

**FRANKLIN COUNTY
PLANNING COMMISSION
MINUTES
May 5, 2009**

MEMBERS PRESENT:

Burl Booker, David Piovesan, Lois Hanses, Flo Sayre, and Claude Pierret.

MEMBERS ABSENT:

Gary Bosch, 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 April 7, 2009 minutes as written.

Lois Hanses seconded the motion.

Motion carried

APPROVAL OF AGENDA:

Burl Booker made a motion to approve the agenda as written.

Claude Pierret seconded the motion.

Motion carried

ITEM #1 – **CUP 2009-02**, an application by Tamara Mathews, P.O. Box 4090, Pasco, WA 99302 for a conditional use permit. Said application is to operate a commercial wholesale garden nursery establishment (flowers, shrubs, trees, etc.) in the Residential Suburban 20,000 (RS-20) Zoning District. The proposal encompasses three parcels with a total land size of approximately 5.45 acres. The northern portion of the proposed site will include a planting area, a shop (approximately 25' x 45' in size), and a future residence. The southern portion of the proposed site will be utilized primarily as a tree growing area and may include a 12' x 24' greenhouse. The site is located north of Court Street, south of Pearl Street, east of Road 48, along the west side of Road 44 (Parcel Numbers 119-121-030, 119-122-093, and 119-121-058).

APPLICANT: Tamara Mathews, P.O. Box 4090, Pasco, WA 99302.

OWNER: Veniamin and Natalya Ryadinsky, 517 North Road 36, Pasco, WA 99301.

OPEN PUBLIC HEARING/STAFF REPORT:

Jeremy Underwood and Greg Wendt presented the staff report for the conditional use permit application (CUP 2009-02).

APPLICATION DESCRIPTION:

This is a Conditional Use Permit application to construct and operate a commercial wholesale nursery establishment known as Applegate Nursery, in the Residential Suburban 20,000 (RS-20) Zoning District.

The property has a total land size of approximately 5.45 acres (consisting of 3 parcels). The applicant is proposing to operate a commercial wholesale nursery at the site which will consist of planting areas, a shop with commercial office space (approximately 25' x 45' in size), a greenhouse, and a future residence(s) on the site.

Both retail and wholesale nursery operations are allowed with an approved conditional use permit in the RS-20 zoning district.

PUBLIC NOTICE:

1. A Public Notice was published in the Herald and Graphic on April 23, 2009.
2. Property Owners within 500 feet were mailed notice during the 2nd week of April 2009.
3. The Planning Staff mailed out review packets to Technical Agencies on April 8, 2009.

AGENCY COMMENTS/CRITERIA FOR FINDINGS OF FACT:

1. AGENCY COMMENTS

- a. **Public Works Department:** The following are our comments regarding CUP 2009-02 for the establishment of a commercial wholesale garden nursery: The public works department has some concerns about the commercial/contractor truck traffic that could be generated by this proposal. Road 44 is currently classified as an urban local access road and was not constructed to a standard capable of accommodating a high volume of trucks. Also, the increase in traffic volumes could add safety concerns to the intersection area of Road 44 and Court Street, which lies within the City Limits of Pasco.

If approved, at minimum, the owner(s) shall reserve a 60 foot wide corridor from Road 44 to the west boundary of the site. This should also include a corridor down the west boundary to the two lots shown as the tree growing area. These corridors are required for access and future development towards the west.

The approach apron onto Road 44 shall be paved and built to the current county standards for an urban commercial approach.

- b. **City of Pasco:** The proposed location of the Applegate Nursery is designated in the Comp Plan for low density residential development. In keeping with that designation the property is currently zoned R-S-20 (Suburban Residential). The purpose of the R-S-20 district is to establish a low density residential environment

for single-family homes. Lands within the R-S-20 District are to contain residential development on larger lots with expansive yards. Structures in the R-S-20 zone are to be limited to single-family homes and accessory buildings. Certain institutional uses (schools churches) and special permit uses may be permitted provided their nature and location are not detrimental to the intended suburban nature of the R-S-20 District.

