

Agenda Summary Report (ASR)

Franklin County Board of Commissioners

| | |
|---|--------------------------------------|
| DATE SUBMITTED: February 19, 2021 | PREPARED BY: Nicole Stickney |
| Meeting Date Requested: March 2, 2021 | PRESENTED BY: Nicole Stickney |
| ITEM: (Select One) <input type="checkbox"/> Consent Agenda <input checked="" type="checkbox"/> Brought Before the Board Time needed: 15 minutes | |
| SUBJECT: Appeal Hearing – Appeal of the administrative decision (denial) for SP 2021-03 (Kelly) | |
| FISCAL IMPACT: None | |
| <p>BACKGROUND: Melissa Kelly (appellant) filed a timely appeal (in accordance with FCC 16.32.090) of the Planning and Building Department's administrative decision to deny short plat application. The application was to divide a parcel with a home built on it (Parcel 123-200-222; approx. 22.79 acres; it appears the parcel was created via an exempt segregation), into two new lots which would be approx. 20.68 acres and approx. 2.11 acres in size. The property is zoned AP-20. The department issued the denial letter on February 3, 2021 with written findings proposal does not comply with FCC 17.10.050 (F)(1) Innovative Agricultural Short Plat on the grounds that the proposed short plat would not comply with the density standard of one lot to every 20 acres, "For each parcel less than 20 acres in size in a short plat there shall be a minimum of 20 acres set aside in the main farm parcel."</p> <p>In order for the short plat to have been approved, it would have been necessary for the larger "farm parcel" to have been undeveloped (no home) and for the residential development rights to have been essentially transferred (or assigned) to the smaller parcel.</p> <p>FCC 17.10.010 contains the purpose statement for the AP-20 zone. The code states "Residential subdivisions are not compatible with the intent of the AP-20 zone. Short plats may be permitted for farm labor housing or where the landowner wishes to sell the farm (see definition of farm) and keep the house <u>or in cases where deemed appropriate by the board of county commissioners.</u>"</p> | |
| <p>RECOMMENDATION: The Building and Planning Department recommends the Board of County Commissioners hold a public hearing on the short plat proposal pursuant to FCC 14.80.030 and 14.80.060, etc. The Board should review the record and consider testimony received at the hearing. The Department further recommends that the Board uphold the administrative decision, on the basis that the proposal does not conform to the provisions for an innovative agricultural short plat. (Note: judicial appeals are available per FCC 14.80.070)</p> <p><u><i>Suggested Motion:</i></u> "I move to uphold the administrative decision on SP 2021-03 and deny the appeal."</p> <p>Alternatively, if the board determines to approve the short plat as proposed, based on the board's authority to deem a specific case of residential subdivision as "appropriate," we have prepared a resolution for the board to consider for that purpose, with written findings.</p> <p><u><i>Alt. Motion:</i></u> "I move to pass Res. _____ to preliminary approve Short Plat File # 2021-.03 with conditions."</p> | |
| <p>COORDINATION: The County Building and Planning Department processed the original short plat application, coordinated for agency comments, and reviewed the application in accordance with Title 16, Subdivisions and Chapter 17.10. The appeal hearing was advertised via adopted public notice procedures.</p> | |
| <p>ATTACHMENTS: (Documents you are submitting to the Board)</p> <p>(1) Analysis (2) Draft Resolution (3) Short Plat Application; (4) Short Plat Administrative Decision (5) Appeal Paperwork</p> | |
| <p>HANDLING / ROUTING: To the Clerk of the Board: 1 Original Resolution To Planning: 1 Copy Res.</p> | |

I certify the above information is accurate and complete.

-----Derrick Braaten, Building and Planning Director

FRANKLIN COUNTY RESOLUTION _____
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF
FRANKLIN COUNTY, WASHINGTON

County Commissioner Preliminary Approval,
with Conditions, of SP 2020-03 (Kelly)

WHEREAS, on January 12, 2021, the Franklin County Planning and Building Department received an application from Melissa Kelly to subdivide parcel 123-200-222 in Franklin County (addressed as 5100 Elm Road, Pasco WA) into two lots; and

WHEREAS, on January 20, 2021, the Franklin County Planning and Building Department issued a public notice of "Pending Short Plat Approval"; and

WHEREAS, on February 3, 2021, the Franklin County Planning and Building Department issued a letter to the applicant, providing a denial of the application; and

WHEREAS, on February 4, 2021, Melissa Kelly filed an appeal; and

WHEREAS, on March 2, 2021, the Board of Franklin County Commissioners, via public meeting and following a duly noticed public hearing, considered the appeal filed by Melissa Kelly (APPEAL # 2021-01) on the Building and Planning Department's Administrative Decision to deny her Short Plat application, File # 2020-03; and

WHEREAS, there was no public opposition to the short plat proposal and the Planning and Building Department received comments from reviewing agencies; and

WHEREAS, FCC 17.10.010 specifies that Short Plats may be permitted "in cases deemed appropriate by the board of county commissioners;" and

WHEREAS, the Board makes the following findings:

Findings of Fact:

1. The proposed lots **do conform** to the Comprehensive Plan and Zoning Requirements;
 - a. The parcel is designated as "Agricultural" in the Comprehensive Plan. The Zoning designation is AP-20 Agricultural Production Zone.
 - b. The Short Plat complies with the Franklin County Code, Title 17, Chapter 17.10 Agricultural Production 20 (AP-20) Zoning District Development Standards, including Chapter 17.10.050 (F)(1) Innovative Agricultural Short Plats which requires the following:
 - i. Comply with the purposes of the AP-20 Zone;
The applicant has stated that the short plat complies with the purpose.
 - ii. No lots shall be smaller in size than 1 acre;

The smallest parcel in the short plat is 2.11 acres.

- iii. Short plat shall consist of no more than four parcels

This short plat will result in two parcels.

- iv. Short Plat shall comply with a density standard of 1:20. For each parcel less than 20 acres in size in a short plat there shall be a minimum of 20 acres set aside in the main farm parcel;

Although the short plat does not comply with the density standard, the board of county commissioners find it appropriate to authorize the short plat as proposed.

- c. The Short Plat complies with the standards included in Franklin County Code, Title 16 Subdivisions. Specifically, the lots meet the requirements of Chapter 16.12.040 for Rural Lot Access and the application submittal complies with the standards/requirements stated in Chapter 16.32 Short Subdivisions.

- 2. The proposed short subdivision **does contribute** to the orderly development and land use patterns in the area;

- a. The property is zoned AP-20 Agricultural Production Zone. The County Comprehensive Plan designates this land as Agricultural.

- b. The short plat is consistent with the lot sizes and uses allowed in the AP-20 Zoning District.

- c. The property is adjoined with and surrounded by other properties zoned AP-20. Agricultural uses, farming activities, single family homes, and accessory uses are typical uses in the area and zoning district.

- 3. The proposed lots **are served** with adequate road system/means of access, fire protection, drainage, water supplies and means of sanitary sewage disposal;

- a. Each proposed lot has access to a county road (Elm Rd.).

- b. The proposal will not have a negative impact on public health as current state standards require compliance with local health department septic standards.

- i. The Health District staff commented on the proposal stated the district has no concerns for proposed short-plat, if conditions listed in their October 5, 2020 letter are met. They confirmed the lots meet all usable land area requirements in accordance with Benton-Franklin Health District Board of Health Rules and Regulations #2. The indicated no objections to this proposed short plat.

- c. Since an operational fire hydrant meeting the standard fire flow requirement is not available in this area, fire protection standards are achieved through the use of increased setbacks for new construction on the properties.

- d. Drinking water on the properties would be sourced from a well or wells.
- 4. Land **is not required** to be dedicated for public right-of-way;
- 5. Utility easements **are required to remain** to serve the proposed lots within the short plat and/or adjacent properties;
 - a. Franklin County is required to make appropriate provisions for utilities and irrigation as they relate to this short plat and surrounding lands. A proposed short plat shall not be approved unless appropriate provisions have been met or completed for utility and irrigation purposes.
 - b. The short plat is located within the boundaries of the United States Bureau of Reclamation, and the South Columbia Basin Irrigation District.
 - c. The short plat is located within the boundaries of Big Bend Electric Cooperative (BBEC).
- 6. The public use and interest **will be** served by permitting the proposed division of land;
- 7. Subdivision improvements **are not** required for this application and therefore are not required to be guaranteed by one of the methods described in the Subdivision Ordinance.

WHEREAS, the Board adopts the recommended Conditions of Approval, as recommended by the Building and Planning Department:

Conditions of Approval:

- 1. County Public Works Department: The Public Works department requires the following:
 - a. Two State Plane Coordinates conforming to Franklin County Code Section 16.28.100 (c)(1) and as set forth by state statutes for recording coordinates as described in RCW 58.30.180 were not submitted.
 - b. A signature must be obtained from the Public Works office. To expedite the process, the applicant shall address all comments and email a final copy for review along with any additional documents (i.e. closure notes). A field check will be scheduled if needed. Once complete, Public Works will notify the applicant if any conditions remain or if all the conditions have been met and a signature can be obtained.
- 2. Benton-Franklin Health District: None.
- 3. BBEC: None (No response was received).
- 4. County Assessor's Office: Owner should contact the assessor's office regarding open space continuance on Lot 2.
- 5. Fire District #5: No response received.
- 6. SCIBD: See agency comments in the letter dated February 1, 2021.

7. US Bureau of Reclamation: See agency comments in the letter dated January 27, 2021.
8. Planning and Building Department:
 - a. Addressing: Lot 1 shall retain its address of 5100 Elm Road. Lot 2 will receive a new address of 5022 Elm Road at time of building permitting.
 - b. Retain notes #1-3.
 - c. Edit note #4 to read as follows:

The following separation standards shall be required for all new structures on each lot or parcel. Unless there is an operational fire hydrant, meeting fire flow requirements, located within 500 feet of the proposed structures, the following shall apply:

Front Yard Setback:

25 feet from a road right of way and/or dedicated roadway/easement, and/or 55 feet from the center line of such road right of way and/or road easement whichever is greater.

