

**FRANKLIN COUNTY
PLANNING COMMISSION
MINUTES
August 4, 2009**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

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:

Claude Pierret made a motion to approve the July 7, 2009 minutes as written.

Flo Sayre seconded the motion.

Motion carried

APPROVAL OF AGENDA:

Flo Sayre made a motion to approve the agenda as written.

Lois Hanses seconded the motion.

Motion carried

ITEM #1 – **CUP 2009-05**, an application by Josef and Frabrica Christ, 5020 Irving Street, Pasco, WA 99301. The applicant is requesting a conditional use permit to locate an accessory building in the designated front yard of a single family home. The land is zoned Residential Suburban 20,000 (RS-20). This site address for the property is 2011 Road 52.

As proposed, the applicant wishes to construct a new single family home on the 2.5 acre property. Once the new home is constructed, the existing home, located near Road 52 and constructed in the 1930's, would be decommissioned so as to not be a habitable single family home but rather utilized as an accessory building. The applicant wishes to keep the structure on the property as an accessory building due to the structure's historic value. The current location of the historic structure is located in the designated front yard area of the applicant's proposed new single family dwelling.

APPLICANT: Josef and Frabrica Christ, 5020 Irving Street, Pasco, WA 99301.

OWNER: Same.

OPEN PUBLIC HEARING/STAFF REPORT:

Greg Wendt presented the staff report for the conditional use permit application (CUP 2009-05).

APPLICATION DESCRIPTION:

This is a Conditional Use Permit application to locate an accessory building in the designated front yard of a single family home. The land is zoned Residential Suburban 20,000 (RS-20).

Currently the 2.5 acre site includes a single family home that was constructed in the 1930's. The applicant wishes to construct a new single family home on the 2.5 acre property.

Once the new home is constructed, the existing home is proposed to be decommissioned so as to not be a habitable single family home but rather utilized as an accessory building. The applicant wishes to keep the structure on the property as an accessory building due to the structure's historic value.

A CUP is required due to the current location of the historic structure which is located in the designated front yard area of the applicant's proposed new single family dwelling.

The RS-20 zone requires the approval of a conditional use permit any time an accessory building is located in the designated front yard.

PUBLIC NOTICE:

1. A Public Notice was published in the Herald and Graphic on July 16, 2009.
2. Property Owners within 500 feet were mailed notice during the 2nd week of July 2009.
3. The Planning Staff mailed out review packets to Technical Agencies on July 1, 2009.

AGENCY COMMENTS/CRITERIA FOR FINDINGS OF FACT:

- a. **Public Works Department:** No Comments.
- b. **Benton Franklin Health Department:** This department has reviewed the CUP and has no objections provided: if any plumbing is to remain in the accessory building the property owner must submit an application to this office for an evaluation of the existing septic system.
- c. **Fire Code Official:** The building and 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. **City of Pasco:** Building setbacks are to provide open and unobstructed space between buildings and property lines. The purpose for setbacks is to provide open space for light and air, to secure safety from fire and other dangers and to create a more attractive community.

Permitting the historic house as an accessory use (not an accessory dwelling) on the lot in question will not detract from the purposes for which setback regulations and zoning have been established. The front and side yards will be maintained consistent with the code and development within the neighborhood.

This request is not a precedent setting request. There have been other properties in the past that have developed with accessory structures in front of the principle structure (mostly garages). This has usually occurred on lots that are long and narrow and or odd shaped. There are several accessory structures in front of houses along the river on Court Street, west of Road 100. These structures have not impaired the value of adjoining properties nor have they become a nuisance that has discouraged development within the neighborhood.

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

1. Land is zoned Residential Suburban 20,000 (RS-20) and is within the Pasco Urban Growth Area.
2. Accessory buildings in the RS-20 zone require a CUP if located in the designated front yard area.
3. Currently the 2.5 acre site includes a single family home that was constructed in the 1930's. The applicant wishes to construct a new single family home and accessory building on the 2.5 acre property.
4. Once the new home is constructed, the existing home is proposed to be decommissioned so as to not be a habitable single family home but rather utilized as an accessory building. The applicant wishes to keep the structure on the property as an accessory building due to the structure's historic value.
5. An inspection of the structure will be required by the County Building Division to evaluate and advise the owner of corrections necessary for the decommissioning and occupancy change.
6. It is not unusual, under certain circumstances, to have an accessory building located within a designated front yard area. The property in question is of a sufficient size (2.5 acres) to accommodate multiple structures on the lot (including the historic structure) and will not interfere with the intent for which setbacks and zoning regulations were established. The front and side yards will continue as they are now, and will be maintained consistent with the code and development within the neighborhood.