The proposed use is a commercial business. The Comprehensive Plan encourages (ED-2-B) commercial uses to be strategically located to support local and regional needs. The Plan also suggests (LU-4-A) commercial facilities should be located at major intersections to avoid commercial sprawl and disruptions of residential neighborhoods. The proposed location is not strategically located on a major street and could disrupt the nature and character of the residential neighborhood. Major streets are designed to carry considerable traffic including trucks. Road 44 is not a major street and was not designed to handle truck traffic.

Access to the site is from Road 44 by way of Court Street. There is currently no traffic signal at Court and Road 44. The addition of commercial truck traffic at this intersection may be an issue that needs to be considered.

Typically commercial wholesale tree and plant nurseries are located outside of town (urban areas) where larger parcels are available. This site is within the Urban Growth Boundary in an area designated for residential development.

People may try and draw a comparison between this application and the Flower Farm application on Road 68. The Flower Farm proposal was located on a street designated as an arterial. Arterial streets are designated for higher volumes of traffic including commercial traffic. The Flower Farm was not intended to be a long term use. The proposed application includes two homes indicating long term intent with future expansion for a greenhouse. The Flower Farm site is designated for mixed residential uses indicating the intent to accommodate more intense land uses and traffic. The proposed site is designated to accommodate less intense uses and traffic.

- c. **Benton Franklin Health Department:** Has no objections, provided:
1. The business will be served by an approved public water supply in accordance with WAC 246-290;
 2. The shop and each residence will be served by on-site sewage disposal systems that are permitted, installed, and approved in accordance with Benton Franklin District Board of Health Rules and Regulations No.2.
 3. The lot must meet minimum usable land area requirements as specified in Benton Franklin District Board of Health Rules and Regulations No.2.
- d. **Fire Code Official:** Applicant shall construct a fire apparatus road from Rd 44 and maintain a clear 20' ft path around all proposed buildings. Keep property and area around buildings free of weeds and debris and any other combustible material.

- e. **Planning and Building Department:** Staff has determined the following findings and conditions for the application request.
1. Proposal: The applicant is proposing the following:
 - a. Site will house plants for a commercial wholesale distribution. Applegate Nursery is a wholesale plant broker which procures plants for commercial landscapers from wholesale nurseries.
 - b. Applicant wishes to place a temporary mobile office structure on the site for a 6 month period until a 25' x 45' (1,125 sf) shop/office can be constructed.
 - c. Applicant plans to construct a home on the site within a 2/3 year time period.
 - d. A second home is planned for the site within the next 3/5 years.
 2. As proposed, this is a permanent use of the land. Applicant will own the land. This is not a lease or interim use of the property.
 3. Both retail and wholesale nurseries are a conditional use permit in the RS-20 zoning district.
 4. Landscaping materials, storage, and equipment is not an allowed use in this zoning district. Examples would include the storage and sale of rock, bark, gravel, landscaping blocks etc. This also includes the storage of landscaping equipment and materials.
 5. **Site Plan:** The applicants' submitted site plan identifies 2 homes. Two (2) homes are not allowed on one (1) tax parcel. A short plat process with final plat will need to be completed and recorded to achieve the goal of two homes as shown on the submitted site plan.
 6. **Future Roadway:** Applicant shall coordinate with the City of Pasco, the County Planning Department and the County Public Works Department to ensure the placement of a home and/or structure on the land is in compliance with setbacks etc from future roadways (road corridor) on the property.
 7. **Building Division:** All proposed construction at the site requires review and application to the County Building Department. ADA standards apply for both parking (paved parking space(s)) and bathroom facilities.
 8. **Fire Hazards:** Property shall remain free of any fire hazards including but not limited to weeds and debris.