Rear Yard Setback:

Primary: 25 feet

Accessory: 20 feet

Side Yard Setback:

20 feet

Separation between Buildings/Structures:

15 feet; the structure separation could be adjusted with an approved firewall construction.
 - d. Add note #5: "Park dedication fees apply to all lots, which shall be paid prior to issuance of a building permit."
 - e. Add note #6: "Franklin County is not responsible for the maintenance of private easements."
 - f. Add note #7: "During construction on each property, all construction debris shall be maintained on-site and properly disposed of. Dust control measures including an adequate water supply shall be provided."
 - g. Short Plat preliminary approval shall be effective for one (1) year (per Co. Code, Title 16, Chapter 16.32 Short Subdivision). If final recording has not occurred within the one-year time period, reapplication shall occur.
 - h. Prior to obtaining the County Treasurer's Signature on the final short plat submitted for recording, the applicant shall visit the County Assessor's Office to receive a Treasurer's Verification Form for the property.

i. Further, the applicant is encouraged to contact the Assessor's Office and/or the County Treasurer's Office to discuss potential property tax implications of the short platting process. Items such as removal of an open space designation and/or the requirement that all taxes be paid in full for the current year on all affected parcels may be applicable.

j. Agency Signature Blocks shall be provided for the following on the final short plat:

1. Franklin County Engineer;
2. Big Bend Electric Cooperative;
3. South Columbia Basin Irrigation District;
4. United States Bureau of Reclamation;
5. Benton-Franklin Health District;
6. Franklin County Treasurer;
7. Franklin County Director of Planning and Building; and
8. County Auditor

WHEREAS, it appears to be in the public use and interest to **approve** the preliminary short plat, with conditions; and

NOW, THEREFORE, BE IT RESOLVED that Short Plat File # 2021-03 is hereby **approved with conditions stated herein**.

APPROVED THIS 2nd DAY OF MARCH 2021.

**BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON**

Chair

Chair Pro-Tem

Attest:_____
Clerk of the Board

Member

ASR ATTACHMENT 2 - ANALYSIS

APPEAL 2021-01

ANALYSIS - Short Plats in the Agriculture Production Zones

Franklin County supports farming and agricultural production in many ways, including the “Right to Farm” code and also through zoning regulations:

- The AP-20 and AP-40 zones are “designed to maintain the agricultural economy of the county by reserving the farmlands that are used for farming and that are suited to such use. The county comprehensive plan designates the county’s agricultural lands.” Furthermore AP-20 (20 Acre minimum lot size) is generally applied in areas with access to irrigation water; AP-40 (40 Acre minimum lot size) is generally applied where dryland farming practices would be used. (FCC 17.10.010(A) & 17.12.010(A))
- “Residential subdivisions are not compatible with the intent of the agricultural production 20 [40] zone. Short plats may be permitted for farm labor housing or where the landowner wishes to sell the farm (see definition of farm) and keep the house or in cases where deemed appropriate by the board of county commissioners.” (FCC 17.10.010(B) & 17.12.010(B))
- The minimum lot sizes are 20 areas in AP-20 and 40 Acres in AP-40, except in cases where the “Innovative Agricultural Short Plat” provision is used.
- In the development standards for the AP-20 and AP-40 Zoning district, the exception is stated as follows:
 1. *Innovative agricultural short plats shall:*
 - a. *Comply with the purpose of the agricultural production 20 zoning district;*
 - b. *Comply with a minimum lot size of one acre;*
 - c. *Consist of no more than four lots. This includes no more than three lots/parcels that are less than twenty (20) acres in size. The remaining farm lot/parcel shall comply with the required density standard;*
 - d. *Comply with a density standard of 1:20. For each lot/parcel that is less than twenty (20) acres in size in a short plat application, there shall be a minimum of twenty (20) acres set aside in the main farm lot/parcel.*

Examples: The County’s innovative agricultural short plat provision is used frequently; there were twenty-one short plats that used this provision in 2020 alone. The following table shows the plats (plat amendments were excluded) and the calculation of lot sizes/density:

| Short Plat Name | Beginning acreage | # of Lots (total) | Average Lot size | 1 Lot: 20 Acres (min.) standard met? |
|-----------------|-------------------|-------------------|------------------|--------------------------------------|
| SP 2020-01 | 159.5 | 3 | 53.2 | Yes |
| SP 2020-02 | 124.6 | 4 | 31.2 | Yes |
| SP 2020-03 | 309.6 | 2 | 154.8 | Yes |
| SP 2020-04 | 89.4 | 4 | 22.3 | Yes |
| SP 2020-05 | 125.6 | 4 | 31.4 | Yes |
| SP 2020-07 | 215.6 | 3 | 71.9 | Yes |

| Short Plat Name | Beginning acreage | # of Lots (total) | Average Lot size | 1 Lot: 20 Acres (min.) standard met? |
|-----------------|-------------------|-------------------|------------------|--------------------------------------|
| SP 2020-08 | 111.5 | 3 | 37.2 | Yes |
| SP 2020-14 | 81.3 | 2 | 40.7 | Yes |
| SP 2020-16 | 104 | 3 | 34.7 | Yes |
| SP 2020-17 | 79.9 | 2 | 39.9 | Yes |
| SP 2020-19 | 47.5 | 2 | 23.7 | Yes |
| SP 2020-23 | 79.3 | 4 | 19.8 | Yes (if rounded) |
| SP 2020-24 | 77.8 | 3 | 25.9 | Yes |
| SP 2020-26 | 116.8 | 2 | 58.4 | Yes |
| SP 2020-27 | 100.6 | 3 | 33.5 | Yes |
| SP 2020-28 | 78.4 | 3 | 26.1 | Yes |
| SP 2020-31 | 164.1 | 2 | 82.1 | Yes |
| SP 2020-34 | 242.3 | 2 | 121.2 | Yes |
| SP 2020-37 | 210.6 | 3 | 70.2 | Yes |
| SP 2020-39 | 89.4 | 2 | 44.7 | Yes |
| SP 2020-40 | 123.5 | 2 | 61.7 | Yes |

Many of the innovative agricultural short plats recorded in Franklin County over the years have also contained a note on the face of the plat¹.

Example from SP 2020-34 (AP-20):

| |
|---|
| FIREWALL CONSTRUCTION. |
| 6. LOT 2 AS SHOWN ON THIS PLAT ARE CREATED PURSUANT TO THE INNOVATIVE AGRICULTURAL SHORT PLAT STANDARDS OF FRANKLIN COUNTY CODE 17.10.050.F.1.d. LOT 2 IS LESS THAN TWENTY (20) ACRES IN SIZE AND THERE IS A MINIMUM OF TWENTY (20) ACRES SET ASIDE FOR EACH OF THESE NEW LOTS IN THE MAIN FARM LOT, LOT 1. |
| 7. PARK DEDICATION FEES APPLY TO LOT 2, WHICH SHALL BE PAID PRIOR TO BUILDING PERMIT ISSUANCE FOR A NEW HOME ON LOT 2. |

Example from 2018-39 (AP-40):

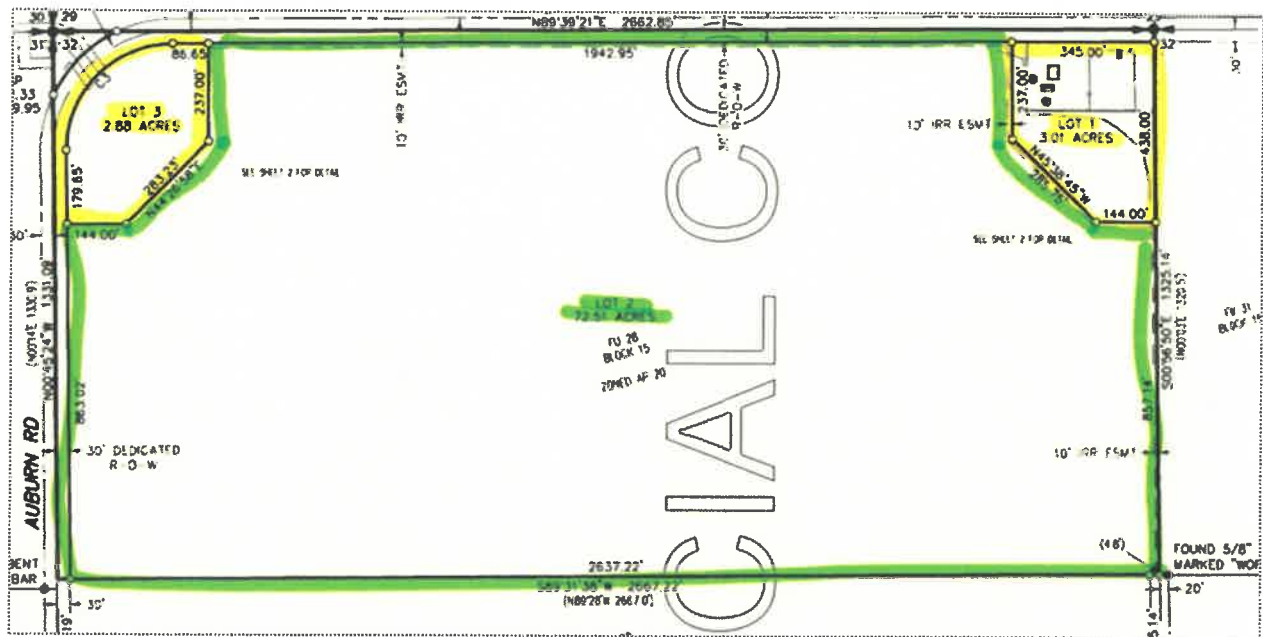
4. LOT 1 OF THIS PLAT IS CREATED PURSUANT TO THE INNOVATIVE AGRICULTURAL SHORT PLAT STANDARDS OF FRANKLIN COUNTY CODE 17.12.050.F.1.D; LOT 1 IS LESS THAN FORTY (40) ACRES IN SIZE AND THERE IS A MINIMUM OF FORTY (40) ACRES SET ASIDE FOR THE NEW LOT IN THE MAIN FARM PARCEL, LOT 2.

