

Summary Report (ASR) Franklin County Board of Commissioners

DATE SUBMITTED: March 8, 2021	PREPARED BY: Nicole Stickney/Aaron Gunderson
Meeting Date Requested: March 16, 2021	PRESENTED BY: Nicole Stickney or Derrick Braaten
ITEM: (Select One) <input type="checkbox"/> Consent Agenda <input checked="" type="checkbox"/> Brought Before the Board Time needed: 10 minutes	
SUBJECT: Open Record Hearing (Quasi-Judicial Item) - A Conditional Use Permit to allow the expansion of a dairy farm to 10,000 head (cattle – milking cows). (File # CUP 2020-04 and SEPA 2020-11)	
FISCAL IMPACT: None	
<p>BACKGROUND: This is an open record hearing on a CUP application to allow the expansion of a dairy farm to 10,000 head at 2270 Joyce Rd. Mesa, WA 99343. (Parcel Number 109-220-022 & 109-270-022). The site is located in Southwest 1/2 of Township 13, Range 32, Section 22 and Northwest 1/2 of Township 13, Range 31, Section 27, W.M., Franklin County Washington.</p> <p>Normally there would be only one open record hearing (held by the Planning Commission) and Board action would follow a closed record hearing in accordance with FCC 17.82.110. However, the department has recommended (and the applicant has consented to) an open record hearing before the board. This is because originally, based on the applicant's information as submitted in the application and SEPA Checklist, the conditional use permit and SEPA public notices listed 6,500 head of cattle to be on the site. The applicant clarified to staff prior to the public hearing that the 6,500 figure represented an increase and there would be 10,000 cattle in total; this information was also provided at the hearing. The Planning Commission recommended conditional approval of the CUP, and there were no appeals filed on the recommendation.</p> <p>Due to the disparity in advertised information provided prior to the hearing, and also because the hearing was arranged to only accept remote testimony (due to COVID-19 measures), staff re-circulated a public notice to clarify the cattle count and issued a SEPA revised MDNS (SEPA Register # 202101019) to allow additional public comment opportunity.</p>	
<p>RECOMMENDATION: The Planning Department staff provided the Planning Commission with a written recommendation of approval for the application. Subsequently, at their meeting on January 5, the Planning Commission held a duly advertised open-record public hearing and unanimously passed a motion (4-0) to forward a recommendation of approval, with 6 findings of fact and 21 recommended conditions of approval for the conditional use permit with up to 10,000 cattle.</p> <p>The Planning Department recommends the Board hold an open record hearing to receive any testimony of the public which will add to the record, as forwarded by the Planning Commission.</p> <p><u>Suggested Motion:</u> Pass Resolution #_____, approving CUP 2020-04 and adopting the written findings of fact and conditions of approval.</p>	
<p>COORDINATION: The County Building and Planning Department processed the application, coordinated for agency comments, and reviewed the application in accordance with Chapter 17.82 Franklin County Code. The CUP application was advertised to the public via adopted public notice procedures, and agencies were contacted for review and comment; a SEPA DNS (revised) was issued on Feb 25, 2021.</p>	
<p>ATTACHMENTS: (Documents you are submitting to the Board) (1) Draft Resolution (2) Staff Report to the Planning Commission including attachments (3) Draft Planning Commission Minutes (4) Site Photos</p>	
HANDLING / ROUTING: To the Clerk of the Board: 1 Original Resolution To Planning: 1 Copy Res.	

I certify the above information is accurate and complete.

-----Derrick Braaten

RESOLUTION
CUP 2020-04
CASE VANDERMEULEN

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

Conditional Use Permit (CUP) 2020-04 to allow a dairy expansion.

WHEREAS, on March 16, 2021, the Board of Franklin County Commissioners, via public meeting, considered the positive recommendation of the Franklin County Planning Commission on a conditional use permit for the proposed use under file CUP 2020-04; and

WHEREAS, at the public meeting the Board has found that the County Planning Commission, after an open record public hearing and consideration on **CUP 2020-04** did recommend approval of the Conditional Use Permit several suggested findings of fact and conditions of approval; and

WHEREAS, there was no appeal filed; and

WHEREAS, there was no public opposition to the proposal; and

WHEREAS, the Board held a duly noticed open hearing on the matter following a recommendation from Planning Staff and with the applicant's agreement; and

WHEREAS, it appears to be in the public use and interest to **approve** the conditional use permit; and

NOW, THEREFORE, BE IT RESOLVED that CUP 2020-04 is hereby **approved** in accordance with the provisions of the Franklin County Development Regulations and as recommended by the Planning Commission.

BE IT FURTHER RESOLVED that the Chair of the Board of Franklin County Commissions be authorized to sign conditional use permit CUP 2020-04 on behalf of Franklin County.

APPROVED THIS 16th DAY OF MARCH, 2021.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chair

Chair Pro-Tem

Attest: _____
Clerk of the Board

Member

FRANKLIN COUNTY BOARD OF COMMISSIONERS

CONDITIONAL USE PERMIT # 2020-04

RESOLUTION NUMBER _____

The following Conditional Use Permit **is granted**, in accordance with the provisions of the Development Regulations of Franklin County, and according to the motion passed by the Franklin County Board of Commissions on February 16, 2021.

APPLICANT: Case VanderMeulen P.O. Box 228 Mesa, WA 99343

LEGAL

DESCRIPTION: Southwest 1/2 of Township 13, Range 32, Section 22 and Northwest 1/2 of Township 13, Range 31, Section 27, W.M. of Franklin County, WA.

