:**

- i. After reviewing the above referenced CUP for Steelman-Duff, Inc. we have the following comments: That portion of the Pasco-Kahlotus Highway that serves the pit site has been improved to an all-weather standard road and is capable of supporting large amounts of truck traffic. We feel that any impact from extra truck traffic volumes during short period usage will have minimal impact on the infrastructure of the road.
- ii. The contractor or conditional use grantee shall contact the Franklin County Public Works Department prior to any major trucking operations regarding the pit site to submit a signing/traffic control plan for the county's review and approval. The plan shall be in accordance with the Manual of Uniform Traffic Control Devices

**b. United States Bureau of Reclamation:** As you know we have been working with the representative of Steelman-Duff, Inc. on an extension of the existing license agreement for the Smith Canyon gravel pit. The CUP 2011-01 meets the requirements and/or exceeds the terms of the extended license agreement. Therefore, we have no further comment at this time.

**c. Franklin PUD:** No Comments.

**d. Health Department:** This Department has reviewed the above mentioned Conditional Use Permit to continue operation of an existing gravel pit and has no objections provided:

- i. Elevated groundwater at this site raises concerns for potential groundwater contamination from mining activities. Extra considerations should be taken to minimize the risk of polluting the groundwater.
- ii. This gravel pit has been used intermittently since 1996. Should at any time this facility be operated full time the following items shall be addressed:

- 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.
- The facility must be served by an on-site sewage disposal system that is permitted, inspected, and approved by this office in accordance with Benton Franklin District Board of Health Rules and Regulations #2.

e. **Fire Code Official:**

- i. Business activities conducted at the site and/or any new Construction will need to meet 2009 International Building Code & 2009 International Fire Code requirements as well as above ground storage containers/tanks and containment area requirements for the materials being stored in them. Ref: 2009 International Fire Code requirements - Chapter 26 & Chapter 34 for above Ground Storage Tank(s) requirements. **NOTE** - All flammable and/or hazardous materials and/or liquids that will be used and/or stored at this site will need MSDS Reports which are to be posted and available at this site. **NOTE** - MSDS report for material described as “dispersant” will also need to be provided.
- ii. If CUP 2011-01 is approved the property shall be maintained and remain free of any fire hazards, litter, nuisances, junk and/or parts and materials including but not limited to weeds and debris. **NOTE – there shall be a clear area/fire break of 20 feet around this pit area.**
- iii. Access Rd / Lane – For Fire & Emergency apparatus response shall be installed and approved. This access lane and/or access road is to meet Franklin County Road and Fire Code requirements for Emergency Fire apparatus Access lane/Road at this site. This access lane or access road shall be at least 12 feet wide with a 4 foot clear area on each side and kept passable at all times.

f. **Planning and Building Department:** Staff has determined the following findings and conditions for the application request.

- i. The land is zoned Agricultural Production 20 (AP-20).
- ii. Multiple Conditional Use Permits for the operation of a gravel pit have previously been issued at this site. Specifically, Steelman-Duff has been issued Conditional Use Permits for this site in 1996 (#96-08), 2003 (#2003-03), and 2005 (#2005-05). Each CUP approval contained an expiration date.

- iii. Currently, the applicant wishes to amend previous approvals and expand the gravel pit operations. The proposal is to increase the gravel pit area from approximately 19 acres to approximately 38.7 acres.
- iv. The applicant has received a new lease from the land owner (United States Bureau of Reclamation) to operate the pit site.
- v. A State Environmental Policy Act (SEPA) review has been conducted and a Mitigated Determination of Non-Significance (MDNS) has been issued.
- vi. The project site is located in a designated Fish and Wildlife Conservation Area as described in Franklin County Ordinance 03-2009 (Critical Area Ordinance). This area is designated a Fish and Wildlife area by the State of Washington's Fish and Wildlife Department. With this, both State Monitor Species and State Candidate Species have been indentified by the State of Washington to be potentially viable for the habitat at this site. Generally, the area is quality habitat for numerous deer, pheasants, ducks, burrowing owls, and raptors.
- vii. The applicant submitted a Critical Area Report (Biological Survey completed by Dan Landeen, Wildlife Biologist) with recommendations. No limitations are established for the proposed expansion. The existing pond on the site will not be disturbed. Upon completion of the project, a re-vegetation, restoration, or mitigation plan for the site is recommended.

