

**FRANKLIN COUNTY  
PLANNING COMMISSION  
MINUTES  
July 7, 2009**

**MEMBERS PRESENT:**

Burl Booker, David Piovesan, Flo Sayre, Claude Pierret, and Bruce Flippo.

**MEMBERS ABSENT:**

Gary Bosch, and Lois Hanses.

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 the June 2, 2009 minutes as written.

**Flo Sayre** seconded the motion.

Motion carried

**APPROVAL OF AGENDA:**

**Bruce Flippo** made a motion to approve the agenda as written.

**Claude Pierret** seconded the motion.

Motion carried

**ITEM #1** – **CUP 2009-03**, an application by Road 84 Education CTR (formerly Road 84, Inc.), 3100 George Washington Way, Richland, WA 99354 for a conditional use permit. Said application is to construct and operate a 3,500 square foot educational facility and landscaped parking lot. The proposed building is to be constructed by a local non-profit corporation and utilized by Pasco LDS (Latter Day Saints) Seminary students. The facility is to be located on approximately ½ acre to 2 acres of a lot 5.09 acres in size within the Residential Suburban 20,000 (RS-20) Zoning District. Both schools and churches are allowed with an approved conditional use permit in the RS-20 Zoning District. The site is located north of Argent Road, along the west side of Road 84, near site address 3606 Road 84 in Pasco (Parcel Number 118-130-040).

**APPLICANT:** Road 84 Education CTR (formerly Road 84, Inc.), 3100 George Washington Way, Richland, WA 99354.

**OWNER:** Hughes Living Trust, Marion and Gervadine Hughes, Trustees; 3608 Road 84, Pasco, WA 99301.

## **OPEN PUBLIC HEARING/STAFF REPORT:**

Greg Wendt presented the staff report for the conditional use permit application (CUP 2009-03).

## **APPLICATION DESCRIPTION:**

This is a Conditional Use Permit application to construct and operate a 3,500 square foot educational facility.

As proposed, the school building is to be constructed by a local non-profit corporation (Road 84 Education CTR) and utilized by Pasco LDS (Latter Day Saints) Seminary students. The facility will be located adjacent to Chiawana High School along Road 84.

The proposed site is currently on a parcel that is approximately 5 acres in size. The applicant has stated plans to proceed through a short plat process to divide the site from the 5 acres once a conditional use permit has been approved and obtained.

## **PUBLIC NOTICE:**

1. A Public Notice was published in the Herald and Graphic on June 11, 2009.
2. Property Owners within 500 feet were mailed notice during the 2<sup>nd</sup> week of June 2009.
3. The Planning Staff mailed out review packets to Technical Agencies on June 1, 2009.

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

### ***AGENCY COMMENTS***

#### a. Public Works Department:

1. The access shown on the site plan shows it being centered within a 60 foot wide easement for the future Sterling Road. If the south 30 feet is not part of the parcel for the proposed school, the owner(s)/developers shall provide documentation allowing the legal right to locate a portion of the access approach within this area. Without the legal right to occupy the south 30 feet, the full approach shall be located within the north 30 feet of the easement shown on the site plan.

*\*\*\*The revised site Plan submitted to the Planning Dept on June 26 identifies an access that is located in the south 30 feet of this property which is also the north 30 feet of a potential easement for the future Sterling Road. The access enters/exits Road 84 and connects to the proposed parking area. This revision mitigates the above concerns regarding comment number 1.*

2. All storm drainage shall be retained on site and controlled by way of drainage swales, catch basins/drywells, french drains or other means as approved by the County Engineer.

3. The owner(s)/developers shall work with the City of Pasco regarding the need for a crosswalk/crossing on Road 84 to accommodate the students as shown on the pedestrian plan.
- b. 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 school 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. Additional information is required to determine if this proposal will meet minimum usable land area requirements as specified in Benton Franklin District Board of Health Rules and Regulations No.2. No septic permits will be issued until usable land area has been determined.
- c. City of Pasco: The City granted a special permit for an LDS Seminary building at the corner of Henry Street and 12<sup>th</sup> Ave directly south of the Pasco High School many years ago. The Pasco High Seminary building is zoned R-1, Low Density Residential. There has been a seminary building at this location for at least 20 years (the current building is 13 years old). The seminary building is one of the best maintained properties on the block and has not been a nuisance or source of complaints. Typically the building is used during the hours and days in which the High School is open. There is virtually no activity at the seminary building in the evenings, on weekends, during holidays or during summer vacation.