NON-LEGAL

DESCRIPTION: Parcel #109-270-022 has no address, while parcel #109-220-022 has an address of 2270 Joyce Rd.

SEPA REVIEW: A SEPA Checklist was submitted with the CUP application. Planning Staff *[Lead Agency Responsible Official]* reviewed the checklist and issued a Determination of Non-Significance (DNS) on December 10, 2020 under WAC 197-11-340(2) which was published December 10, 2020. Comments on the Threshold Determination were due by December 24, 2020 and comment letters were received. There were no SEPA appeals. Subsequently, the MDNS was revised on February 25, 2021 with mitigation measures, and additional comment period.

CONDITIONAL USE DESCRIPTION: The conditional use permit application is to allow the expansion of a feedlot for a dairy farm to 10,000 head (cattle – milking cows). The subject parcel is zoned Agricultural Production 20 (AP-20). The zoning regulations allow up to 500 milking cows in the AP-20 zone as an outright permitted use, but the head count may be exceeded upon the approval of a conditional use permit. The application includes features such as fencing, feed bunks and concrete slabs.

This decision is supported by the following adopted findings of fact and conditions of approval:

FINDINGS OF FACT:

1. The proposed use in the AP-20 Zoning District **IS** in accordance with goals and policies of the County Development Regulations (Zoning) and the applicable Comprehensive Plan.
 - a. The land is zoned Agricultural Production 20 (AP-20) and the Comprehensive Plan designation is Agricultural.

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- b. Pursuant to the Comprehensive Plan, the approval of a Conditional Use Permit is required for large scale confined animal feeding operations.
 - c. A dairy operation greater in size than 500 head count requires approval of a conditional use permit.
 - d. A feedlot operation greater in size than 1,000 requires the approval of a conditional use permit.
 - e. The comprehensive plan says that the county will encourage agricultural industries in agricultural areas (*Comprehensive Plan, Pg. 94-98*).
 - f. While there are critical areas mapped on the parcel and in the vicinity of the dairy operation, no critical areas or buffers will be impacted by this proposal due to the distances from the operation to the features.
2. The proposal **WILL NOT** adversely affect public infrastructure.
- a. The dairy's access is from Pepiot Road and Joyce Road.
 - b. Public Works has determined that it is not anticipated that the use will have a significant impact on the County Road System.
 - c. The project is located in Farm Unit 8 of Irrigation Block 11, Columbia Basin Project and the Bureau of Reclamation currently has irrigation facilities on and/or near the proposed project site.
 - d. Surface water runoff resulting from construction activities can potentially enter Project facilities and adversely affect water quality.
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 site location for the animal operation expansion is in an area zoned Agricultural Production 20 (AP-20);

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- b. The general area consists of farms, animal operations, and scattered single family homes;
- c. The animal operation expansion is in harmony with and is compatible with the surrounding lands, including the existing and intended character of the agricultural area:
 - i. The animal operation and its expansion at this site is a compatible use with the Agricultural Production 20 (AP-20) Zoning District and the surrounding areas.
 - ii. The farm site is in an area zoned Agricultural Production 20 (AP-20).
 - iii. The farm site is not located near a Rural Settlement Area or a designated Urban Growth Boundary.
 - iv. Active farms and another animal operation is located near the proposed farm site.
 - v. The main dairy site is located over 3 miles from the nearest urban growth area.
 - i. This area has a minimum lot size of 20 acres and allows agricultural uses as a permitted use in this zoning classification.
 - ii. The residential area is designated in the County Comprehensive plan as Agricultural.
- 4. The location and height of the structure and site design **WILL NOT** discourage the development of permitted uses on property in the general vicinity or impair the value thereof.
 - a. The farm site is located in an agricultural area that is not densely populated and the farm site is not located near a Rural Settlement Area or a designated Urban Growth Boundary.
 - b. Agricultural industry and animal operations are consistent with the uses allowed in agricultural areas.
 - c. The area is zoned Agricultural Production 20 (AP-20).
 - d. The height of future proposed structures and site design (as submitted) is in compliance with the AP-20 development standards. The dairy expansion will not discourage the development of permitted uses in the area.

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- e. The implementation of a dairy Nutrient Management Plan will help address the potential for buildup of nitrates and nutrients in the soil.
 - f. The use of proper erosion and sediment control practices on the construction site and adjacent areas will prevent upland sediments from entering surface water.
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 area is zoned Agricultural Production 20 (AP-20) which allows for a wide range of agricultural activities and animal agricultural operations to occur.
 - b. The proposed animal agricultural activity and operation is not more objectionable than other permitted uses allowed in the area. A dairy facility does not create more noise, fumes, vibrations, dust, traffic, or flashing lights than other agricultural uses permitted in the AP-20 zoning district.
 - c. The dairy expansion is in harmony with and is compatible with the surrounding lands, including the existing and intended character of the agricultural area.
 - d. To further ensure its compatibility with the surrounding agricultural area and reduce potential impacts to neighbors, the dairy operation can implement mitigation measures and comply with a State of Washington Dairy Nutrient Management Plan as enforced by the State of Washington, comply with an Odor and Fly Control Plan, and shield all lights on the property.
6. The proposal **WILL NOT** endanger the public health, safety, or general welfare if located where proposed.
- a. The public was notified of this proposal in accordance with all guidelines and requirements, and the Planning Department received **NO COMMENTS** in favor of the proposal, and **NO COMMENTS** in objection to the proposal.
 - b. To protect water quality and health related issues, the applicant is required to comply with a State of Washington Dairy Nutrient Management Plan. The Nutrient Management Plan, as enforced by the Washington State Department of Agriculture has the following water quality objectives: "Preventing

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discharge of contaminated waste water to streams, drainage ditches, or other surface waters from the facility; Preventing migration of contaminants from the facility to the underlying aquifer; Using facility nutrients to supply crop nutrient needs at rates and times tailored to reach realistic yield goals; Meeting the requirements of the Dairy Nutrient Management Act of 1998, the Clean Water Act”.