9. **Business Registration:** A County Business Registration shall be obtained prior to beginning operation of the business at this site. The registration shall be applied for on an annual basis.
10. **Signage:** Signage for the operation is not proposed or approved for the site.
11. **Fencing:** Fencing of the site is not proposed as part of this CUP application.
12. **Accessory Uses:** Typical accessory uses to a wholesale nursery are permitted with this approval. Any vehicles associated with the nursery shall be either stored in the storage building or adjacent to a building to maintain a clean residential feel to the land.
13. **Road Access:** The ingress-egress to the site is via Rd 44. Road 44 is a paved local access road. No parking is allowed in the Road 44 right of way.

RECOMMENDATION : (CUP-2009-02)

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 has included two possible recommendations for Planning Commission consideration on this application – one possible recommendation is for denial, and the

other possible recommendation is for approval. Staff will assist the Planning Commission with the determination of findings and conditions for CUP-2009-02.

NEGATIVE RECOMMENDATION:

If the Planning Commission wishes to forward a **NEGATIVE** recommendation to the Franklin County Board of Commissioners for application #CUP-2009-02, the following suggested findings of facts may be considered:

Suggested Findings of Fact:

1. The proposal **is not** accordance with the goals, policies, objectives, maps and or narrative text of the comprehensive plan.
 - a. The comprehensive plan designation for the land is low density residential. The zoning of the land is Residential Suburban 20,000 (RS-20).
 - b. The proposed use does not comply with standards included in Chapter 34 of the County Development Regulations (Zoning) for home occupations. With this, a Conditional Use Permit is required for this use in the RS-20 Zoning designation.
 - c. The use is proposed as a permanent use of the land rather than an interim use and as such would limit the ability to fully meet the intent of the Urban Area Comprehensive Plan in the future.
 - d. The proposed use is a commercial business. The Urban Area Comprehensive Plan encourages (ED-2-B) commercial uses to be strategically located to support local and regional needs. The Plan also suggests (LU-4-A) commercial facilities should be located at major intersections to avoid commercial sprawl and disruptions of residential neighborhoods. The proposed location is not strategically located on a major street and could disrupt the nature and character of the residential neighborhood. Major streets are designed to carry considerable traffic including trucks. Road 44 is not a major street and was not designed to handle truck traffic.
2. The proposal **will** adversely affect public infrastructure.
 - a. Access to the property is via Road 44. Road 44 is currently classified as an urban local access road and was not constructed to a standard to handle truck traffic. There is currently no traffic signal at the corner of Road 44 and Court Street.
3. The proposal **will not be** constructed, maintained and operated to be in harmony with the existing or intended character of the general vicinity.
 - a. The proposed location is designated in the Comp Plan for low density residential development. In keeping with that designation the property is currently zoned R-S-20 (Suburban Residential). The purpose of the R-S-20 district is to establish a

low density residential environment for single-family homes. Lands within the R-S-20 District are to contain residential development on larger lots with expansive yards. Structures in the R-S-20 zone are to be limited to single-family homes and accessory buildings. Certain uses may be permitted by Special Permit provided their nature and location are not detrimental to the intended suburban nature of the R-S-20 District.

- b. The existing and intended character of the area is residential. A wholesale commercial nursery operation is not consistent with this residential character as proposed and where located.
 - c. Property in the general area is either zoned RS-20 or Office (type of low intensity commercial zoning). The Office properties focus on medical, office, and professional type activities. Parking lots are paved, sidewalks provided, and the businesses are visited by the type of vehicles that are typical for office ventures. Further, these vehicles are typically the type found in residential areas.
 - d. A wholesale nursery will involve a commercial office and an activity that will be visited by commercial contractors and associated commercial vehicles/trailers used to haul plants and trees to contractor's sites. This use is not typical for a residential area. The use is more consistent with those uses permitted outright in an Agricultural Zoning designation.
 - e. Access to the site is via Road 44. The property has an approximate 60' of road frontage along Road 44. Neighboring residential dwellings are located along both the north and south sides of the applicant's 60' road frontage along Road 44. The proposed location is not strategically located on a major street and could disrupt the nature and character of the residential neighborhood. Major streets are designed to carry considerable traffic including trucks. Road 44 is not a major street and was not designed to handle truck traffic.
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.
- a. The location for the proposed wholesale nursery is the RS-20 Zoning District. The purpose of the R-S-20 district is to establish a low density residential environment for single-family homes
 - b. The applicant or contractors visiting the site will drive commercial vehicles or trailers past approximately 7 residential properties to access the land.
 - c. Road 44 is an urban local access road that was not constructed for truck traffic.
 - d. Permitted uses in the residential area are single family homes. A wholesale nursery is a permitted use in the agricultural zoning districts.
 - e. Commercial wholesale tree and plant nurseries are normally located outside of town (urban areas) where larger parcels are available. This site is within the Urban Growth Boundary in an area designated for residential development.