The City also granted a special permit for an LDS Institute building (Seminary for college students) on Andrews Loop across 20<sup>th</sup> Avenue from the CBC Campus. The Institute building is about eleven years old. Again this building is well maintained and has not been a source of complaints. The property is zoned C-1, Retail Business.

One of the concerns about permitting uses in neighborhoods through the conditional use process is whether or not the proposed use will impact the values of surrounding properties. A search of the County Assessors records reveals property values in the general neighborhood surrounding the Pasco High Seminary building have increased over the years.

In reviewing this proposed application the County needs to consider the fact the proposed site is located in a residential zoning district. Site improvements should be consistent with residential development standards. With that in mind the proposed parking lot should be setback to maintain the continuity of the front yard setbacks for future adjoining residential properties. Sitting the parking lot back allows the intended residential character of the neighborhood to be maintained with typical neighborhood landscaping in the front yard area. As an example, the special permits approved for the church at Road 100 and Argent and the new LDS church on Porto lane, both in residential zoning districts, required the parking lots to be setback to maintain the standard front yard area for

landscaping. The parking lot at the Pasco Seminary building holds about 5 cars. Eliminating one or two parking stalls for the setback will not impact parking needs.

In addition to redesigning the parking lot to allow for the standard residential front yard setback, the proposed building should be responsible for completing the west half of Road 84 the full distance of the lot to City standards. The north 30 feet of Sterling Road should be dedicated. Provisions (recorded agreement or plat condition) should be made to secure the improvements for the north half of Sterling Road. If Sterling Road is not developed with the construction of the seminary building the property needs to be maintained in a dust free, weed free manner. Parking lot lighting and building lighting needs to be shielded from adjoining properties. The line-of-sight triangle at the corner of Road 84 and Sterling Road needs to remain free of obstructions.

The Pasco High School Seminary building has a crosswalk connecting it to the High School. The County should consider requiring a crosswalk with handicapped ramps on each side of the street. The location of the crosswalk needs to be coordinated with the City Engineering Department. Road 84 is classified as a minor arterial in the Comprehensive Plan.

The applicant should work with the PUD to develop a plan for future undergrounding of the overhead power lines.

- d. FCID: No Comments.
- e. Fire District #3: No Comments.
- f. Fire Code Official:
  - 1. The property shall remain free of all fire hazards, including but not limited to weeds, debris, new or used tires, discarded vehicle parts, hazardous waste, fuel or oil storage.
  - 2. If CUP 2009-03 is approved the proposed new building, structure, its use and occupancy classification(s) shall meet the adopted Building Codes, Fire Codes and Fire Life Safety Codes in effect and as adopted by Franklin County. This will include sprinkler systems (if required), smoke alarms, fire alarms, fire extinguishers, and handicap requirements for use, access and egress.
  - 3. If CUP 2009-03 is approved the proposed Parking lot shall comply with the standards and requirements adopted by the County Zoning Ordinance (7-2005-Chapter 39).
- g. Franklin PUD: No Comments.
- h. Planning and Building Department: Staff has determined the following findings and conditions for the application request.