**RECOMMENDATION : (CUP-2011-01)**

According to **Chapter 42 (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-2011-01.

**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-2011-01, with the following findings of fact and conditions of approval:

**Findings of Fact:**

1. The construction of gravel pit in the AP-20 Zoning District **IS** in accordance with goals and policies of the County Development Regulations (Zoning) and the County Comprehensive Plan.
  - a. The siting and continuation of this operation is in compliance with Mineral Lands Goals and Policies as described in the County Comprehensive Plan (pg 100).
  - b. The property is zoned AP-20. A gravel pit requires the approval of a Conditional Use Permit (CUP) prior to operation at this site.
  - c. A State Environmental Policy Act (SEPA) review has been conducted and a Mitigated Determination of Non-Significance (MDNS) has been issued.
  - d. The project site is located in a designated Fish and Wildlife Conservation Area as described in Franklin County Ordinance 03-2009 (Critical Area Ordinance). This area is designated a Fish and Wildlife area by the State of Washington's Fish and Wildlife Department. With this, both State Monitor Species and State Candidate Species have been indentified by the State of Washington to be potentially viable for the habitat at this site. Generally, the area is quality habitat for numerous deer, pheasants, ducks, burrowing owls, and raptors. The applicant submitted a Critical Area Report (Biological Survey) with recommendations.
2. The proposal **WILL NOT** adversely affect public infrastructure.
  - a. That portion of the Pasco-Kahlotus Highway that serves the pit site has been improved to an all-weather standard road and is capable of supporting large amounts of truck traffic.
  - b. The County believes any impact from extra truck traffic volumes during short period usage will have minimal impact on the infrastructure of the road.

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 existing and intended character of the area is Agricultural. The gravel pit has been in operation at this location for many years. The County granted its first CUP for the operation at this location in 1996.
4. The location and height of proposed structures and site design **WILL NOT** discourage the development of permitted uses on property in the general vicinity or impair the value thereof.
  - a. The location of the gravel pit will not discourage the development of permitted uses in the surrounding area. The area is generally developed with Agricultural activities.
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 noise, fumes, vibrations, dust, and flashing lights associated with the proposed use is consistent other agricultural type uses occurring in this part of the County.
  - b. To minimize potential traffic objections created by the operation, the applicant is required to have a signage and traffic control plan approved by Franklin County.
6. The proposal **WILL NOT** endanger the public health, safety, or general welfare if located where proposed.
  - a. To minimize potential traffic and safety concerns created by the operation, the applicant is required to have a signage and traffic control plan approved by Franklin County.
  - b. Applicant is required to comply with the State Department of Ecology's air and water quality permitting processes for the operation of a gravel pit.
  - c. Operations at the site are to be in compliance with the standards and requirements of the Benton Franklin Health Department at all times.

### **Conditions of Approval:**

- (1) This is a Conditional Use Permit (CUP) to continue the operation of a gravel pit (mining activities) in the Agricultural Production 20 (AP-20) Zoning District.
  - a. **Multiple Conditional Use Permits** for the operation of a gravel pit have previously been issued at this site. Specifically, Steelman-Duff has been issued Conditional Use Permits for this site in 1996 (#96-08), 2003 (#2003-03), and 2005 (#2005-05). Each CUP approval contained an expiration date.

- b. The applicant wishes to amend previous approvals and expand the gravel pit operations. The proposal is to **increase the gravel pit area** from approximately 19 acres to approximately 38.7 acres.
  - c. The applicant has received a **new lease** (dated the 6<sup>th</sup> day of December 2010) from the land owner (United States Bureau of Reclamation) to operate the pit site.
- (2) This approval grants Steelman-Duff an extension to continue operating at this site until **June 30, 2014**. This timeline is consistent with the lease agreement between the Bureau of Reclamation and the applicant.
- (3) The applicant shall supply the Planning Department with the required approvals(s) from the State of Washington (Department of Ecology) for the gravel pit operation. **This shall be supplied to the Planning Department no later than 6 months after CUP approval.**
- (4) Prior to any major trucking operations occurring at the pit site, the contractor or conditional use grantee shall contact the **Franklin County Public Works Department** regarding the submittal of a signing/traffic control plan for the county's review and approval. The Plan shall be in accordance with the Manual of Uniform Traffic Control Devices.
- (5) To ensure the adequate restoration and closure of the pit site by the applicant, the following information/documentation, at a minimum, shall be addressed in written form by the applicant and accepted with approval by the Planning and Building Department. **This shall occur no later than 6 months after CUP approval.**
- a. Describe the current state of the site and plans for restoring and closing the site;
  - b. Address the issue of slopes on the property. Slopes will be required to be no greater than '3-1' (Dept of Natural Resources methods/calculations may be utilized for benches etc.);
  - c. Re-vegetation is required and discussion of re-vegetation plans shall occur;
  - d. A statement (with signature) by the applicant that the site will be restored/reclaimed as discussed in the associated above documents and an approximate date for reclamation completion. (The County will coordinate with the landowner and applicant to ensure compliance).
- (6) Business and construction activities conducted at site will need to meet **2009 International Building Codes & 2009 International Fire Codes requirements** as well as above ground storage containers/tanks and containment area requirements for the materials being stored in them.
- a. International Fire Code requirements - Chapter 26 & Chapter 34 for above Ground Storage Tank(s) requirements.