- f. The proposed location is not strategically located on a major street and could disrupt the nature and character of the residential neighborhood. Major streets are designed to carry considerable traffic including trucks. Road 44 is not a major street and was not designed to handle truck traffic.
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.
 - a. The noise and traffic associated with a commercial wholesale nursery operation in the RS-20 Zoning District is more objectionable than that of a permitted use.
 - b. A permitted use in the RS-20 Zone is a single family home or gardening/fruit raising.
 - c. The noise and traffic created by the daily commercial activity is more intense and objectionable than those activities and trips per day generated by a typical single family home in a ½ acre residential environment.
 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.
 - a. Siting a commercial business at this site along Road 44 increases the safety concerns for motorists near the Road 44/Court Street intersection.
 - b. The associated noise and type of traffic visiting the operation may become a nuisance as compared to typical permitted uses in the area.
 - c. The operation is a wholesale nursery operation. The zoning of the property in question is RS-20. The property is surrounded by typical residential uses or office commercial. To assist in not becoming a nuisance to the area, the nursery operation should locate in an area with similar uses to the proposal.
 - d. Typically commercial wholesale tree and plant nurseries are located outside of town (urban areas) where larger parcels are available. This site is within the Urban Growth Boundary in an area designated for residential development.

POSITIVE RECOMMENDATION:

If the Planning Commission wishes to forward a **POSITIVE** recommendation to the Franklin County Board of Commissioners for application #CUP-2009-02, the following suggested findings of fact and conditions of approval may be considered:

Suggested Findings of Fact:

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

2. The proposal **will not** 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 not** 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 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.
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.

Suggested Conditions of Approval

1. Approval grants a Conditional Use Permit to application to construct and operate a commercial wholesale nursery (flowers, shrubs, trees, etc.) establishment, known as Applegate Nursery, in the Residential Suburban 20,000 (RS-20) Zoning District.

The property has a total land size of approximately 5.45 acres (consisting of 3 parcels). The applicant is proposing to operate a commercial wholesale nursery at the site which will consist of planting areas, a shop with commercial office space (approximately 25' x 45' in size), a greenhouse, and a future residence on the site.

2. Health Department: Applicant shall meet and comply with the **Benton Franklin Health Department** requirements prior to beginning operations at the site. The BFHD has required the following:
 - a. The business will be served by an approved public water supply in accordance with WAC 246-290;
 - b. The shop and each residence will be served by on-site sewage disposal systems that are permitted, installed, and approved in accordance with Benton Franklin District Board of Health Rules and Regulations No.2.
 - c. The lot must meet minimum usable land area requirements as specified in Benton Franklin District Board of Health Rules and Regulations No.2.
3. Applicant shall meet and comply with the requirements of the **Franklin County Public Works Department** for this application. This includes:
 - a. The owner(s) shall reserve a 60 foot wide corridor from the Road 44 to the west boundary of the site. This shall also include a corridor down the west boundary to the two lots shown as the tree growing area. These corridors are required for access and future development towards the west.