5. NEFF JONES ROAD HEREBY DEDICATED ALL

The following image shows an example of an innovative agricultural short plat. This example is Short Plat 2020-27, where the zoning is AP-20. It appears that there was an existing home on the original parent parcel in the northeast corner, which became "Lot 1"

¹ Other Counties in Washington State may have different approaches; in Whatcom County they have a similar "Agricultural Short Subdivision" process (Whatcom County Code 20.40.250) and "The small lot must contain an existing single family residence and the remainder lot must contain a deed restriction prohibiting single family residential development." We did not find any provisions for these types of short plats in Benton, Walla Walla or Adams County

and another homesite was created on "Lot 3" and the largest parcel, Lot 2, is the farm parcel:



The resulting lot configuration is shown below:



Rare exceptions have been granted: There has also been at least one instance where, on an exception basis, a previous planning director authorized the division of land where a new parcel was created off of a parcel larger than 20 but less than 40 acres in size. Because there was no pre-existing residential development on the parent parcel the director allowed the short plat to occur, on the condition that a note was placed on the plat saying that larger parcel would not be issued any building permits; the development rights for

residential uses were in effect transferred to the smaller homesite parcel and removed from the larger farm parcel.

The proposed Kelly Short Plat (File 2021-03) does not conform to code: In the case of the request by Mrs. Kelly, the short plat would not conform to the zoning standards, and the situation is further exacerbated as there is already an existing home on the parcel, which eliminates the opportunity for a remedy via a note to effectively transfer development rights:

| Short Plat Name | Beginning acreage | # of Lots (total) | Average Lot size | 1 Lot: 20 Acres (min.) standard met? |
|----------------------------------|-------------------|-------------------|------------------|--------------------------------------|
| <i>PROPOSED KELLY SHORT PLAT</i> | 21.4 | 2 | 10.7 | No |



FRANKLIN COUNTY

PLANNING AND BUILDING DEPARTMENT

February 3, 2021

Melissa Kelly
PO Box 802
Connell, WA 99326

Re: **Short Plat Application (SP 2021-03)**
Parcel Number: #123-200-222

Dear Ms. Kelly:

This letter is to inform you that the Franklin County Planning and Building Department must deny your recently submitted Short Plat Application (Planning Case-file SP 2021-03).

You proposed to short plat one (1) parcel, comprising approximately 22.79 acres, into two (2) new lots. Under the submitted application, proposed Lot #1 would be approximately 20.68 acres and proposed Lot #2 would be approximately 2.11 acres in size.

The subject property is located in a portion of the Northwest 1/4 of Section 20, Township 11 North, Range 29 East, W.M., Franklin County, Washington. The property has access to Elm Rd. to the South, and Fir Rd. is located generally to the North, Taylor Flats Rd. is generally located to the East, and Graystone Ln. is generally located to the West. (Parcel #123-200-222). The property is zoned AP-20 (Agricultural Production Zone 20) and is located outside of any Urban Growth Area (UGA). The property features a dwelling unit (home).

In accordance with County Subdivision Ordinance #2-2008, Chapter 8, the following findings of fact were determined for your short plat application:

Findings of Fact:

1. The proposed lots **do not conform** to the Comprehensive Plan and Zoning Requirements;
 - a. The parcel is designated as "Agricultural" in the Comprehensive Plan. The Zoning designation is AP-20 Agricultural Production Zone.
 - b. The Short Plat **does not comply** with the Franklin County Code, Title 17, Chapter 17.10 Agricultural Production 20 (AP-20) Zoning District Development Standards, as Chapter 17.10.050 (F)(1) Innovative Agricultural Short Plats which require the following:
 - i. Comply with the purposes of the AP-20 Zone;
 - Applicant has stated that the short plat complies with the purpose.
 - ii. No lots shall be smaller in size than 1 acre;
 - Smallest parcel in the short plat is 2.11 acres.

- iii. Short plat shall consist of no more than four parcels
 - o This short plat will result in two parcels.
- iv. Short Plat shall comply with a density standard of 1:20. For each parcel less than 20 acres in size in a short plat there shall be a minimum of 20 acres set aside in the main farm parcel;
 - o The proposed short plat **does not comply** with the 1:20 standard.

Appeals of this decision may be made to the Franklin County Planning and Building Department. Appeals are scheduled to appear before the Board of County Commissioners in a public hearing. Such an appeal must be made in writing (detailed explanation stating the reason for the appeal) and filed together with the appropriate appeal fee (\$200.00) as listed in the County Fee Schedule (Franklin County Code, Title 16, Section 16.60 Fee Schedule). This information shall be submitted to the Planning and Building Department within ten (10) working days from the date of this letter. If an appeal is not submitted, the decision included in this letter is final and no further appeal may be made.

If you have questions regarding this decision, please do not hesitate to contact our Department at 509-545-3521.

Sincerely,



p.p. Derrick Braaten
Director, Franklin County Planning and Building Department

Cc:

Rogers Surveying
Attn: Brenton Griffin (Job Number #35320)
1455 Columbia Park Trail, Suite 201
Richland, WA 99352

Christopher Lee
5100 Elm Rd.
Pasco, WA 99301



FRANKLIN COUNTY

PLANNING AND BUILDING DEPARTMENT



GENERAL LAND DEVELOPMENT APPLICATION

| | | |
|------------------------|------------------------------|-------------|
| FOR STAFF USE ONLY: | FILE #: SP 2021-03 | STAMP HERE: |
| | Total Fees: \$ 400.00 | |
| | Receipt #: | |
| | Date of Pre-App meeting: | |
| | Date deemed complete: | |
| | Reviewed by: | |
| | Hearing Date: | |

| | | |
|---|--|---|
| CHECK ALL THAT APPLY AND ATTACH THE SUPPLEMENTAL FORM(S): | <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Boundary Line Adjustment |
| | <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Shoreline Substantial Development |
| | <input type="checkbox"/> Variance | <input type="checkbox"/> Shoreline Conditional Use Permit |
| | <input type="checkbox"/> Rezone | <input type="checkbox"/> Shoreline Variance |
| | <input type="checkbox"/> Non-Conforming Use Determination | <input type="checkbox"/> Shoreline Exemption |
| | <input type="checkbox"/> Zoning Interpretation / Administrative Decision | <input type="checkbox"/> Shoreline Non-Conforming |
| | <input checked="" type="checkbox"/> Short Plat | <input type="checkbox"/> SEPA Environmental Checklist |
| | <input type="checkbox"/> Subdivision (Long Plat) | <input type="checkbox"/> Appeal (File # of the item appealed) _____ |
| | <input type="checkbox"/> Binding Site Plan | <input type="checkbox"/> Critical Areas Determination / Review / Reasonable Use Exemption |
| | <input type="checkbox"/> Lot Segregation Request | <input type="checkbox"/> Temporary Use Permit |
| | <input type="checkbox"/> Alteration / Vacation | <input type="checkbox"/> Home Occupation |
| | <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> H2A Farm Worker Housing (zoning review) |
| | <input type="checkbox"/> Other: | |

| | | |
|---|--|--|
| <input checked="" type="checkbox"/> for contact person: | CONTACT INFORMATION | |
| <input type="checkbox"/> | Property Owner Name: Christopher Lee Mailing Address: 5100 Elm Rd. Pasco, WA 99301 Phone: 509-713-5507 Email: _____ | |
| <input checked="" type="checkbox"/> | Applicant / Agent / Contractor (if different) Company: _____ Name: Melissa Kelly Address: PO Box 802 Connell, WA 99326 Phone: 509-554-1842 Email: melissakeekelly@gmail.com | |
| <input type="checkbox"/> | Surveyor / Engineer Company: Roger's Surveying Name: Brenton Griffin Address: 1455 Columbia Park Trail, Suite 201, Richland, WA Phone: 509-783-4141 Email: bgriffin@rogerssurveying.com | |

BRIEF DESCRIPTION OF PROJECT OR REQUEST:

Subdividing 2 acres off of 22.79 acre parcel to create an additional parcel. The 2 acres to be split off is on the northeast corner of the property.
(Exact measurements are 20.68 and 2.11 on plots)

PROPERTY INFORMATION:

Parcel number(s) (9-digit tax number):

123 200 222

Legal Description of Property: PTN FARM UNIT 153, IRR BLK 15 DAF: COMM AT NE COR SD FU; TH N89D29'W ALG N LN SD FU, 1626.47' TO TPOB; TH S01D02'W, 1653.06'; TH S15D59'W 63.35' TO S LN SD FU; TH N55D18'W ALG SD SLN, 626.98'; TH N46D44'W, ALG SD SLN 233.44'; TH N09D41'E, 744.78'; TH N31D56'W, 158.08'; TH N01D02'E, 334.61' TO N LN SD FU; TH S89D29'E ALG SD N LN, 685.21 FT T TPOB.

Site Address (describe location if no address is assigned):

5100 Elm. Rd. Pasco, WA 99301

- All appropriate fees must accompany this application. Fees are non-refundable and subject to change. Please contact the Planning Department for current fee totals.
- This application, including attachments, must be completed in its entirety for all items applicable to your project.
- Supplemental information is generally required for land use approvals. Ensure that all required information is submitted along with this application form.
- If the property is owned by a corporation or LLC please attach documentation showing that the person signing as the "owner" has the authority to sign on behalf of the corporation or LLC. If there are multiple owners, provide an attachment in the same format and with the same declarations.

I, the undersigned, hereby authorize the filing of this application and certify under penalty of perjury that the information contained in this application is complete and correct to the best of my knowledge. Further, I hereby grant Franklin County staff or representatives to enter my property during the course of this review to inspect my property as needed.