1. This is a Conditional Use Permit application to construct and operate a 3,500 square foot education facility. The facility will be constructed and owned by a local non-profit (Road 84 Education CTR). The building will be used as an LDS Seminary building. The facility will be utilized by Pasco LDS (Latter Day Saints) Seminary students. Seminary buildings are used for religious classes for high school students.
2. The site is adjacent to the new Chiawana High School along Road 84. As proposed, students will walk from the high school to the facility during their scheduled period for Seminary and then walk back to the high school after completion of their class.
3. Proposed structures include the 3,500 sf educational building and a 24'x 24' picnic shelter as shown in the submitted site plan.
4. **Zoning:** The property is zoned RS-20. Both schools and churches are allowed with an approved conditional use permit in the RS-20 zoning district.
5. **Access to Site:** Vehicle access to the site is from Road 84. Road 84 is a City Street. Driveway access is proposed to be located along the north 30' of what is known as the 60' future Sterling Road.
6. **Pedestrian Plan:** Applicant has submitted a pedestrian plan as part of this application. This Plan identifies an area where pedestrians will cross Road 84. Per the City of Pasco, a crosswalk with handicapped ramps on each side of the street (Rd 84) should be required. The specific location of the crosswalk needs to be coordinated with the City Engineering Department. Road 84 is classified as a minor arterial in the Pasco Urban Area Comprehensive Plan.
7. **Parking:** As proposed, an asphalt parking lot shall be provided. The parking area will be of adequate size to accommodate a minimum of 5 parking spaces in addition to one (1) handicap parking space. The parking area shall be setback 25 feet from Road 84 and the Future Sterling Road. Occupancy of the proposed facility building will not be granted without the completion of the required parking lot. **Parking is not allowed along Road 84. If parking along Road 84 occurs in the future, 'no parking' signage (during school hours) will be required.**
8. **Landscaping:**
  - a. The submitted site plan identifies:
    - i. Areas to be landscaped (grass-lawn-trees, etc.) around the parking lot and proposed building; and
    - ii. Vacant areas to have future turf.

- b. The areas around the **parking lot and proposed building** shall be completed within 6 months of the facility building being granted a final inspection and occupancy. This will allow the applicant flexibility if the building is completed during the winter months.
  - c. The areas shown on the site plan identified as **Vacant/Future Turf** shall be put it to grass/lawn:
    - i. Within 3 years of the date of County Commissioner approval; **OR**
    - ii. By the date of final short plat or final subdivision approval of lands adjoining the site, **which ever occurs first**. This will ensure purchasers of adjoining residential lots that the proposed site will be fully landscaped and maintained in a residential fashion.
  - d. The lot shall be maintained in a residential fashion as it relates to landscaping. No portion of the lot shall be overcome with weeds, exposed dirt, or debris. The lot shall be landscaped with grass (lawn), trees, and/or bushes, etc., that are typical to residential type properties and as shown on the submitted site plan.
  - e. The applicant shall ensure the **vision clearance triangle** at the corner of Road 84 and the access point into the facility (future Sterling Road) is in compliance with applicable County Ordinances as it relates to fencing or landscaping, etc., which could pose a hazard to pedestrian or vehicle traffic. Applicant shall coordinate with the County Planning Department regarding this requirement.
9. **Storm drainage:** See Public Works comments.
10. **Outside Lighting:** If outside lighting is proposed in the future, the lighting shall be directed or shielded in a manner as to not become a nuisance to neighboring residential properties. See County Zoning Ordinance Chapter 33.14 for further assistance.
11. **Future construction:** The applicant has proposed a 24' x 24' picnic shelter to be constructed at a future date. The applicant shall contact the Planning and Building Department regarding building permit requirements.
12. **Outside trash cans** shall be screened (landscaping or solid screen fencing) to not become a nuisance to neighboring residential properties.
13. **Irrigation:** Applicant shall meet and comply with the requirements of the Franklin County Irrigation District as it applies to obtaining irrigation water for the proposed use and site.

14. **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 the parking lot, proposed facility building, and required improvements are in compliance with setbacks, etc., from future roadways (potential extension of Sterling Road corridor) on the property. Until such time as Sterling Road is constructed, the applicant shall ensure this area is maintained in a dust and weed free manner.
15. **Building Division:** All proposed construction at the site requires review and application to the County Building Department.
16. **Parcel Size:** To assist with providing an adequate buffer around the facility building from current and future landowners, the facility is being proposed to be placed on a 1/2 acre to 2 acre parcel. This parcel size is subject to change as the parcel will need to be created via an official short plat process which also includes health department review and approval.

**RECOMMENDATION : (CUP-2009-03)**

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: The Franklin County Planning Department recommends that the Planning Commission forward a **POSITIVE** recommendation to the Franklin County Board of Commissioners for Application #CUP-2009-03 with the following findings of fact and conditions of approval:

**POSITIVE RECOMMENDATION:**

If the Planning Commission wishes to forward a **POSITIVE** recommendation to the Franklin County Board of Commissioners for application #CUP-2009-03, 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.
  - a. Applicant has applied for a Conditional Use Permit to construct and operate a 3,500 square foot educational facility in the Residential Suburban 20,000 (RS-20) Zoning District.
  - b. Both churches and schools require the approval of a Conditional Use Permit in Franklin County.
  - c. The applicable Comprehensive Plan for this area is the City of Pasco Urban Area Comprehensive Plan.
2. The proposal **will not** adversely affect public infrastructure.
  - a. Site location is accessed via Road 84 which is a paved city 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 adjacent to Chiawana High School.
  - b. As proposed, the facility will be architecturally constructed to be in harmony with the current and future homes in the area. The facility building is proposed to be constructed of stone to match the high school, and have an asphalt shingle roof.
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 facility and its associated activities will not discourage the development of single family homes in the surrounding residential areas. Similar type facility buildings have been located near local high schools in Pasco and Connell.
  - b. The site is proposed to be approximately ½ acre to 2.0 acres in size (subject to health department and local platting process approval). The minimum lot size in the zoning district is approximately a half acre in size. The increased lot size allows the flexibility for an increased buffer from other existing and future residential properties 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 facility will not be more objectionable to nearby residential properties due to noise, fumes, vibrations, dust and flashing lights. Traffic to the site will be minimal. Pedestrian traffic to and from the site will generally follow the submitted Pedestrian Plan as part of this CUP process.
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, will not be a nuisance to surrounding residential properties and is a use that traditionally has been integrated into adjoining residential neighborhoods adjacent to public school properties such as high schools.
    - b. To ensure safety of pedestrians walking to and from the site, the applicant is required to coordinate with the City of Pasco regarding the placement of a crosswalk across Road 84, limit parking along Road 84 (adjoining the site), and ensure the vision triangle is in compliance along Road 84 and the access point into the site. These conditions will assist in ensuring the public's safety.

### *Suggested Conditions of Approval*

1. Approval grants a Conditional Use Permit to construct and operate a 3,500 square foot educational facility. The facility will be constructed and owned by a local non-profit (Road 84 Education CTR). The building will be used as an LDS Seminary building. The facility will be utilized by Pasco LDS (Latter Day Saints) Seminary students. Seminary buildings are used for religious classes for high school students. The site is adjacent to the new Chiawana High School along Road 84. As proposed, students will walk from the high school to the facility during their scheduled period for Seminary and then walk back to the high school after completion of their class.

The proposed site is currently on a parcel that is approximately 5 acres in size. The plan is to proceed through a short plat process to divide the site from the 5 acres once a conditional use permit has been approved.

2. Applicant shall meet and comply with the following requirements of the County Planning and Building Department:
  - a. Proposed structures include the 3,500 sf educational building and a 24'x 24' picnic shelter as shown in the submitted site plan.
  - b. **Zoning:** The property is zoned RS-20. Both schools and churches are allowed with an approved conditional use permit in the RS-20 zoning district.
  - c. **Access to Site:** Vehicle access to the site is from Road 84. Road 84 is a City Street. Driveway access is proposed to be located along the north 30' of what is known as the 60' future Sterling Road.
  - d. **Pedestrian Plan:** Applicant has submitted a pedestrian plan as part of this application. This Plan identifies an area where pedestrians will cross Road 84. A

crosswalk with handicapped ramps on each side of the street (Rd 84) is required. The specific location of the crosswalk needs to be coordinated with the City Engineering Department. This shall be completed prior to occupancy of the new building. Road 84 is classified as a minor arterial in the Pasco Urban Area Comprehensive Plan.