- c. The applicant currently has a Nutrient Management Plan for the existing dairy operation. With the expansion, an updated Plan is required and shall be completed.
- d. Completion of an Odor and Fly Control Plan for the operation. This Plan will discuss numerous items including potential sources of odors and flies on the farm including methods to control and reduce odors and flies at the dairy site.
- e. A Determination of Non-Significance (DNS) has been issued as part of the SEPA review and determination. An approved Conditional Use Permit, compliance with the required Dairy Nutrient Management Plan, and compliance with the State Department of Agriculture’s regulations is required for this application.
- f. The project is located within Fire District #1, a rural district. Measures such as enhanced building separation standards and development of a fire apparatus road are necessary to ensure safety.

Conditions of Approval:

- 1. The project must include the use of proper erosion and sediment control practices on the construction site and adjacent areas to prevent upland sediments from entering surface water. Refer to the Stormwater Management Manual for Eastern Washington at http://www.ecy.wa.gov/programs/wq/stormwater/eastern_manual/manual.html. All ground disturbed by construction activities must be stabilized. When appropriate, use native vegetation typical of the site. In addition, a General Construction Storm Water Permit from the Washington State Department of Ecology will be needed if the project is one acre or greater.
- 2. **A Mitigated Determination of Non-Significance (MDNS)** has been issued as part of the SEPA review and determination. An approved Conditional Use Permit, compliance with the required dairy Nutrient Management Plan, and compliance with the State Department of Agriculture’s regulations is required for this permit.

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3. The applicant shall comply with the State of Washington's requirements for Dairy operations including the implementation of a **Nutrient Management Plan (NMP)** for the operation. Nutrient management plans focus on water quality related issues. The applicant's current NMP for the dairy operation was completed for the current size of the operation. A copy shall be provided to the County to be placed in the CUP case file, if allowed per federal disclosure laws.
4. Any headcount expansion at the site shall comply with the applicable NMP in effect at the time of expansion.
5. The Odor and Fly Control Guidelines adopted by County Resolution 2001-238 by the Board of County Commissioners states that an **Odor and Fly Control Plan** may be required as part of a Conditional Use Permit for animal operations. An Odor and Fly control Plan **is** required for this operation and expansion. The applicant is required to complete and submit an Odor and Fly Control plan by June 2022 (18 months from the date of CUP approval), which is consistent with the required NMP submittal.
 - a. To assist in being a good neighbor and encouraging positive neighbor relations, the applicant shall ensure the required Odor and Fly Control Plan discusses the following:
 - i. Field spraying of animal waste should only occur at times that will least impact surrounding neighbors. With this, spraying should not occur on weekends and on holidays when neighboring landowners may be spending an increased amount of time enjoying the outdoors; and
 - ii. Applicant should maintain an open door policy with surrounding land owners. Address neighbor issues to the best extent reasonably possible and in turn assist in eliminating nuisance issues to the best of applicants' ability.
9. The Odor and Fly Control Guidelines adopted by County Resolution 2001-238 by the Board of County Commissioners states that an **Odor and Fly Control Plan** may be required as part of a Conditional Use Permit for animal operations. An Odor and Fly control Plan **is** required for this operation and expansion. The applicant is required to complete and submit an Odor and Fly Control plan by July 2020 (18 months from the date of CUP approval), which is consistent with the required NMP submittal.
 - a. To assist in being a good neighbor and encouraging positive neighbor relations, the applicant shall ensure the required Odor and Fly Control Plan discusses the following:
 - i. Field spraying of animal waste should only occur at times that will least impact surrounding neighbors. With this, spraying should not

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- occur on weekends and on holidays when neighboring landowners may be spending an increased amount of time enjoying the outdoors; and
- ii. Applicant should maintain an open door policy with surrounding land owners. Address neighbor issues to the best extent reasonably possible and in turn assist in eliminating nuisance issues to the best of applicants' ability.
6. The applicant shall, at all times, comply with the necessary Federal and State standards for dairy operations. This includes, but is not limited to the Washington State Department of Agriculture requirements for dairy operations.
7. The project must comply with the standards of the **Benton Franklin Health District**. The facility must provide domestic drinking water by a public water supply in accordance with WAC 246-291, approved by the Washington State Department of Health Office of Drinking Water.
8. **Approach permits** are required for any new approaches onto county roads.
9. New facilities such as barns, pen areas, and parlor expansion will need to be established as the headcount number increases. The applicant is required to comply with the requirements of the **County Building Division** regarding any new construction at the site. On Site Water for Fire Protection may be required upon completion of Building Department review of submittals and consultation with local Fire District in accordance with the International Fire Code (IFC).
10. The applicant must submit copies of Water Availability Notification form for proof of an approved potable water source and other information from WA State.
11. Before construction, applicant is required to conduct an archeological survey of the project in order to meet the requirements of the Department of Archaeology & Historic Preservation (DAHP).
12. The following **Fire Code** requirements shall be complied with: Prior to building permits being issued for the site, a fire apparatus lane shall be constructed to the site, a 20' clear area shall be provided around all buildings and the following setbacks are required for new construction on the property.
- a. Setbacks: The following separation standards shall be required for all existing, new building(s)/structure(s) placed on this parcel:
- i. Front yard setback: Twenty-five (25) feet from a road right-of way and/or a dedicated roadway/easement, and/or fifty-five (55) feet from the center line of such road right-of way and/or roadway/easement, whichever is greater.