I understand that any information submitted to the Franklin County Planning/Building Department is subject to public records disclosure laws for the State of Washington (RCW Chapter 42.17) and all other applicable laws that may require the release of the documents to the public.



This authorizes the designated Applicant's representative (if applicable) to act on behalf of the applicant for the processing of this request.

Owner

Date

Print Name: Christopher Lee

Applicant/Representative

Date

Print Name: Melissa Kelly

1/9/21

Rev. Jan 2019



FRANKLIN COUNTY SHORT PLAT (SP) APPLICATION SUPPLEMENT

Subdivision Submittal Checklist:

| | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | General Land Development Application |
| <input checked="" type="checkbox"/> | SHORT PLAT FEE: \$350.00 plus \$25.00 per lot. Check made payable to the Franklin County Planning and Building Department. |
| <input checked="" type="checkbox"/> | \$80.00 Variance Report Fee: Check made payable to the Franklin County Assessor's Office. An applicant <u>does not</u> need to contact the Assessor's Office to obtain this report. At the time of application, the Planning Division will request the report from the Assessor's Office. The report includes the Adjoining Property Owners' Names and Addresses (500 feet within an Urban Growth Area or one (1) mile outside an Urban Growth Boundary). As an alternative to the Assessor's Office, an applicant may also obtain this report from a licensed title company. <i>Please note....the typical 30 day review period requirement will not begin until this Variance Report is completed.</i> |
| <input checked="" type="checkbox"/> | Proof of Water Availability: Provide evidence of <u>legal availability</u> of water (Water Right permit, letter from an approved water purveyor, domestic well permit, etc.) as well as evidence of <u>quality of water</u> (A letter from an approved water provider stating the ability to provide water OR notification from the Health District that the water is potable, for wells) |
| <input checked="" type="checkbox"/> | Preliminary Plat Map: 2 copies of the plat map from a registered surveyor and 1 copy in a digital or electronic format (PDF on a disk, cd, or e-mail) meeting the requirements of FCC 16.20.040. |
| <input checked="" type="checkbox"/> | Narrative: Provide an attachment with a written explanation of the project (the who, what, where, when and how of the proposal). Please be as detailed as possible. Items to include: If you are requesting any deviations to standards, Access to the property and route of travel to the site, Timelines for completion, Presence of critical areas, Any proposed pre-development demolition / septic tank removal, etc., Any proposed or pledged impact mitigation agreements. |
| <input checked="" type="checkbox"/> | Attach Property information: <u>Proposed or recorded</u> Covenants, Conditions and Restrictions (CC&Rs) or deed restrictions pertaining to or affecting the property (if any), Latecomers agreements. |
| <input checked="" type="checkbox"/> | Written approval from the Benton-Franklin Health District. The Health District is located at 7102 West Okanogan Place, Kennewick, WA – (509) 460-4205. |

A 'complete' application for a short plat shall be approved with conditions, returned to the applicant for modifications or denied within 30 days of receipt by the Planning Division.

SHORT PLAT SUPPLEMENTAL INFORMATION**ZONING:**

Current parcel is Current Ag Use. Parcel 2 will not be ag use after short plat.

PRESENT USE OF THE LAND AND STRUCTURES, IF ANY:

Residential home and shop

Remaining acreage is used agriculturally - alfalfa, walnut trees

PARENT LOT/PARCEL SIZE (GROSS ACREAGE):

123200222 22.79 acres

INDICATE THE NUMBER OF LOTS AND THE SIZE OF EACH LOT FOR THE PROPOSED SHORT PLAT:

2 Lots - Lot 1, 20.68 Acres ; Lot 2, 2.11 Acres

IS THIS AN INNOVATIVE AGRICULTURAL SHORT PLAT THAT WILL HAVE ACREAGE SET-ASIDE IN A MAIN FARM PARCEL? ☐ YES ☒ NO Lot 1 will remain in agricultural use, current use

ARE ANY OF THE FOLLOWING FEATURES (NATURAL OR MAN-MADE) LOCATED ON THE PROPERTY (CHECK ALL THAT APPLY AND INCLUDE ON A SITE PLAN):

☐ PONDS ☐ LAKES ☐ STREAMS / RIVERS ☐ WETLANDS ☐ FLOODPLAIN ☐ FLOODWAY ☐ STEEP SLOPES (EXCEEDS 15% GRADE) ☐ IRRIGATION DITCHES / CANALS

n/a

DO YOU PROPOSE THE ON-SITE ROADWAY(S) TO BE PUBLIC OR PRIVATE?

private

DESCRIBE ANY HOMEOWNER'S OR MAINTENANCE ASSOCIATION THAT MAINTAINS ANY EXISTING PRIVATE ROADS:

Elm Terrace Estates (HOA)

DESCRIBE THE PROPOSED METHOD OF FIRE PREVENTION/SUPPRESSION:

irrigation on all property

IRRIGATION SOURCE:

☐ NONE ☐ PRIVATE ☒ SCBID ☐ FCID

DOMESTIC WATER SUPPLY:

☒ ON-SITE WELL ☐ COMMUNITY WELL (Well ID # and location):

☐ OTHER (SPECIFY): Lot 1 will have existing well, not Lot 2

SEWAGE DISPOSAL:

☒ ON-SITE SEPTIC ☐ OTHER (SPECIFY): Lot 1 has on-site septic

LIST EXISTING OR PROPOSED UTILITY PROVIDERS:

Power - Big Bend Electric

Telephone - No phone

Natural Gas - Not applicable

Cable / Broadband - NOGA net

Sanitary waste disposal - Basin Disposal I

SHORT PLAT NO. _____

LOCATED IN THE NW 1/4 OF SECTION 20,
TOWNSHIP 11 NORTH, RANGE 29 EAST, W.M.
FRANKLIN COUNTY, WASHINGTON

LEGAL DESCRIPTION

THAT PORTION OF PARCEL UNIT 153, EIGHTH REVISION OF PARCEL UNIT PLAT OF IRRIGATION BLOCK 15, S.W. 1/4 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 29 EAST, W.M., FRANKLIN COUNTY, WASHINGTON, COLUMBIA BASIN DISTRICT PLATS, PAGE 40, RECORDS OF FRANKLIN COUNTY, WASHINGTON, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL UNIT 153 BEING ALSO THE NORTHWEST CORNER OF SAID SECTION 20; THENCE NORTH 89°29'25" WEST, ALONG THE NORTH LINE OF SAID PARCEL UNIT, FOR 1355.2' TO A CORNER MONUMENT SET BY CHRISTENSEN, LS 1355.2' BEING HELD AS THE BOUNDARY CORNERS; THENCE SOUTH 1°55'01" WEST FOR 624.98 FEET TO THE SOUTH LINE OF SAID PARCEL UNIT; THENCE NORTH 87°18'00" WEST, ALONG SAID SOUTH LINE FOR 624.98 FEET; THENCE NORTH 46°44'00" WEST, ALONG SAID SOUTH LINE, FOR 233.44 FEET; THENCE NORTH 09°41'34" EAST FOR 744.78 FEET; THENCE NORTH 51°58'27" WEST FOR 100.00 FEET; THENCE NORTH 01°02'43" EAST FOR 304.61 FEET TO THE CORNER MONUMENT SET BY CHRISTENSEN, LS 1355.2' BEING HELD AS THE BOUNDARY CORNERS; THENCE SOUTH 89°29'25" EAST, ALONG SAID SOUTH LINE, FOR 665.21 FEET TO THE TRUE POINT OF BEGINNING.

(ALSO KNOWN AS LOT 3 OF SURVEY RECORDED UNDER AUDITOR'S FILE NO. 1725008)

SURVEYOR'S NOTES:

1. BASE OF IRREGULAR IS GRID WASHINGTON STATE PLATE (NO. 83 2011). SOUTH ZONE BASED ON GRS OBSERVATIONS. DISTANCES ARE GROUND SCALED FROM GRID USING A CORRECTION FACTOR OF 0.99990083 FROM LATITUDE: 46°51'54.2"N LONGITUDE: 119°02'02.0"W
2. 0 = SET 5/8" REBAR WITH ORANGE PLASTIC CAP STAMPED "08 WA 41023."
3. 1 = DENOTES FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED "WOLLEY 13552" PER (R1) & (R2) OR FOUND MONUMENT AS NOTED
4. (M) = MEASURED (C) = COMPUTED (R1) = RECORD PER SURVEY V.S. PG. 32 (A.F. #1692406) (R2) = RECORD PER SURVEY V.S. PG. 115 (A.F. #1725008)
5. EQUIPMENT AND PROCEDURES USED: DUAL FREQUENCY GNSS RECEIVERS USING REAL TIME KINEMATIC METHODS

SURVEYOR'S NARRATIVE:

THE NORTH BOUNDARY OF THE SUBJECT PROPERTY WAS ESTABLISHED FROM HOLDING FOUND MONUMENTS SET BY CHRISTENSEN, LS 1355.2' BEING HELD AS THE BOUNDARY CORNERS. THE SOUTH BOUNDARY WAS ESTABLISHED BY GRADE BOUNDARY MONUMENTS SET BY CHRISTENSEN, LS 1355.2' BEING HELD AS THE BOUNDARY CORNERS. AT THE EXTERIOR PO MONUMENT OF THAT CURVE MARKING THE BOUNDARY OF TRACTS 2 AND 10 OF THE RECORDED SURVEY RECORDED IN VOLUME 3, PAGE 32 UNDER A.F. #1692406. THE EAST LINE OF SAID NORTHWEST CORNER OF TRACT 3 AND AT THE COMPUTED POSITION OF THE BOUNDARY CORNER OF LOT 3 DESCRIBED ABOVE.