- e. **Parking:** As proposed, an asphalt parking lot shall be provided. The parking area will be of adequate size to accommodate a minimum of 5 parking spaces in addition to one (1) handicap parking space. **The parking lot area shall be setback 25 feet from Road 84 and the Future Sterling Road.** Occupancy of the proposed facility building will not be granted without the completion of the required parking lot. **Parking is not allowed along Road 84. If parking along Road 84 occurs in the future, 'no parking' signage (during school hours) will be required.**
- f. **Landscaping:** The submitted site plan identifies **1) Areas to be landscaped** (grass-lawn-trees, etc.) around the parking lot and proposed building; and **2) Vacant areas to have future turf.**
  - i. The areas around the **parking lot and proposed** building (designated on the site plan as an area to be landscaped) shall be completed within 6 months of the facility building being granted a final inspection and occupancy. This will allow the applicant flexibility if the building is completed during the winter months.
  - ii. The areas shown on the site plan identified as **Vacant/Future Turf** shall be planted to grass/lawn within 3 years of the date of County Commissioner approval **OR** by the date of final short plat or final subdivision approval of lands adjoining the site, **which ever occurs first.** This will ensure purchasers of adjoining residential lots that the proposed site will be fully landscaped and maintained in a residential fashion.
  - iii. The lot shall be maintained in a residential fashion as it relates to landscaping. No portion of the lot shall be overcome with weeds, exposed dirt, or debris. Lot shall be landscaped with grass (lawn), trees, and/or bushes, etc., that is typical to residential type properties and as shown on the submitted site plan.
  - iv. The applicant shall ensure the **vision clearance triangle** at the corner of Road 84 and the access point into the facility (future Sterling Road) is in compliance with applicable County Ordinances as it relates to fencing or landscaping, etc., which could pose a hazard to pedestrian or vehicle traffic. The applicant shall coordinate with the County Planning Department regarding this requirement.
- g. **Storm drainage:** All storm drainage shall be retained on site and controlled by way of drainage swales, catch basins/drywells, french drains or other means as approved by the County Engineer.

- h. **Outside Lighting:** If outside lighting is proposed in the future, the lighting shall be directed or shielded in a manner as to not become a nuisance to neighboring residential properties. See County Zoning Ordinance Chapter 33.14 for further assistance.
  - i. **Future construction:** Applicant has proposed a 24' x 24' picnic shelter to be constructed at a future date. The applicant shall contact the Planning and Building Department regarding building permit requirements.
  - j. **Outside trash cans** shall be screened (landscaping or solid screen fencing) to not become a nuisance to neighboring residential properties.
  - k. **Irrigation:** Applicant shall meet and comply with the requirements of the Franklin County Irrigation District as it applies to obtaining irrigation water for the proposed use and site.
  - l. **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 the parking lot, proposed facility building, and required improvements are in compliance with setbacks, etc., from future roadways (potential extension of Sterling Road corridor) on the property. Until such time as Sterling Road is constructed, the applicant shall ensure this area is maintained in a dust and weed free manner.
  - m. **Building Division:** All proposed construction at the site requires review and application to the County Building Department.
  - n. **Parcel Size:** To assist with providing an adequate buffer around the facility building from current and future landowners, the facility is being proposed to be placed on a 1/2 acre to 2.0 acre parcel. This parcel size is subject to change as the parcel will need to be created via an official short plat process which also includes health department review and approval.
3. 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 school 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. Additional information is required to determine if this proposal will meet minimum usable land area requirements as specified in Benton Franklin District Board of Health Rules and Regulations No.2. No septic permits will be issued until usable land area has been determined.

4. Applicant shall meet and comply with the requirements of the **Franklin County Public Works Department** for this application. This includes:
  - a. The revised site Plan submitted to the Planning Dept on June 26 identifies an access that is located in the south 30 feet of this property which is also the north 30 feet of a potential easement for the future Sterling Road. The access enters/exits Road 84 and connects to the proposed parking area.
  - b. All storm drainage shall be retained on site and controlled by way of drainage swales, catch basins/drywells, french drains or other means as approved by the County Engineer.
  - c. The owner(s)/developers shall work with the City of Pasco regarding the need for a crosswalk/crossing on Road 84 to accommodate the students as shown on the pedestrian plan.
5. **Fire Code Official:** The property shall remain free of all fire hazards, including but not limited to weeds, debris, new or used tires, discarded vehicle parts, hazardous waste, fuel or oil storage. Further, the proposed new building, structure, its use and occupancy classification(s) shall meet the adopted Building Codes, Fire Codes and Fire Life Safety Codes in effect and as adopted by Franklin County. This will include sprinkler systems (if required), smoke alarms, fire alarms, fire extinguishers, and handicap requirements for use, access and egress.
6. A building permit (educational facility building) shall be applied for and obtained from the Planning and Building Department **within 1 year** (from the date of Board of Commissioner Approval) of CUP approval or the permit becomes null and void.
7. 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.
8. 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.
9. 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:**

Ferris Neff, 4130 Dogwood Road, Pasco, WA 99301.  
Stan Stinson, 4905 Dradie Street, Pasco, WA 99301.  
Kelsey Carver, 4516 Crescent Drive, Pasco, WA 99301.  
Nathan Peterson, 5208 Dundas Lane, Pasco, WA 99301.