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- ii. Rear yard setback: Twenty-five (25) feet.
 - iii. Side yard setback: Twenty (20) feet.
 - iv. Building separation standards will be determined at the time of building plan review. Typical separation standard is 60 feet.
- b. Fire extinguishers shall be clearly marked.
- 13. Per Franklin County Ordinance Number 5-2007, as amended, prohibits the **accumulation of irrigation water on County Roads** in Franklin County. Compliance with this Ordinance is required for this operation.
 - 14. **Outdoor lighting** at the facility shall be shielded down. This will assist in ensuring the outdoor lighting will not become a nuisance to neighboring properties and will limit light pollution in the rural area.
 - 15. Any **discontinuance or abandonment** of the approved use (dairy operation) for a period of one (1) year shall null and void this CUP approval.
 - 16. The site shall be maintained at all times so as to not let the land become a fire hazard or accumulate with debris and weeds.
 - 17. 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.
 - 18. 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.
 - 19. 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.
 - 20. Future expansions and improvements at the site shall comply with the submitted and approved site and building plans. To allow future flexibility for changes to the plans which are determined to be minor or incidental may be done administratively by the Planning Department. Major changes, which do not meet the intent of, or seriously re-align, the approved plans, shall be reviewed by the Planning Commission through a new Conditional Use Permit process prior to that change occurring.

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21. By accepting the issuance of this permit, the Permit Holder(s) agree(s) to accept full responsibility for any and all operations conducted or negligence occurring at this location and any incidents that occur on surrounding properties caused by operations or negligence at this location; Permit Holder(s) further agree(s) to indemnify and hold the County harmless and agree that the County is in no way negligent in relation to granting this permit, or operations or negligence that occur at this location or on surrounding properties caused by operations or negligence on this property; Permit Holder(s) further agree(s) to accept full responsibility for any future cleanup needed due to activities conducted at this location that impact the surrounding properties, and obtaining and retaining appropriate insurance coverage.

This Conditional Use Permit is issued this 16th day of March, 2021.

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

**Attest: _____
Clerk of the Board**

**_____
Chair**

Original to County Commissioners

Duplicate to File

Duplicate to Applicant

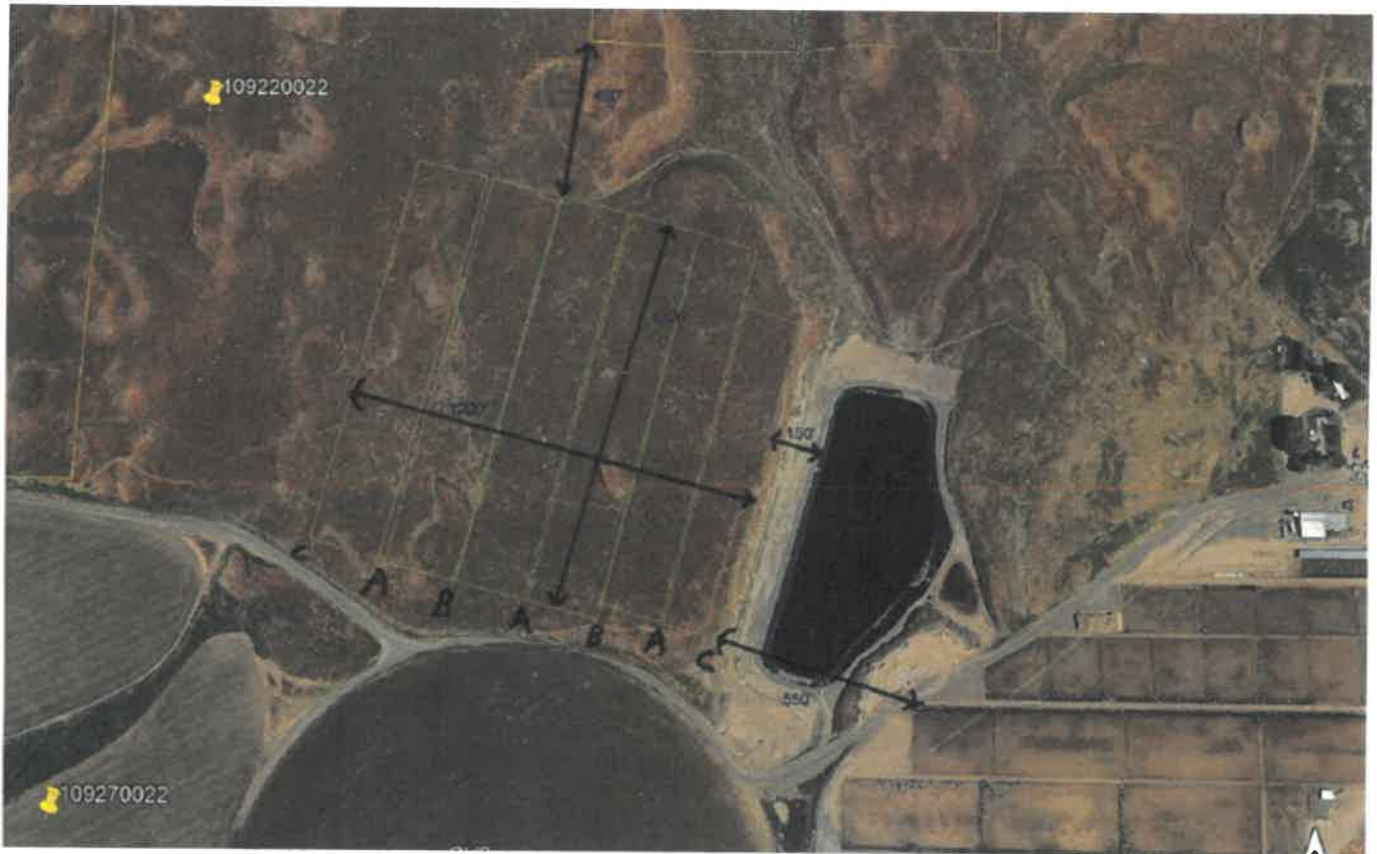
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RESOLUTION NUMBER _____