DOUBLE MONUMENTS WERE FOUND ALONG THE WEST BOUNDARY OF THE SUBJECT PROPERTY. THE ORIGINAL MONUMENTS SET BY CHRISTENSEN, LS 1355.2' WERE HELD AS THE BOUNDARY CORNERS. ADDITIONAL CORNER MONUMENTS NOT OF RECORD, WERE FOUND IN THE VICINITY OF THESE ORIGINAL MONUMENTS. THESE ADDITIONAL, UNRECORDED, INCORRECT CORNER MONUMENTS AT A CORNER LOCATION.



SURVEYOR'S CERTIFICATE:

I, DAVID P. BAYLUM, A REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE PERSONALLY EXAMINED THE SURVEY, AND THAT THE SURVEY IS CORRECTLY AND ACCURATELY SHOWN AND THAT THE LOT CORNERS HAVE BEEN STAKED ON THE GROUND AS SHOWN ON THE MAP.



DAVID P. BAYLUM, REG# 41023
DATE _____

REV: NONE

MELISSA KELLY

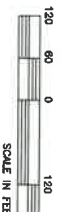
SHORT PLAT

PTN RU 153, BLK 15 COLUMBIA BASIN PROJECT

SCALE 1"=120' F.B. NO. B0658 SHEET 1 OF 2

RSI ROGERS
SURVEYING INC., P.S.
1405 COLUMBIA BASIN TRAIL
PACIFIC, (609) 785-4141
www.rogerssurveying.com

AUDITOR'S CERTIFICATE
FILED FOR RECORD THIS _____ DAY OF _____, 20____, AT THE REQUEST OF ROGERS SURVEYING.
FRANKLIN COUNTY AUDITOR



SCALE IN FEET

FOUND 5/8" REBAR BEAT AND LYING PLAT
1" BELOW GROUND AT COMPUTED POSITION
RECOMMENDED CORNER PER NOTE 2
NO MONUMENT FOUND
RECOMMENDED CORNER PER NOTE 2
27' SE. OF TELEPHONE PESTERIAL

FOUND 5/8" REBAR BEAT AND LYING PLAT
1" BELOW GROUND AT COMPUTED POSITION
RECOMMENDED CORNER PER NOTE 2
NO MONUMENT FOUND
RECOMMENDED CORNER PER NOTE 2
27' SE. OF TELEPHONE PESTERIAL

FOUND 5/8" REBAR BEAT AND LYING PLAT
1" BELOW GROUND AT COMPUTED POSITION
RECOMMENDED CORNER PER NOTE 2
NO MONUMENT FOUND
RECOMMENDED CORNER PER NOTE 2
27' SE. OF TELEPHONE PESTERIAL

FOUND 5/8" REBAR BEAT AND LYING PLAT
1" BELOW GROUND AT COMPUTED POSITION
RECOMMENDED CORNER PER NOTE 2
NO MONUMENT FOUND
RECOMMENDED CORNER PER NOTE 2
27' SE. OF TELEPHONE PESTERIAL

FOUND 5/8" REBAR BEAT AND LYING PLAT
1" BELOW GROUND AT COMPUTED POSITION
RECOMMENDED CORNER PER NOTE 2
NO MONUMENT FOUND
RECOMMENDED CORNER PER NOTE 2
27' SE. OF TELEPHONE PESTERIAL

FOUND 5/8" REBAR BEAT AND LYING PLAT
1" BELOW GROUND AT COMPUTED POSITION
RECOMMENDED CORNER PER NOTE 2
NO MONUMENT FOUND
RECOMMENDED CORNER PER NOTE 2
27' SE. OF TELEPHONE PESTERIAL

FOUND 5/8" REBAR BEAT AND LYING PLAT
1" BELOW GROUND AT COMPUTED POSITION
RECOMMENDED CORNER PER NOTE 2
NO MONUMENT FOUND
RECOMMENDED CORNER PER NOTE 2
27' SE. OF TELEPHONE PESTERIAL

I, the undersigned, hereby authorize the filing of this application and certify under penalty of perjury that the information contained in this application is complete and correct to the best of my knowledge. Further, I hereby grant Franklin County staff or representatives to enter my property during the course of this review to inspect my property as needed.

☒ This authorizes the designated Applicant's representative (if applicable) to act on behalf of the applicant for the processing of this request.

 1-8-21
Owner Date

 1/9/21
Applicant/Representative Date

Print Name: Christopher Lee

Print Name: Melissa Kelly

Rev. Jan 2019

ASR ATTACHMENT 5 - APPEAL PAPERWORK
[EXTERNAL] Denial of SP 2021-03

Melissa Kelly <melissaleekelly@gmail.com>

Thu 2/4/2021 9:06 AM

To: Nicole Stickney <planning@co.franklin.wa.us>; Derrick Braaten <dbraaten@co.franklin.wa.us>; Aaron Gunderson <agunderson@co.franklin.wa.us>;

Cc: Brenton Griffin <bgriffin@rogerssurveying.com>; Chris and Andrea Lee <brotherchrislee@gmail.com>; Brad Peck <bpeck@co.franklin.wa.us>; Rocky Mullen <rmullen@co.franklin.wa.us>; Clint Didier <cdidier@co.franklin.wa.us>; Matt Mahoney <mmahoney@co.franklin.wa.us>;

8 attachments

Benton-Franklin Health District Receipt.pdf; Progress Bill 1-8-21 Rogers Surveying, Inc., P.S. 02-04-2021 07-55-09.pdf; Receipt for Short Plat Application 1-12-21 02-04-2021 08-03-29.pdf; Email from 6-22-20 Aaron Gunderson 02-04-2021 07-31-48.pdf; Emails between 1-7-21 and 1-12-21 prior to submitting the application 02-04-2021 07-50-33.pdf; General Land Development Application 01-07-2021 14-16-14.pdf; SP 2021-03 Denial Letter 2-3-21 02-04-2021 08-10-26.pdf; Notice of Pending Short Plat Approval 02-04-2021 07-26-26.pdf;

CAUTION: This email originated from outside of Franklin County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

February 4, 2021

Nicole Stickney
Acting Planner
Derrick Braaten
Planning & Building Director
Aaron Gunderson
Planner 1
Franklin County

Ms. Stickney, Mr. Braaten, and Mr. Gunderson:

I recently received a rejection letter for my proposed short plat 2021-03, which was very unexpected. It was just last week that we received (as well as neighbors of the property) the "Notice of Pending Short Plat Approval" dated January 20, 2021 (attached). My name is Melissa Kelly and my brother, Chris Lee, is the owner of the property at 5100 Elm Rd, parcel #123-200-222.

On the advice of my surveyor, before beginning the project, I contacted the Franklin County Planning Department to discuss the project. I first spoke with Aaron Gunderson in June of 2020 about the specific parcel #123-200-222 and our desire to short plat off 2 acres from the existing 22.79 acres for building a single residence home. I spoke on several occasions and exchanged multiple emails (attached) with Aaron Gunderson in your department. In these conversations & emails we discussed the project in very specific terms, and I had a clear understanding that there were no obstacles to complete the project. Based on that information and his recommendation, I applied for and received a septic review from the Benton Franklin Health Department, and I contracted with Rogers Surveying Inc., P.S. to complete a Short Plat survey,

which was submitted along with an application fee to your department, which was eventually rejected as described above. These application fees and professional fees with Rogers Surveying Inc totaled \$4,567.52, which I have already paid (invoices attached with the exception of the \$80 Variance Fee, no invoice received). I would not have pursued the project or incurred these fees if I had received the correct information from your department initially. I am writing today in hope that your department can either (a) reverse the denial of the short plat request, (b) suggest an alternate method to completing the project within the zoning & other ordinances, or (b) reimburse me for the fees that I have incurred based on that incorrect information I received from your department.

I would like to file a formal appeal to the short plat denial and feel that it would be the duty of your department to take responsibility that this was your oversight and mistake, not mine.

Regards,

Melissa Kelly
509-554-1842

Cc: Franklin County Commissioners



Client Receipt

BENTON-FRANKLIN HEALTH DISTRICT
ENVIRONMENTAL HEALTH
7102 W. Okanogan Place
KENNEWICK, WA 99336
Phone: (509) 460-4205
Employer ID #: 911018182
Amy D Person, MD

Account: 0316-3943
Receipt # 3156456
Date Printed: 09/15/2020
Time Printed: 11:46:21
Page 1

Account Information:

LEE, CHRISTOPHER
5100 ELM RD
PASCO WA 99301

Services:

| Svc Date | Description | Qty | Charges | Paid | Adjs. | Balance |
|------------------------|-------------------------------|------|---------------|----------------------|---------|---------|
| 09/15/2020 | SHORT PLAT APPL. & LOT REVIEW | 1.00 | 600.00 | 600.00 | | |
| | Client Name: 5100 ELM RD | CPT: | PoS: 71 | Encounter #: 3197703 | ICD-10: | |
| 09/15/2020 | SHORT PLAT LOT FEE | 2.00 | 80.00 | 80.00 | | |
| | Client Name: 5100 ELM RD | CPT: | PoS: 71 | Encounter #: 3197703 | ICD-10: | |
| Services Total: | | | 680.00 | 680.00 | | |

Current Receipt Information:

| Date Received | Encounter | Type | Description | Entered By | Office | Amount |
|--------------------------------|-----------|------|---|------------|--------|---------------|
| 09/15/2020 | 3197703 | PY | PAYMENT- CREDIT/DEBIT CARD Auth. #: 08480W | JEANETTER | 3 | 80.00 |
| 09/15/2020 | 3197703 | PY | PAYMENT- CREDIT/DEBIT CARD Auth. #: 08480W | JEANETTER | 3 | 600.00 |
| Receipt Total | | | | | | 680.00 |
| Balance This Encounter: | | | | | | 0.00 |
| Plus: Previous Balance: | | | | | | 0.00 |
| Account Balance Due: | | | | | | 0.00 |

CREDIT CARD INFORMATION

Credit Card #: XXXX XXXX XXXX 6201

Merchant ID: 000008252614

Transaction ID: 3017606375

Authorization Date/Time: 20200915 1146

Cardmember acknowledges receipt of goods and/or services in the amount of the total shown hereon and agrees to perform the obligations set forth by the cardmember's agreement with the issuer.