**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 what will the remainder of the property be used for, does Road 84 go all the way through and over the canal, future annexation of the property and the area, health issues as it relates to the on-site septic system, septic versus sewer, availability of sewer, if septic fails the Health Department can dictate the City allow them to hook up without annexing, Urban Growth Area Boundary discussion, pedestrian crossing, number of students at the high school, number of students attending the seminary, etc.

**MOTION:**

**Flo Sayre** made a motion for the *approval* of the conditional use permit application (CUP 2009-03) with the findings of fact and conditions of approval as specified in the staff report.

**Burl Booker** seconded the motion.

**ROLL CALL:**

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

Motion carried (unanimous) for the *approval* of this application – CUP 2009-03.

**ITEM #2 – CUP 2009-04**, an application by Larry Stephens, 300 Hill Drive, Eltopia, WA 99330 for a conditional use permit. Said application is to construct a horse barn (accessory building) in a designated front yard area. As proposed, the barn will be located approximately 25’ from Hill Drive. The property is located in the Rural Community 1 (RC-1) Zoning District and consists of approximately 2.6 acres. The site is located south of Eltopia West Road, along the east side of Hill Drive, near site address 300 Hill Drive, Eltopia, Washington (Parcel Number 123-460-104).

**APPLICANT:** Larry Stephens, 300 Hill Drive, Eltopia, WA 99330.

**OWNER:** Same.

**OPEN PUBLIC HEARING/STAFF REPORT:**

**Greg Wendt** presented the staff report for the conditional use permit application (CUP 2009-04).

## **APPLICATION DESCRIPTION:**

This is a Conditional Use Permit application to construct a barn (accessory building) in the designated front yard area of a 2.6 acre parcel along Hill Drive in Eltopia.

As proposed, the applicant is proposing a 48 x 48 barn. The barn would be located 25' from Hill Drive.

The RC-1 zone requires the approval of a conditional use permit any time an accessory building is constructed in the designated front yard.

## **PUBLIC NOTICE:**

1. A Public Notice was published in the Herald and Graphic on June 11, 2009.
2. Property Owners within 1 mile were mailed notice during the 2<sup>nd</sup> week of June 2009.
3. The Planning Staff mailed out review packets to Technical Agencies on June 1, 2009.

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

### **AGENCY COMMENTS**

- a. Public Works Department: No Comments.
- b. Benton Franklin Health Department: This department has reviewed the CUP and has no objections to the placement of the barn as shown as this poses no encumbrances to the drainfield or reserve area.
- c. Fire Code Official: The property shall remain free of all fire hazards, including but not limited to weeds, debris, new or used tires, discarded vehicle parts, hazardous waste, fuel or oil storage.
- d. Building Official: Plans and building permits are required. Please contact the Building Department.
- e. Planning and Building Department: Staff has determined the following findings and conditions for the application request.
  1. Land is zoned Rural Community 1 (RC-1).
  2. Accessory buildings in the RC-1 zone require a CUP if located in the designated front yard area.
  3. Building size is approximately 48' x 48'. This square footage is allowed due to the applicant's parcel size is greater than 2.5 acres in size.
  4. Applicants' parcel size is 2.6 acres.
  5. The barn is proposed to be located 25' from Hill Drive. The front of the home is approximately 67' from Hill Drive.

6. The barn has a depth of 48' and will encroach approximately 42' into the designated front yard area.
7. Applicant is requesting the ability to place the barn in the front yard area due to slope and storm drainage issues on the property.

**RECOMMENDATION : (CUP-2009-04)**

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: The Franklin County Planning Department recommends that the Planning Commission forward a **POSITIVE** recommendation to the Franklin County Board of Commissioners for Application #CUP-2009-04 with the following findings of fact and conditions of approval:

**SUGGESTED POSITIVE RECOMMENDATION:**

If the Planning Commission wishes to forward a **POSITIVE** recommendation to the Franklin County Board of Commissioners for application #CUP-2009-04, the following suggested findings of facts and suggested 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.
  - a. The comprehensive Plan designates this land as a Rural Settlement Area.