EXHIBIT A: PROPOSED SITE PLAN



POWERPOINT PRESENTATION

CUP 2020-04

CASE VANDERMEULEN

CUP 2020-04
**CONDITIONAL USE
PERMIT**
CASE VANDERMEULEN



FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
Tuesday, March 16, 2021

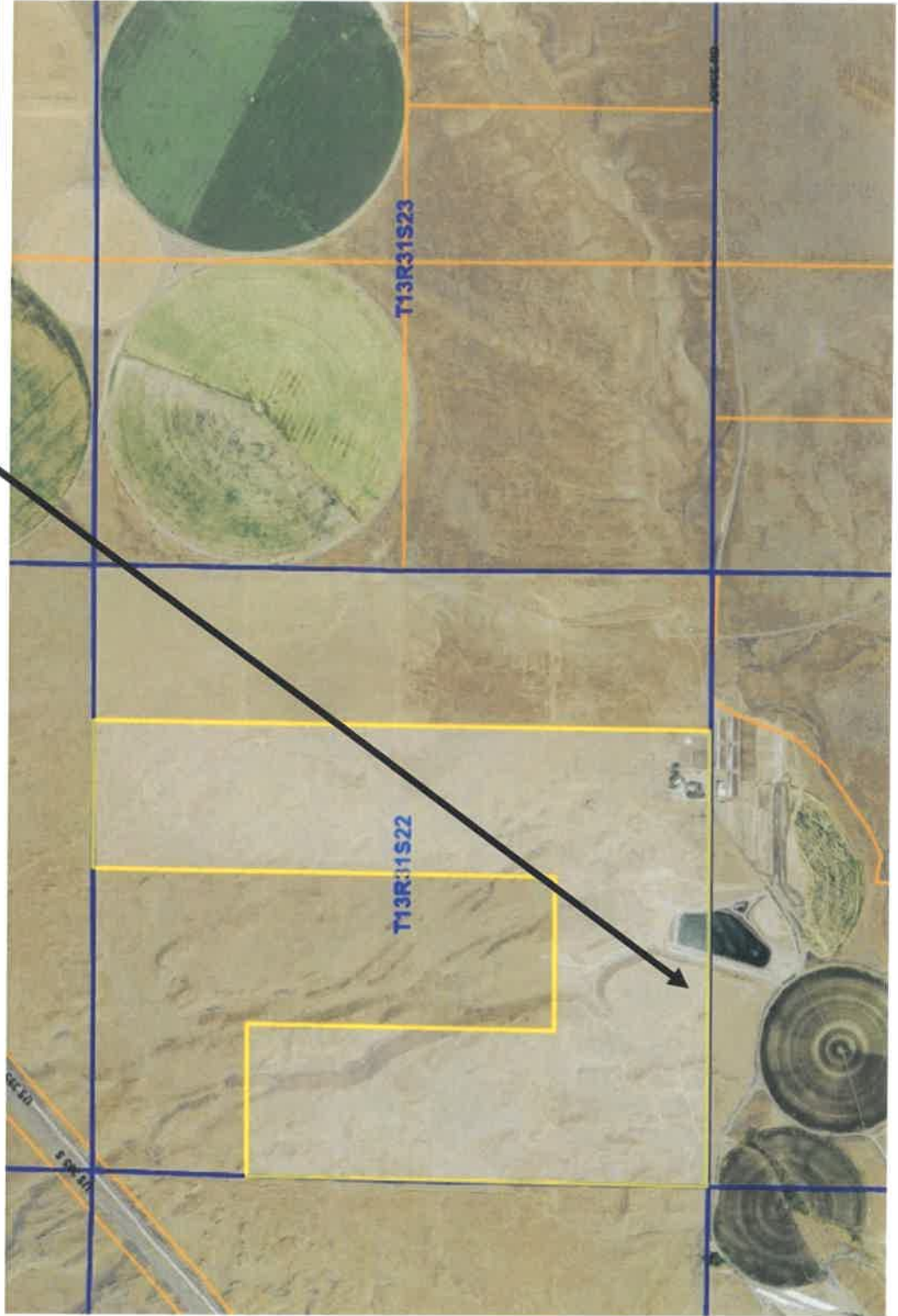
CUP 2020-04



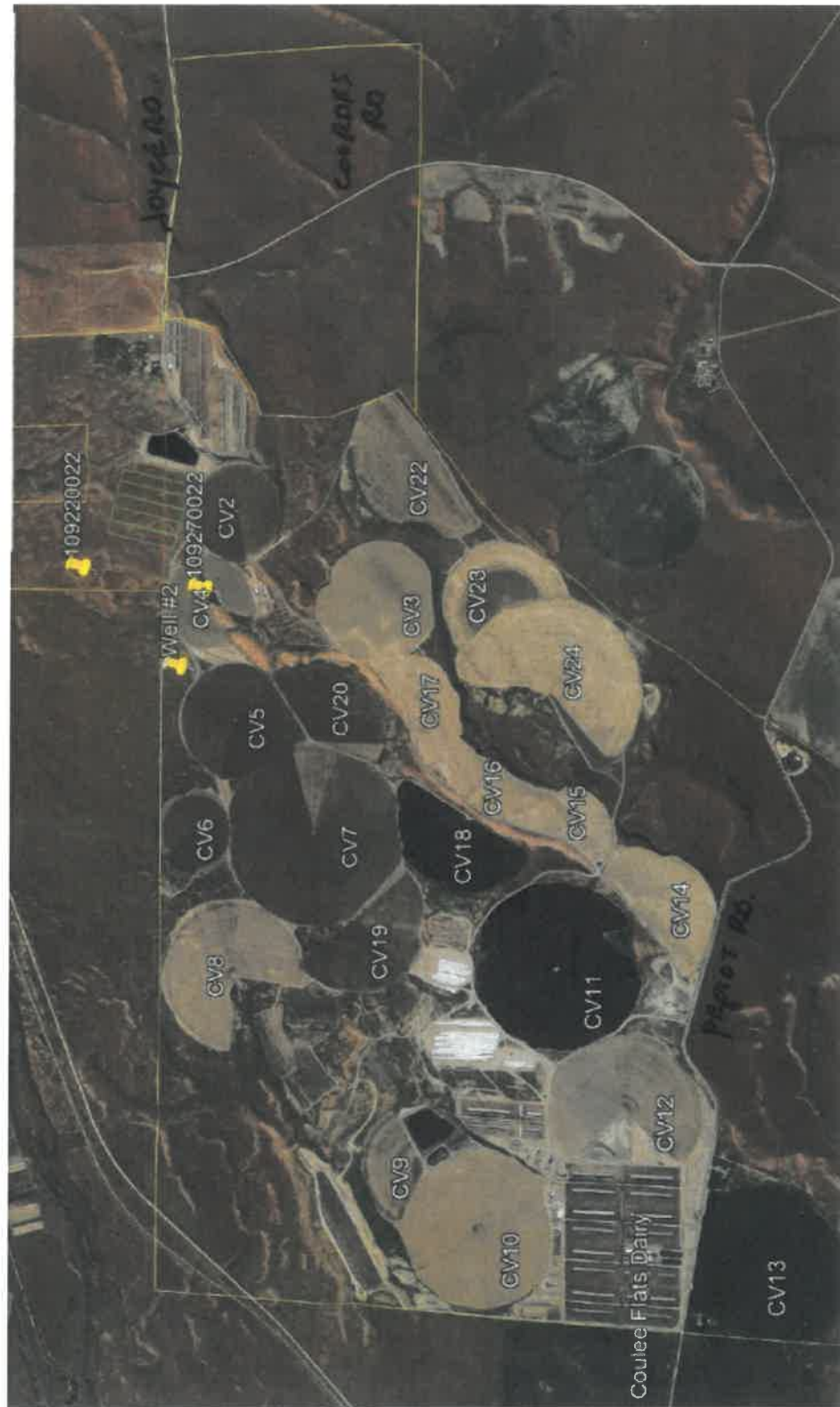
- The property is located to the North of Pepiot Rd., West of Joyce Rd. and South of HWY 395.
- Address: Parcel #109-270-022 has no address. Parcel #109-220-022 has an address of 2270 Joyce Rd.
- Parcel Number(s): 109-270-022 and 109-220-022

CUP 2020-04

SUBJECT AREA



CUP 2020-04 AERIAL MAP



CUP 2020-04

- **Comp. Plan:** Ag
- **Zoning:** Agricultural Production AP-20
- **Request:** The conditional use permit application is to allow the expansion of an existing feedlot by 6,500 head, for up to 10,000 head of cattle.
- **Property size:** The current property size of both parcels is approximately 635 acres.
- **Area to be Used:** Approximately 30-50 acres of both parcels are to be used for the feedlot. For reference, the existing feedlot is approximately 45-50 acres.