Signature: _____

Name On Card: MELISSA L KELLY

Transaction Amount: **\$680.00**



Client Receipt

BENTON-FRANKLIN HEALTH DISTRICT
ENVIRONMENTAL HEALTH
7102 W. Okanogan Place
KENNEWICK, WA 99336
Phone: (509) 460-4205
Employer ID #: 911018182
Amy D Person, MD

Account: 0316-3943
Receipt #: 3156456
Date Printed: 09/15/2020
Time Printed: 11:46:21
Page 1

Account Information:

LEE, CHRISTOPHER
5100 ELM RD
PASCO WA 99301

Services:

| Svc Date | Description | Qty | Charges | Paid | Adjs. | Balance |
|-----------------|-------------------------------|------|------------------------------|---------|-------|---------|
| 09/15/2020 | SHORT PLAT APPL. & LOT REVIEW | 1.00 | 600.00 | 600.00 | | |
| | Client Name: 5100 ELM RD | CPT: | PoS: 71 Encounter #: 3197703 | ICD-10: | | |
| 09/15/2020 | SHORT PLAT LOT FEE | 2.00 | 80.00 | 80.00 | | |
| | Client Name: 5100 ELM RD | CPT: | PoS: 71 Encounter #: 3197703 | ICD-10: | | |
| Services Total: | | | 680.00 | 680.00 | | |

Current Receipt Information:

| Date Received | Encounter | Type | Description | Entered By | Office | Amount |
|-------------------------|-----------|------|---|------------|--------|--------|
| 09/15/2020 | 3197703 | PY | PAYMENT- CREDIT/DEBIT CARD Auth. #: 08480W | JEANETTER | 3 | 80.00 |
| 09/15/2020 | 3197703 | PY | PAYMENT- CREDIT/DEBIT CARD Auth. #: 08480W | JEANETTER | 3 | 600.00 |
| Receipt Total | | | | | | 680.00 |
| Balance This Encounter: | | | | | | 0.00 |
| Plus: Previous Balance: | | | | | | 0.00 |
| Account Balance Due: | | | | | | 0.00 |

CREDIT CARD INFORMATION

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Transaction ID: 3017606375

Authorization Date/Time: 20200915 1146

Cardmember acknowledges receipt of goods and/or services in the amount of the total shown hereon and agrees to perform the obligations set forth by the cardmember's agreement with the issuer.

Signature: _____

Name On Card: MELISSA L KELLY

Transaction Amount: **\$680.00**



Melissa Kelly <melissaleekelly@gmail.com>

Application Packet for Short Plat (Parcel #123-200-222)

Aaron Gunderson <agunderson@co.franklin.wa.us>

Mon, Jun 22, 2020 at 3:32 PM

To: "melissaleekelly@gmail.com" <melissaleekelly@gmail.com>

Cc: Derrick Braaten <dbraaten@co.franklin.wa.us>, Rebeca Gilley <rgilley@co.franklin.wa.us>

Hi Melissa,

I've attached the application packet for short plats to this email. If you have any questions feel free to contact our office.

Aaron Gunderson

Planner I

Franklin County, WA | Planning & Building Dept.

509-545-3521

agunderson@co.franklin.wa.us

 Short Plat Application.pdf
417K

* Email received on 6/22/20
after a phone call with Aaron
discussing the parcel listed in the
subject line and our desire to
short plat off 2 acres for building.



Melissa Kelly <melissaleekelly@gmail.com>

Planning Inquiry

Melissa Kelly <melissaleekelly@gmail.com>
To: planninginquiry@co.franklin.wa.us

Thu, Jan 7, 2021 at 2:38 PM

To Whom It May Concern,

Could you review my short plat application and see if I have all that is needed to turn it in? If complete, could you let me know the steps to get an appointment to bring it in? Roger's Surveying has completed a survey of the property and I will have 2 copies of the plat map and a digital copy to add to what is attached to this email. In addition, the surveyor has the plat certificate from the title company for me too. And of course, the fees.

Thank you,

Melissa Kelly
(the land owner is my brother, Chris Lee--I will have the appropriate signatures once I bring it in)

Attached--
Land Development application
Health Department letter
Narrative

3 attachments

-  **General Land Development Application 01-07-2021 14-16-14.pdf**
2288K
-  **Health Department Letter.pdf**
690K
-  **Franklin County Short Plat Application Supplement.pdf**
24K

Rebeca Gilley <rgilley@co.franklin.wa.us>

Thu, Jan 7, 2021 at 3:00 PM

To: "melissaleekelly@gmail.com" <melissaleekelly@gmail.com>

Cc: Aaron Gunderson <agunderson@co.franklin.wa.us>, Derrick Braaten <dbraaten@co.franklin.wa.us>

I will forward your request to our Planners Aaron and Derrick

From: Melissa Kelly [mailto:melissaleekelly@gmail.com]
Sent: Thursday, January 7, 2021 2:38 PM
To: planninginquiry <planninginquiry@co.franklin.wa.us>

Subject: [EXTERNAL] Planning Inquiry

CAUTION: This email originated from outside of Franklin County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[Quoted text hidden]

3 attachments

 **General Land Development Application 01-07-2021 14-16-14.pdf**
2288K

 **Health Department Letter.pdf**
690K

 **Franklin County Short Plat Application Supplement.pdf**
24K

Aaron Gunderson <agunderson@co.franklin.wa.us>

Thu, Jan 7, 2021 at 3:19 PM

To: "melissaleekelly@gmail.com" <melissaleekelly@gmail.com>

Cc: Derrick Braaten <dbraaten@co.franklin.wa.us>, Rebeca Gilley <rgilley@co.franklin.wa.us>

Hi Melissa,

There's a section of the application entitled "short plat supplemental information" missing in what was provided. There was an attachment titled something similar, but only included the narrative information. That section would need to be filled out, along with it being signed upon submittal. You will also need a plat certificate from a licensed title company (dated within the last 30 days) showing the vested owner and others that have interest in the property. Outside of that, barring not being able to see the short plat itself, everything else looks okay. Once you have everything complete, you can call our office to schedule a drop off time. When you get to the office at the scheduled time, call to let us know your there and we'll come out to collect the application material and process payment. If you have any questions feel free to contact our office.

Aaron Gunderson

Planner I

Franklin County, WA | Planning & Building Dept.

509-545-3521

agunderson@co.franklin.wa.us

[Quoted text hidden]

Melissa Kelly <melissaleekelly@gmail.com>

Tue, Jan 12, 2021 at 8:52 AM

To: Aaron Gunderson <agunderson@co.franklin.wa.us>

Hello Aaron,

I have found the additional application that I was missing and have completed it. I'm hoping to come in today in the later afternoon to turn in everything.

I have the maps from the surveyor and the title report, health department letter and so forth.

I'm wondering if you can let me know the exact amount my checks should be? I'm out of personal checks and need to go to my bank to get the two bank checks to go with the application.

Could you give me the address of where I bring the application, as well as let me know if I could schedule a time today after 2:00.

Thank you,
Melissa Kelly
509-554-1842

Sent from my iPhone

On Jan 7, 2021, at 3:19 PM, Aaron Gunderson <agunderson@co.franklin.wa.us> wrote:

[Quoted text hidden]

Aaron Gunderson <agunderson@co.franklin.wa.us>

Tue, Jan 12, 2021 at 10:08 AM

To: Melissa Kelly <melissaleekelly@gmail.com>

Cc: Derrick Braaten <dbraaten@co.franklin.wa.us>, Rebeca Gilley <rgilley@co.franklin.wa.us>

Hi Melissa,

The cost of short plat application if I'm reading the draft application correctly, would be \$400.00. The application itself is \$350.00 + \$25.00 for each lot created, since there are two lots it would be \$50.00 on top of the \$350.00. Then of course you will have to write the separate check for \$80.00 for the variance report to the Franklin County Assessor's Office. The address of our office is 502 W. Boeing St. Pasco, WA 99301. You can drop off the application after 2:00 PM, but not after 3:30 PM. If you have any questions feel free to contact our office.

Aaron Gunderson

Planner I

Franklin County, WA | Planning & Building Dept.

509-545-3521

agunderson@co.franklin.wa.us

[Quoted text hidden]

Melissa Kelly <melissaleekelly@gmail.com>
To: Aaron Gunderson <agunderson@co.franklin.wa.us>

Tue, Jan 12, 2021 at 10:28 AM

Great! I will see you this afternoon!
Thank you

Sent from my iPhone
[Quoted text hidden]

* A string of emails between myself and Aaron Gunderson (w/CC's to Derrick Braaten) to confirm that I had all needed documents and fees ready for the submission of my short plot application.

(This followed previous phone calls in June, September, October, and December 2020 about what steps to take before submission - Health Department Application and Inspection, Professional survey completed, and so forth.)