- b. The property is zoned Rural Community 1 (RC-1).
  - c. The RC-1 Zone requires the approval of a CUP to place an accessory building in the designated front yard area.
2. The proposal **will not** adversely affect public infrastructure.
- a. The proposed barn will be setback approximately 25' from the county right of way and Hill Drive.
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 parcels within this development are all 2.5 acres or greater in size. With this the parcels are of a size to easily accommodate both a detached accessory structure and a single family home. The character of the area consists of scattered single family homes, accessory buildings, and associated accessory uses such as the keeping of animals.
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 location of the proposed barn (25' from Hill Drive) will not discourage permitted uses in the area. A single family home has a minimum setback of 25' from Hill Drive as well.
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. This accessory building will not be more objectionable by reasons of fumes, vibrations, dust, traffic, or flashing lights than would be the operation of any permitted uses (single family homes or accessory uses) within the RC-1 zone or this neighborhood.
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 applicant is requesting to place the accessory building in the front yard area of this parcel due to slope and storm drainage issues on the property.
  - b. Placement at this location will not infringe on or obstruct the storm-water runoff from Hill Drive into the applicants pasture area.
  - c. If located outside of the front yard area, a high potential exists that the building would be negatively impacted by storm water drainage flows into the pasture area.

- d. As proposed, the building will not be a nuisance to other permitted uses in the area.

***Suggested Conditions of Approval***

1. Approval grants a Conditional Use Permit to construct a barn (accessory building) in the designated front yard area of a 2.6 acre parcel along Hill Drive in Eltopia.

As proposed, the applicant is proposing a 48 x 48 barn. The barn would be located 25' from Hill Drive. The land is zoned Rural Community 1 (RC-1). The barn is proposed to be located 25' from Hill Drive. The front of the home is approximately 67' from Hill Drive. The barn has a depth of 48' and will encroach approximately 42' into the designated front yard area.

2. Applicant shall meet and comply with the requirements of the **Franklin County Planning and Building Department** for this application. The following findings and conditions apply to this application request:

- a. Land is zoned Rural Community 1 (RC-1).
- b. Accessory buildings in the RC-1 zone require a CUP if located in the designated front yard area.
- c. Building size is approximately 48' x 48'. This square footage is allowed due to the applicant's parcel size is greater than 2.5 acres in size.
- d. Applicants' parcel size is 2.6 acres.
- e. The barn is proposed to be located 25' from Hill Drive. The front of the home is approximately 67' from Hill Drive.
- f. The barn has a depth of 48' and will encroach approximately 42' into the designated front yard area.
- g. Applicant is requesting the ability to place the barn in the front yard area due to slope (topography of the site) and storm drainage issues on the property.
- h. Applicant is required to submit plans and obtain a building permit for the new construction.

3. Applicant shall meet and comply with the requirements of the **Franklin County Public Works Department** for this application.

4. Applicant shall meet and comply with the requirements of the **Benton Franklin Health Department** for this application

5. The property shall remain free of all fire hazards, including but not limited to weeds, debris, new or used tires, discarded vehicle parts, hazardous waste, fuel or oil storage.

6. A building permit (barn) shall be applied for and obtained from the Planning and Building Department within **1 year** (from the date of Board of Commissioner Approval) of CUP approval or the permit becomes null and void.
7. 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.
8. 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.
9. 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:**

Larry Stephens, 300 Hill Drive, Eltopia, WA 99330.  
Brent Heinen, 3590 Langford Road, Eltopia, WA 99330.  
Greg Mauseth, 1840 Hope Valley 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 where the existing homes are oriented in the immediate vicinity of the proposal, there needs to be some concession in this development due to the steep slopes, topography and rocky ground, larger lots, drainage of the road runoff onto Mr. Stephens property has caused this issue, etc.

**MOTION:**

**Bruce Flippo** made a motion for the *approval* of the conditional use permit application (CUP 2009-04) with the findings of fact and conditions of approval as specified in the staff report.

**Claude Pierret** seconded the motion.

**ROLL CALL:**

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

Motion carried (unanimous) for the ***approval*** of this application – CUP 2009-04.

**OTHER BUSINESS**

1. Results from Planning Commission Case Files of June 2, 2009.
2. Potential Planning Commission workshop for August of 2009.
3. Current listing of Planning Commission members/districts/terms.

**ADJOURN**