- b. The approach apron onto Road 44 shall be paved and built to the current county standards for a urban commercial approach.
4. **Proposal:** The applicant is proposing the following:
 - a. Site will house plants for a commercial wholesale distribution. Applegate Nursery is a wholesale plant broker which procures plants for commercial landscapers from wholesale nurseries.
 - b. Place a temporary mobile office structure on the site for a 6 month period (from date of CUP approval). A permanent 25' x 45'(1,125 sf) shop/office will be constructed during this timeline.
 - c. Construct a home on the site within a 3 year time period from the date of CUP approval.
 - d. Construct a second home on the land within a 5 year time period from the date of CUP approval. (*A short plat will need to be completed for this to occur*)
5. Landscaping materials, storage, and equipment is not an allowed use in this zoning district. Examples would include the storage and sale of rock, bark, gravel, landscaping blocks etc. This also includes the storage of landscaping equipment and materials.
6. **Site Plan:**
 - a. **Home(s):** The applicants' submitted site plan identifies 2 homes. Two (2) homes are not allowed on one (1) tax parcel. A short plat process (with final plat and necessary improvements including roadways) will need to be completed and recorded to achieve the goal of two (2) homes on the land.
 - b. **Access:** The two southern parcels (tax number(s)119-122-093, 119-121-058) are to be used as a tree growing area for the operation and currently do not have legal access. A legal access easement shall be established for these two (2) lots. The easement shall be approximately 30' wide and extend from Road 44 to each lot (or one lot if the most southern two lots are combined through the Assessor's Office). Applicant shall coordinate with the County regarding the location of the easement as to ensure its placement is consistent with further road corridors for the area.
 - c. **Future Road Corridor:** Applicant shall coordinate with the City of Pasco, the County Planning Department and the County Public Works Department to ensure the placement of a home and/or structure on the land is in compliance with setbacks etc from future roadways (road corridor) on the property.
7. **Building Division:** All proposed construction for the commercial business requires review and application to the County Building Department.
8. **Fire Code Official:** maintain a clear 20' ft path around all proposed buildings. Keep property and area around buildings free of weeds and debris and any other combustible material.

9. **Business Registration:** A County Business Registration shall be obtained prior to beginning operation of the business at this site. The registration shall be applied for on an annual basis.
10. **Signage:** Signage for the operation is not proposed or approved for the site.
11. **Fencing:** Fencing of the site is not proposed as part of this CUP application.
12. **Accessory Uses:** Typical accessory uses for the operation of a wholesale nursery are permitted with this approval. Any vehicles associated with the nursery shall be either stored in the requested storage building or adjacent to a building to maintain a clean residential feel to the land.
13. **Road Access:** The ingress-egress to the site is via Rd 44.
14. **Permit Timeline:** This Conditional Use Permit shall expire 5 years from the date of Board of County Commissioner review. Applicant shall re-apply for a new conditional use permit at this time if they wish to continue operation at this site. If the applicant wishes to re-apply, the CUP process shall include a re-evaluation of the site to determine if the site is still adequate for the proposed use or if relocation of the business to an appropriately zoned area should occur.
15. Applicable conditions of approval shall be complied with within **1 year** (from the date of Board of Commissioner Approval) of CUP approval or the permit becomes null and void.
16. 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.
17. 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.
18. 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.

The Planning Department Staff presented the Planning Commission with two possible motions for consideration – one for negative recommendation and one for a positive recommendation – with the Staff recommending the Planning Commission forward the negative recommendation. If the Planning Commission is looking at forwarding a positive recommendation, Staff would recommend the following supplemental findings of fact:

Suggested Findings of Fact - Supplemental:

1. The proposal **is in** accordance with the goals, policies, objectives, maps and or narrative text of the comprehensive plan.
 - a. Both retail and wholesale nurseries are a conditional use permit in the RS-20 zoning district.
2. The proposal **will not** adversely affect public infrastructure.
 - a. Site location is accessed via Road 44 which is a paved county 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. Site location is near an Office (O) Zone with Medical and Business offices and associated traffic.
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 proposal and its associated activities will not discourage the development of single family homes in the surrounding residential areas.
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 operation of a wholesale nursery will not be more objectionable to nearby residential properties due to noise, fumes, vibrations, dust and flashing lights.
 - b. Traffic related impacts will not be noticeable due to the office related activities occurring on Road 44.
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 public health and safety will not be endangered due to locating this use at this site location. The use, as proposed, will not be a nuisance to surrounding residential properties.