FRANKLIN COUNTY

PLANNING AND BUILDING DEPARTMENT

GENERAL LAND DEVELOPMENT APPLICATION

| | | |
|--------------------------------|--------------------------|-----------------------------|
| FOR STAFF USE ONLY: | FILE #: | S T A M P H E R E: |
| | Total Fees: \$ | Reviewed by: |
| | Receipt #: | Hearing Date: |
| | Date of Pre-App meeting: | |
| | Date deemed complete: | |

| | | |
|--|--|---|
| CHECK ALL THAT APPLY AND ATTACH THE SUPPLEMENTAL FORM(S): | <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Boundary Line Adjustment |
| | <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Shoreline Substantial Development |
| | <input type="checkbox"/> Variance | <input type="checkbox"/> Shoreline Conditional Use Permit |
| | <input type="checkbox"/> Rezone | <input type="checkbox"/> Shoreline Variance |
| | <input type="checkbox"/> Non-Conforming Use Determination | <input type="checkbox"/> Shoreline Exemption |
| | <input type="checkbox"/> Zoning Interpretation / Administrative Decision | <input type="checkbox"/> Shoreline Non-Conforming |
| | <input checked="" type="checkbox"/> Short Plat | <input type="checkbox"/> SEPA Environmental Checklist |
| | <input type="checkbox"/> Subdivision (Long Plat) | <input type="checkbox"/> Appeal (File # of the item appealed _____) |
| | <input type="checkbox"/> Binding Site Plan | <input type="checkbox"/> Critical Areas Determination / Review / Reasonable Use Exemption |
| | <input type="checkbox"/> Lot Segregation Request | <input type="checkbox"/> Temporary Use Permit |
| | <input type="checkbox"/> Alteration / Vacation | <input type="checkbox"/> Home Occupation |
| | <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> H2A Farm Worker Housing (zoning review) |
| | <input type="checkbox"/> Other: | |

| | |
|---|---|
| <input checked="" type="checkbox"/> for contact person: | CONTACT INFORMATION |
| <input type="checkbox"/> | Property Owner Name: Christopher Lee Mailing Address: 5100 Elm Rd. Pasco, WA 99301 Phone: 509-713-5507 Email: |
| <input checked="" type="checkbox"/> | Applicant / Agent / Contractor (if different) Company: Name: Melissa Kelly Address: PO Box 802 Connell, WA 99326 Phone: 509-554-1842 Email: melissaleekelly@gmail.com |
| <input type="checkbox"/> | Surveyor / Engineer Company: Roger's Surveying Name: Brenton Address: Email: Phone: 509-783-4141 |

BRIEF DESCRIPTION OF PROJECT OR REQUEST:

Subdividing 2 acres off of 22.79 acre parcel to create an additional parcel. The 2 acres to be split off is on the northeast corner of the property.

PROPERTY INFORMATION:

Parcel number(s) (9-digit tax number):

123200222

Legal Description of Property: PTN FARM UNIT 153, IRR BLK 15 DAF: COMM AT NE COR SD FU; TH N89D29'W ALG N LN SD FU, 1626.47' TO TPOB; TH S01D02'W, 1653.06'; TH S15D59'W 63.35' TO S LN SD FU; TH N55D18'W ALG SD SLN, 626.98'; TH N46D44'W, ALG SD SLN, 233.44'; TH N09D41'E, 744.78'; TH N31D56'W, 158.08'; TH N01D02'E, 334.61' TO N LN SD FU; TH S89D29'E ALG SD N LN, 685.21 FT T TPOB.

Site Address (describe location if no address is assigned):

5100 Elm. Rd. Pasco, WA 99301

- All appropriate fees must accompany this application. Fees are non-refundable and subject to change. Please contact the Planning Department for current fee totals.
- This application, including attachments, must be completed in its entirety for all items applicable to your project.
- Supplemental information is generally required for land use approvals. Ensure that all required information is submitted along with this application form.
- If the property is owned by a corporation or LLC please attach documentation showing that the person signing as the "owner" has the authority to sign on behalf of the corporation or LLC. If there are multiple owners, provide an attachment in the same format and with the same declarations.

I, the undersigned, hereby authorize the filing of this application and certify under penalty of perjury that the information contained in this application is complete and correct to the best of my knowledge. Further, I hereby grant Franklin County staff or representatives to enter my property during the course of this review to inspect my property as needed.

I understand that any information submitted to the Franklin County Planning/Building Department is subject to public records disclosure laws for the State of Washington (RCW Chapter 42.17) and all other applicable laws that may require the release of the documents to the public.



This authorizes the designated Applicant's representative (if applicable) to act on behalf of the applicant for the processing of this request.

Owner

Date

Applicant/Representative

Date

Print Name: _____

Print Name: _____



FRANKLIN COUNTY

PLANNING AND BUILDING DEPARTMENT

NOTICE OF PENDING SHORT PLAT APPROVAL

PLEASE TAKE NOTICE that Melissa Kelly on behalf of Christopher Lee 5100 Elm Rd. Pasco, WA 99301 has filed an application with Franklin County for the approval of a two (2) lot short plat.

As proposed, the applicant plans to short plat one (1) parcel, comprising approximately 22.79 acres, into two (2) new lots. Proposed Lot #1 would be approximately 20.68 acres in size and Proposed Lot #2 would be approximately 2.11 acres in size. The property is zoned AP-20 Agricultural Production Zone.

The proposed short plat is situated in a portion of the Northwest 1/4 of Section 20, Township 11 North, Range 29 East, W.M., Franklin County, Washington. The property has Elm Rd. to the South, Fir Rd. to the North, Taylor Flats Rd. to the East, and Graystone Ln. to the West (Parcel #123-200-222).

In accordance with County Subdivision Ordinance 2-2008, the review of a short plat is an administrative action not requiring a public hearing.

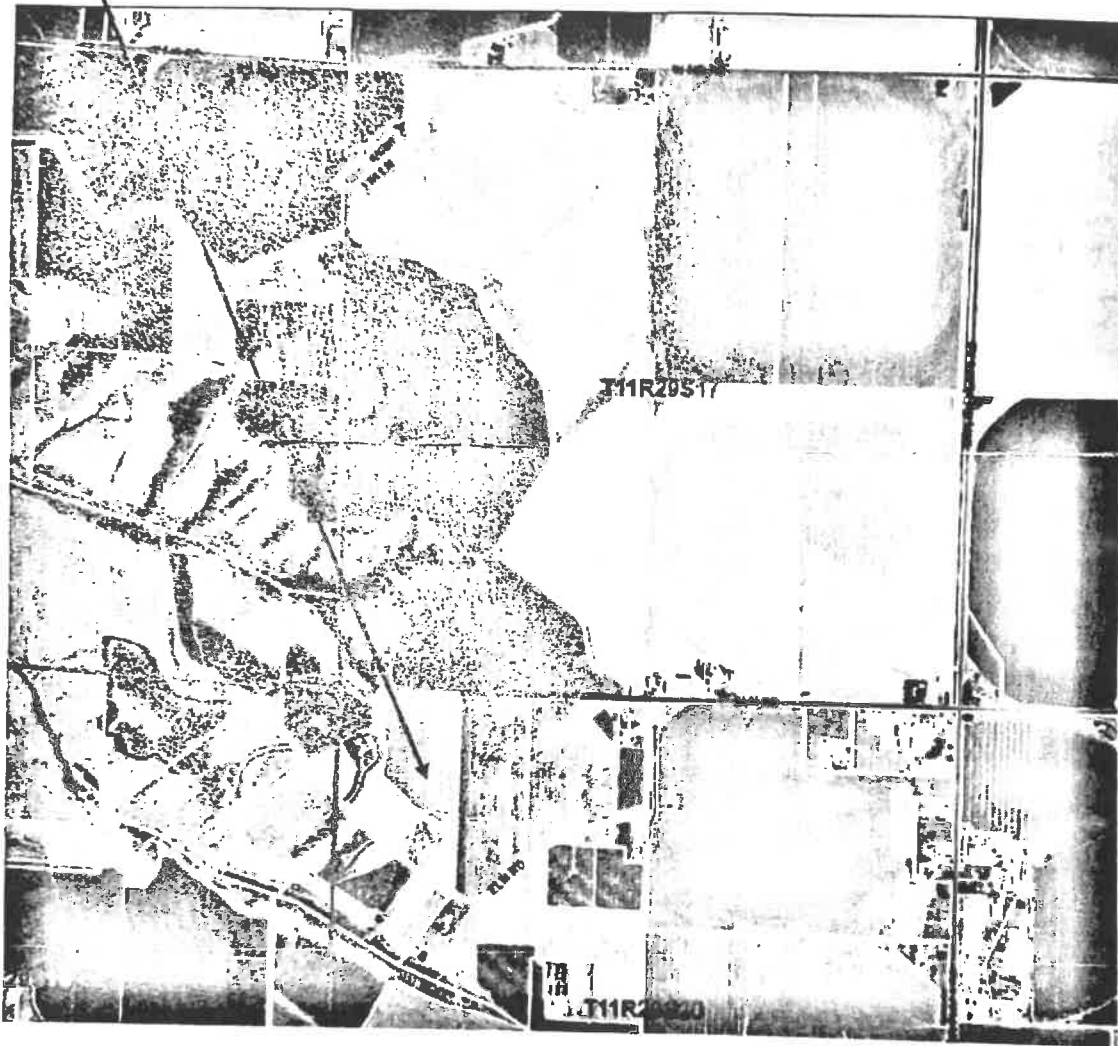
If you wish to comment on the proposed short plat you may do so in writing to the Franklin County Planning and Building Department by mail at 502 W. Boeing Street, Pasco, WA 99301 or by email at planninginquiry@co.franklin.wa.us **on or before February 1, 2021.**

If you have a question, please contact:

*Franklin County Planning and Building Department
Derrick Braaten – Planning & Building Director
Aaron Gunderson – Planner I
502 W. Boeing Street
Pasco, WA 99301
509-545-3521 (Phone)
Email: planninginquiry@co.franklin.wa.us*

Date: January 20, 2021
Case File Number: SP 2021-03

Subject Parcel



LOCATED IN THE NW 1/4 OF SECTION 20,
TOWNSHIP 11 NORTH, RANGE 29 EAST, W.M.
FRANKLIN COUNTY, WASHINGTON

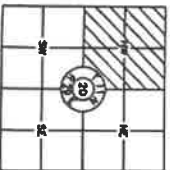
[illegible][illegible]

1. BASES OF MEASURING IS OROO, WASHINGTON STATE PLANE (NAD 83 2011). SOUTH ZONE, BASED ON GP OBSERVATIONS. DISTANCES ARE GROUND SCALED FROM GRID USING A CORRECTION FACTOR OF 0.99960567. FROM LATITUDE: 48°15'19.2"N LONGITUDE: 118°02'02.5"W

2. 0-55T 3/4" TUBE WITH ORANGE PLASTIC CAP STAMPED "TYP HA 1012A." (a) 0-55T 3/4" TUBE WITH YELLOW PLASTIC CAP STAMPED "WOLLEY 1330T" PER (b) ON BOARD RECORDS FOUND AT NORTH

[illegible][illegible]

| Curve Table | | | | | |
|-------------|--------|--------|-----------|-----------|---------|
| CURVE | LENGTH | POBARS | DELTA | CH. MARK | CH. NO. |
| C1 | 414.01 | 300.00 | 75°04'16" | 166710002 | 361.35 |



1. DAWD P. BULLMAN, A REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT THE SHORT PLAT AS SHOWN IS BASED UPON ACTUAL FIELD SURVEY OF THE LAND DESCRIBED AND THAT ALL ANGLES, DISTANCES, AND COURSES ARE HEREON CORRECTLY SHOWN AND THAT THE LOT CORNERS HAVE BEEN STAKED ON THE GROUND AS SHOWN ON THE MAP.