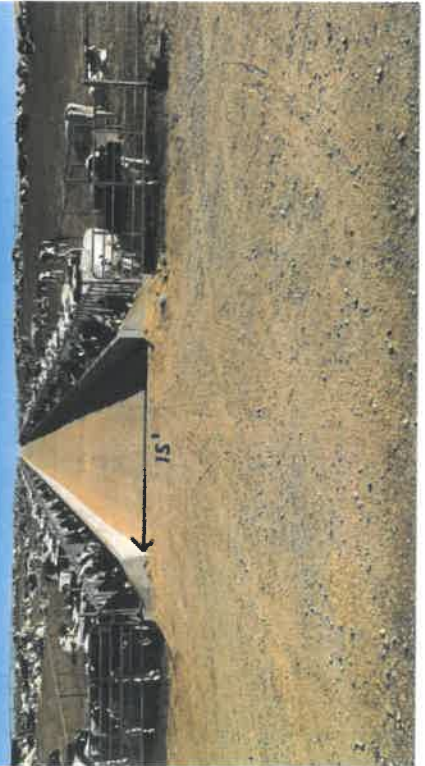
CUP 2020-04 CLOSE UP



CUP 2020-04 LAYOUT



PICTURE #1 LOCATIONS A ON MAP
TYPICAL FEED BUNK EXAMPLE
15' WIDE



Location(s) A



PICTURE #2 LOCATIONS B ON THE MAP
TYPICAL BACK FENCE WITH ALLEY EXAMPLE
16' WIDE

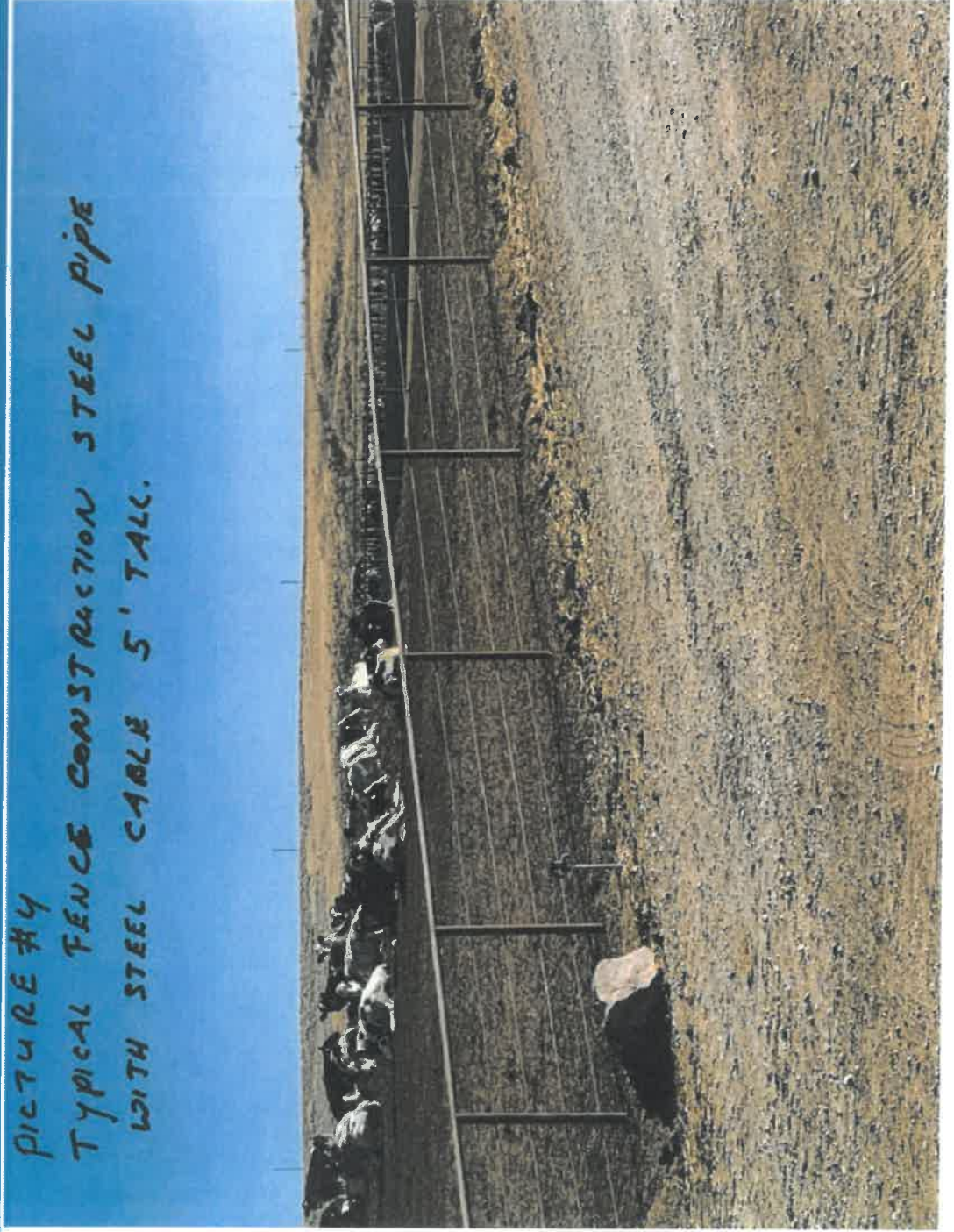
Location(s)
B



PICTURE #3 LOCATIONS C ON MAP
BACK FENCE W/O ALLEY

Location(s)
C

CUP 2020-04 LAYOUT



CUP 2020-04 PUBLIC NOTICE



CUP 2020-04 PUBLIC NOTICE

- Staff notified agencies on December 10, 2020.
- Staff mailed notices to property owners within 1 mile on December 10, 2020.
- Sign was posted on the property on, or about, December 18, 2020.
- SEPA Determination of Non-Significance (DNS) was issued on December 10, 2020.
- Public notice was published in the Tri-City Herald and Franklin County Graphic on December 10, 2020.

CUP 2020-04 Regulatory

- **Fly and Odor Control:** Recommendation - Plan will be required.
- **Nutrient Management Plan:** A plan was approved by Department of Agriculture for the existing feedlot. It will need to be updated to include said expansion.
- **Archaeological Survey:** Department of Archaeology & Historic Preservation (DAHP), requires an archaeological survey to be conducted on the site before construction can occur.