Flo Sayre excused herself from participating in the public hearing due to a conflict of interest. Ms. Sayre left the Commission table and sat in the audience and did not participate.

PROPONENTS:

Tamara Mathews, 4208 West Ruby Street, Pasco, WA 99301.
Mitchel Mathews, 4005 West Park Street, Pasco, WA 99301.

Natalya Ryadinsky, 517 North Road 36, Pasco, WA 99301.

OPPONENTS:

None.

CLARIFICATION OF PUBLIC STATEMENTS:

Wilma Robison, 4308 West Opal, Pasco, WA 99301.

There was clarification amongst the planning commission, staff, the applicant, and members in the audience in regards to what improvements between the two homes will be as far as access, where will the parking be accommodated, concern over commercial traffic, wholesale versus retail traffic, Road 44 is very narrow, Court Street is very busy at the Road 44 intersection, no signal at Road 44 and Court Street, Road 44 is a local access road not built to handle commercial truck traffic, City of Pasco and Franklin County Planning/Public Works has concerns over the proposal, property currently being utilized illegally and is a nuisance, etc.

PLANNING COMMISSION DISCUSSION:

There was discussion amongst the planning commission, staff, the applicant, and members in the audience in regards to the difference between retail and wholesale nurseries, what the zoning ordinance allows, the different classification of roads, what kind of traffic can be expected from the proposal, delivery and pick up, once a week, what is the irrigation source – FCID, a review of the surrounding properties, development of the property to fulfill the residential designation of the comprehensive plan, area zoning, infill, annexing, time limit for review should be 5 years, having a green neighbor is better than no neighbor, this use better than no use, some Commission members don't see this property developing residentially anytime soon, residential properties surround the proposal on three sides, maybe should consider a 10 year time limit instead of 5 years, floodplain issues in the area, preliminary plat approval for the property in question, etc.

MOTION:

1st Motion

Burl Booker made a motion for the *approval* of the conditional use permit application (CUP 2009-02) with the findings of fact and conditions of approval as specified in the staff report, with a modification to condition of approval # 14 – changing 5 years to 7 years.

Claude Pierret seconded the motion, including the specified modification.

ROLL CALL:

| | | | |
|-------------|----------------------|----------------|--------|
| Lois Hanses | No | David Piovesan | No |
| Flo Sayre | Conflict of Interest | Claude Pierret | Yes |
| Gary Bosch | Absent | Bruce Flippo | Absent |
| Burl Booker | Yes | | |

1st Motion failed (tie vote) for the *approval* of this application – CUP 2009-02.

FURTHER DISCUSSION:

There was further discussion amongst the Commission members regarding equipment storage, accessory uses for wholesale nurseries, landscaping storage and equipment not allowed, future development of property, good neighbors, good temporary use, the precedent being set by approving this CUP, current construction activities on other properties in the area that are now non-conforming, being sited mid-block in a residential neighborhood, some Commission members don't see this thing as heavy traffic generator, etc.

2nd Motion

Claude Pierret made a motion for the *approval* of the conditional use permit application (CUP 2009-02) with the supplemental 6 findings of fact and 18 conditions of approval as specified in the staff report, with a modification to condition of approval # 14 – changing 5 years to 7 years.

Burl Booker seconded the motion, including the specified modifications to the supplemental 6 findings of fact and the modification to condition # 14 from 5 to 7 years.

ROLL CALL:

| | | | |
|-------------|----------------------|----------------|--------|
| Lois Hanses | Yes | David Piovesan | No |
| Flo Sayre | Conflict of Interest | Claude Pierret | Yes |
| Gary Bosch | Absent | Bruce Flippo | Absent |
| Burl Booker | Yes | | |

2nd Motion carried (3-1) for the *approval* of this application – CUP 2009-02.

OTHER BUSINESS

1. Results from Planning Commission Case Files of April 7, 2009.
2. Potential Planning Commission workshop for June of 2009.
3. Discussion on status on Commission Member Gary Bosch.
4. Current listing of Planning Commission members/districts/terms.

ADJOURN