DATE _____

FILED FOR RECORD THIS ____ DAY OF _____ 20____ AT _____, IN
BOOK ____ OF SHORT PLAYS, AT PAGE ____ AT THE REQUEST OF NOTICES
SUNGWAL.

NO MONUMENT FOUND
RECOMMENDED CORRECT PER NOTE 2
#2 SE OF TELEPHONE PEBBLE

FILED FOR RECORD THIS ____ DAY OF _____ 20____ AT _____, IN
BOOK ____ OF SHORT PLAYS, AT PAGE ____ AT THE REQUEST OF NOTICES
SUNGWAL.

NO MONUMENT FOUND
RECOMMENDED CORRECT PER NOTE 2
#2 SE OF TELEPHONE PEBBLE

FRANKLIN COUNTY AUCTION

ADDITIONAL FOR MATHS

PSI
ROGERS
SUNWEAVING INC., P.S. 3
1446 COLDWATER PARK TRAIL
NICHOLLA, VA 24452
PHONE (502) 743-4141
FAX (502) 743-4894
www.rogerssunweaving.com

| | | | |
|---------|---------------------------------------|---------|---------|
| CLIENT | MELISSA KELLY | JOB | 202302 |
| PROJECT | SHORT PLAT | | |
| PTN | FU 153, BLK 15 COLUMBIA BASIN PROJECT | | |
| DESK BY | ALM | SCALE | 1"=120' |
| | | F. & M. | 202309 |
| | | SHEET | |

Rogers Surveying, Inc., P.S.


1455 Columbia Park Trail Suite 201
Richland, WA 99352

Invoice

PROGRESS BILL

| Date | Account # |
|----------|-----------|
| 1/8/2021 | 35320-1 |

| |
|--|
| Bill To |
| Melissa Kelly PO Box 802 Connell, WA 99326 |

| Re: | | | | P.O. No. |
|--|---|-------------|--|--|
| Short plat | | | | |
| Date | Service Provided | Hours/Miles | Description | Amount |
| 12/1/2020 | CAD Draftsman | 1 | Create two acre lot at 5100 Elm Rd. | 95.00 |
| 12/3/2020 | 2-Man Crew | 6.5 | Job set up for field work. | 1,072.50 |
| 12/3/2020 | Mileage | 47 | Locate property corners and encroachments. | 30.55 |
| 12/3/2020 | Materials | | Mileage | 6.64 |
| 12/4/2020 | Title Report | | Extra Fee: Title Report from First American Title Co. | 380.10 |
| 12/9/2020 | CAD Draftsman | 1.5 | Draft boundary from founds. Set up computations for field work. | 142.50 |
| 12/17/2020 | 2-Man Crew-w PM | 5 | Search for additional property corners needed to compute boundary. | 925.00 |
| 12/17/2020 | Mileage | 35 | Mileage | 22.75 |
| 12/17/2020 | Materials | | | 4.98 |
| 12/23/2020 | CAD Draftsman | 0.5 | Brought in new points. | 47.50 |
| 12/31/2020 | Project Manager | 4 | Boundary resolution and short plat drafting. | 680.00 |
| Approved by BAG:  | | | Credit Cards are accepted with a 4% service fee. | Total: \$3,407.52 |
| Phone # | We value your feedback. You can leave your feedback on our website: www.rogerssurveying.com or by searching Google for Rogers Surveying. | | Terms | Web Site |
| (509) 783-4141 | | | Net 30 days | www.rogerssurveying.com |

From: Donna Crisp dcrisp@co.franklin.wa.us
Subject: Short Plat Receipt
Date: Jan 12, 2021 at 3:37:58 PM
To: melissaleekelly@gmail.com

Hello Melissa,

Attached is the receipt for your short plat application. The address populated with the owner's address, but I was able to change the Payee. The Assessor's office does their own receipt at the time the Variance is requested from them.

Thanks and have a lovely day!

Donna Crisp
Office Assistant
Planning and Building Dept. | Franklin County, WA
509-545-3521

PLANNING AND BUILDING DEPARTMENT

502 W. Boring St.
Pasco, WA 99301

Receipt Number: PL21-00004

509-545-3521

Payer/Payee: RYAN M KELLY & MELISSA L KELLY
5100 ELM RD
CONNELL WA 99326-0802

Cashier: Donna Crisp

Date: 01/12/2021

| SP-2021-03 | SHORT PLAT | 5100 ELM RD | | | |
|-----------------|------------|-------------|-----------------|-----------------|---------------|
| Fee Description | | | Fee Amount | Amount Paid | Fee Balance |
| Short Plat | | | \$400.00 | \$400.00 | \$0.00 |
| | | | \$400.00 | \$400.00 | \$0.00 |

| Payment Method | Reference Number | Payment Amount |
|--------------------|------------------|-----------------|
| CHECK | SP 2021-03 | \$400.00 |
| Total Paid: | | \$400.00 |

From: Nicole Stickney planning@co.franklin.wa.us
Subject: Short Plat application
Date: Feb 3, 2021 at 9:05:55 AM
To: melissaleekelly@gmail.com
Cc: bgriffin@rogerssurveying.com, Derrick Braaten
dbraaten@co.franklin.wa.us, Aaron Gunderson
agunderson@co.franklin.wa.us

Ms. Kelly:

I regret to inform you that upon a review of the zoning for the short plat application you recently submitted, the County must deny your request to short plat.

(See attached letter)

Please let me know if you have any questions; I can be reached directly at 509.316.7131 if needed.

Thank you,

Nicole Stickney, AICP

Planning and Building Dept. | Franklin County, WA

Office tel. 509-545-3521 Website | www.co.franklin.wa.us/planning/

Be Involved! 2018 Franklin County Comprehensive Plan Periodic Update project

A small icon of a document with the letters 'pdf' on it, indicating a PDF file.

pdf

SP 2021-03 Denial.pdf

270 KB



FRANKLIN COUNTY

PLANNING AND BUILDING DEPARTMENT

February 3, 2021

Melissa Kelly
PO Box 802
Connell, WA 99326

Re: **Short Plat Application (SP 2021-03)**
Parcel Number: #123-200-222

Dear Ms. Kelly:

This letter is to inform you that the Franklin County Planning and Building Department must deny your recently submitted Short Plat Application (Planning Case-file SP 2021-03).

You proposed to short plat one (1) parcel, comprising approximately 22.79 acres, into two (2) new lots. Under the submitted application, proposed Lot #1 would be approximately 20.68 acres and proposed Lot #2 would be approximately 2.11 acres in size.

The subject property is located in a portion of the Northwest 1/4 of Section 20, Township 11 North, Range 29 East, W.M., Franklin County, Washington. The property has access to Elm Rd. to the South, and Fir Rd. is located generally to the North, Taylor Flats Rd. is generally located to the East, and Graystone Ln. is generally located to the West. (Parcel #123-200-222). The property is zoned AP-20 (Agricultural Production Zone 20) and is located outside of any Urban Growth Area (UGA). The property features a dwelling unit (home).

In accordance with County Subdivision Ordinance #2-2008, Chapter 8, the following findings of fact were determined for your short plat application:

Findings of Fact:

1. The proposed lots **do not conform** to the Comprehensive Plan and Zoning Requirements;
 - a. The parcel is designated as "Agricultural" in the Comprehensive Plan. The Zoning designation is AP-20 Agricultural Production Zone.
 - b. The Short Plat **does not comply** with the Franklin County Code, Title 17, Chapter 17.10 Agricultural Production 20 (AP-20) Zoning District Development Standards, as Chapter 17.10.050 (F)(1) Innovative Agricultural Short Plats which require the following:
 - i. Comply with the purposes of the AP-20 Zone;
 - o Applicant has stated that the short plat complies with the purpose.
 - ii. No lots shall be smaller in size than 1 acre;
 - o Smallest parcel in the short plat is 2.11 acres.

iii. Short plat shall consist of no more than four parcels

- o This short plat will result in two parcels.

iv. Short Plat shall comply with a density standard of 1:20. For each parcel less than 20 acres in size in a short plat there shall be a minimum of 20 acres set aside in the main farm parcel;

- o The proposed short plat **does not comply** with the 1:20 standard.

Appeals of this decision may be made to the Franklin County Planning and Building Department. Appeals are scheduled to appear before the Board of County Commissioners in a public hearing. Such an appeal must be made in writing (detailed explanation stating the reason for the appeal) and filed together with the appropriate appeal fee (\$200.00) as listed in the County Fee Schedule (Franklin County Code, Title 16, Section 16.60 Fee Schedule). This information shall be submitted to the Planning and Building Department within ten (10) working days from the date of this letter. If an appeal is not submitted, the decision included in this letter is final and no further appeal may be made.

If you have questions regarding this decision, please do not hesitate to contact our Department at 509-545-3521.

Sincerely,



p.p. Derrick Braaten
Director, Franklin County Planning and Building Department

Cc:

Rogers Surveying
Attn: Brenton Griffin (Job Number #35320)
1455 Columbia Park Trail, Suite 201
Richland, WA 99352

Christopher Lee
5100 Elm Rd.
Pasco, WA 99301