- b. All flammable and/or hazardous materials and/or liquids that will be used and/or stored at this site will need MSDS Reports which are to be posted and available at this site. MSDS report for material described as “dispersant” will also need to be provided.
- (7) **Fire and Emergency Services:**
- a. The property shall remain free of any fire hazards, litter, nuisances, junk and/or parts and materials including but not limited to weeds and debris;
  - b. For emergency response, there shall be an approved access lane provided at the site of at least 12 feet wide with four (4) ft clear area on each side, kept passable at all times;
  - c. For fire prevention, there shall be a clear area/fire break of 20’ maintained around the pit.
- (8) Operations at the site are to be in compliance with the standards and requirements of the **Benton Franklin Health Department** at all times.
- (9) A **State Environmental Policy Act (SEPA)** review has been conducted and a Mitigated Determination of Non-Significance (MDNS) has been issued.
- a. Applicant is required to comply with the mitigation measures established in the January 28, 2011 MDNS. This includes but is not limited to:
    - i. Compliance with the State Department of Ecology’s air and water quality permitting processes for the operation of a gravel pit.
    - ii. Compliance with the considerations/recommendations stated in the submitted Critical Area Report (Biological Survey completed by Dan Landeen, Wildlife Biologist) dated December 20, 2010.
      - No limitations are established for the proposed expansion.
      - The existing pond on the site will not be disturbed.
      - Upon completion of the project, a re-vegetation, restoration, or mitigation plan for the site is recommended.
- (10) **Pond and groundwater protection:** All equipment and gravel pit operations shall operate outside the ordinary high water mark of the pond and associated vegetated areas to protect the pond and groundwater in the area..
- (11) Steelman-Duff is required to obtain a **Franklin County Business Registration** on an annual basis.
- (12) If the applicant plans to operate a **temporary asphalt plant** at the site in the future, the approval of a new CUP and completion of a SEPA review are required for this use.

- (13) If Steelman-Duff chooses in the future to transfer this approval to any other corporation or entity, the Planning Department shall be notified of this change and a new business registration granted. All conditions and requirements will continue for the new applicant.
- (14) 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.
- (15) 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:**

Warren Watts, 3435 Clemans Road, Clarkston, WA 99403.

**OPPONENTS:**

None.

**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 on-site water not to be touched according to biologist report, whether or not a cultural resource survey had been done for the site, moving the water pipe for drainage – rerouting the pipe, Warren Watts provided a detail of the pipe rerouting and it is marked as Exhibit A, whether or not water runs through the area and/or pipe all year round, any on-site retail sale of gravel – no plans to do so, the lease corresponds with the CUP approval timeline, etc.

**MOTION:**

**Claude Pierret** made a motion for the *approval* of the conditional use permit application (CUP 2011-01) with the findings of fact and conditions of approval as specified in the staff report.

**Burl Booker** seconded the motion.

**ROLL CALL:**

Lois Hanses	Yes	David Piovesan	Yes
Melinda Didier	Absent	Claude Pierret	Yes
Gary Bosch	Yes	Brent Stenson	Yes
Burl Booker	Yes		

Motion carried (6 - 0) for the approval of this application – CUP 2011-01.

**OTHER BUSINESS**

1. Results from Planning Commission Case Files of December 7, 2010.
2. Planning Commission Agenda Items for March 1, 2011.
3. New Planning Commission appointment – Brent Stenson – Riverview/Pasco UGAB.
4. Current listing of Planning Commission members/districts/terms.

**ADJOURN**