RECOMMENDATION : (CUP-2009-05)

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-2009-05 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-2009-05, 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 land is located within the Pasco Urban Growth Area.
 - b. The property is zoned Residential Suburban 20,000 (RS-20)
 - c. The RS-20 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 existing structure is setback approximately 60' from the county right of way and Road 52.
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 structure will continue to have the appearance of a single family home. This will assist in maintaining residential character of the area. The character of the area consists of scattered single family homes, accessory buildings, and associated accessory uses such as the keeping of animals.
 - b. Permitting the historic house as an accessory use (not an accessory dwelling) on the lot in question will not detract from the purposes for which setback regulations and zoning have been established. The front and side yards will be maintained consistent with the code and development within the neighborhood.
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 existing structure or the proposed home will not discourage permitted uses in the area
5. The operation in connection with the proposal **will not** be more objectionable to nearby properties by reason of noise, fumes, vibrations, dust, traffic, or flashing lights than would be the operation of any permitted uses within the district.
- a. This use of the structure as an accessory building, rather than a single family home, 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 RS-20 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 public health or safety will not be endangered by the construction of a new home on this parcel and the decommissioning of the existing home. All health department standards shall be complied with at all times.
 - b. There have been other properties in the past that have developed with accessory structures in front of the principle structure (mostly garages). This has usually occurred on lots that have are long and narrow and or odd shaped. There are several accessory structures in front of houses along the river on Court Street, west of Road 100. These structures have not impaired the value of adjoining properties nor have they become a nuisance that has discouraged development within the neighborhood.

Suggested Conditions of Approval

1. Approval grants a Conditional Use Permit to locate an accessory building in the designated front yard area of a single family home. The land is zoned Residential Suburban 20,000 (RS-20). Currently the 2.5 acre site includes a single family home that was constructed in the 1930's. The application wishes to construct a new single family home on the 2.5 acre property. Once the new home is constructed, the existing home is proposed to be decommissioned so as to not be a habitable single family home but rather

utilized as an accessory building. The applicant wishes to keep the structure on the property as an accessory building due to the structure's historic value.

A CUP is required due to the current location of the historic structure which is located in the designated front yard area of the applicant's proposed new single family dwelling. The RS-20 zone requires the approval of a conditional use permit any time an accessory building is located in the designated front yard.

2. Applicant shall meet and comply with the requirements of the **Franklin County Planning and Building Department** for this application. This includes obtaining a building permit for all new structures on the site and scheduling an inspection for the existing home (proposed accessory building) with the County Building Official. This will allow the building department an opportunity to evaluate and advise the owner of corrections necessary for the decommissioning and occupancy change of the structure.
3. Applicant shall meet and comply with the requirements of the **Benton Franklin Health Department** for this application. Specifically, the department has reviewed the CUP and has no objections provided: if any plumbing is to remain in the accessory building the property owner must submit an application to this office for an evaluation of the existing septic system.
4. 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.
5. A building permit for the new home 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.
6. 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.
7. 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.
8. 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:

Josef Christ, 5020 Irving Street, 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 is involved in decommissioning a home into an accessory building, possibility of future subdividing, building a road to meet County standards, new home – attached versus detached garages, unique and historical structure, lots of historical significance, Boy Scouts built it in the 1930’s – same as some of the homes built at Sacajawea Park near the Port of Pasco, etc.

MOTION:

Claude Pierret made a motion for the *approval* of the conditional use permit application (CUP 2009-05) with the findings of fact and conditions of approval as specified in the staff report.

Lois Hanses seconded the motion.

ROLL CALL:

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

Motion carried (unanimous) for the *approval* of this application – CUP 2009-05.

OTHER BUSINESS

1. Results from Planning Commission Case Files of July 7, 2009.
2. Potential Planning Commission workshop for September of 2009.
3. Text Change Update (Zoning Code).
4. Current listing of Planning Commission members/districts/terms.

ADJOURN