CUP 2020-04/SEPA 2020-11

SEPA MDNS - Mitigation Measures:

- 1) Apply for and obtain a Franklin County Conditional Use Permit for land use approval.
- 2) Obtain a letter from the Franklin Conservation District board to allow a deviation from the Dairy Separation Standard (buffer) required under FCC 17.10.020(B)(1)(a).
- 3) If land use approval is granted by Franklin County, the applicant shall:
 - a) Comply with all conditions of the Franklin County Conditional Use Permit.
 - b) Continued compliance with the Washington State Department of Agriculture's requirements for Dairy Nutrient Management Plans – including update requirements of the existing and approved plan.
 - c) Comply with the Washington State Department of Ecology's applicable permit requirements, including air and water quality standards.
 - d) Establish and comply with an Odor and Fly Control Plan consistent with Franklin County Resolution 2001-238, to be approved by the Franklin Conservation District.
- 4) Compliance with the existing water rights and/or stock watering exemption is required at all times for this operation.
- 5) Nothing in this MDNS shall excuse the applicant from complying with all other Local, State and Federal regulations relating to dairy operations, etc.

CUP 2020-04 ENVIRONMENT

- ☐ There is a retention pond located approximately 150 feet from proposed feedlot expansion.
- ☐ Domestic sewage is via an existing septic tank, used by residents and employees.
- ☐ **WETLANDS:** None.
- ☐ **CRITICAL AQUIFER RECHARGE AREAS:** None.
- ☐ **FREQUENTLY FLOODED AREAS:** There are some floodplains located near the project area, with a potential encroachment in the buffer area. FEMA map indicates this is a natural flood channel in a 100 year flood event.
- ☐ **GEOLOGICALLY HAZARDOUS AREAS:** There are some areas near or slightly within project area that have slopes of less than 15 percent.
- ☐ **FISH AND WILDLIFE HABITAT AREAS:** Is located in an area listed by Washington Department of Fish and Wildlife as habitat for Ferruginous Hawk, which is considered threatened by Washington State.

CUP 2020-04 CRITICAL AREAS MAP



Blue=Floodplain
Green/Turquoise=Geohazard Slopes

CUP 2020-04

Suggested Motion



- “I move that the Planning Commission **adopt** the **6** findings of fact and **21** conditions of approval as detailed in the staff report for case-file **CUP 2020-04** and recommend **approval** of the CUP to the Board of County Commissioners.”

RECOMMENDED FINDINGS OF FACT

1. The proposed use in the AP-20 Zoning District IS in accordance with goals and policies of the County Development Regulations (Zoning) and the applicable Comprehensive Plan.
2. The proposal **WILL NOT** adversely affect public infrastructure.
3. The proposal **WILL BE** constructed, maintained, and operated to be in harmony with the existing or intended character of the general vicinity.

RECOMMENDED FINDINGS OF FACT

4. The location and height of the structure and site design **WILL NOT** discourage the development of permitted uses on property in the general vicinity or impair the value thereof.
5. The operation in connection with the proposal **WILL NOT** be more objectionable to nearby properties by reason of noise, fumes, vibrations, dust, traffic, or flashing lights than would be the operation of any permitted uses within the district.

RECOMMENDED FINDINGS OF FACT



6. The proposal **WILL NOT** endanger the public health, safety, or general welfare if located where proposed.

CONDITIONS OF APPROVAL

In addition to “standard” CUP language:

1. The project must include the use of proper erosion and sediment control practices on the construction site and adjacent areas to prevent upland sediments from entering surface water...
2. A **Mitigated Determination of Non-Significance (MDNS)** has been issued as part of the SEPA review and determination. An approved Conditional Use Permit, compliance with the required dairy Nutrient Management Plan, and compliance with the State Department of Agriculture’s regulations is required for this permit.
3. The applicant shall comply with the State of Washington’s requirements for Dairy operations including the implementation of a **Nutrient Management Plan (NMP)** for the operation....

CONDITIONS OF APPROVAL

4. The applicant's 2018 NMP shall be complied with until the new NMP is adopted. Any headcount expansion at the site shall comply with the applicable NMP in effect at the time of expansion.
5. ...An Odor and Fly control Plan is required for this operation and expansion...
6. The applicant shall, at all times, comply with the necessary Federal and State standards for dairy operations. This includes, but is not limited to the Washington State Department of Agriculture requirements for dairy operations.
7. The project must comply with the standards of the **Benton Franklin Health District**. The facility must provide domestic drinking water by a public water supply in accordance with WAC 246-291, approved by the Washington State Department of Health Office of Drinking Water.
8. Before construction, applicant is required to conduct an archeological survey of the project in order to meet the requirements of the Department of Archaeology & Historic Preservation (DAHP).

PC SUMMARY
CUP 2020-04
CASE VANDERMEULEN

FACT SHEET/STAFF SUMMARY
Meeting before the Franklin County Planning Commission

THIS IS A QUASI-JUDICIAL ACTION
PLEASE AVOID, AND DISCLOSE, ANY EX-PARTE COMMUNICATIONS (CH 42.36 RCW)

Case file: CUP 2020-04 (Conditional Use Permit) and SEPA 2020-11

PC Meeting Date: January 5, 2021

See the staff report for the application details, description, explanation of public notice, etc.

BACKGROUND/APPLICATION SUMMARY:

This is an open record hearing on a CUP application to allow the expansion of a dairy farm to 10,000 head at 2270 Joyce Rd. Mesa, WA 99343. (Parcel Number 109-220-022 & 109-270-022). The site is located in Southwest 1/2 of Township 13, Range 32, Section 22 and Northwest 1/2 of Township 13, Range 31, Section 27, W.M., Franklin County Washington. Subject area is zoned Agricultural Production 20 (AP-20), with an Agricultural Comprehensive Plan Designation. Applicant is pursuing a CUP in order to exceed the permitted as right feedlot limit of 1,000 head, as specified in FCC 17.10.020 (B)(5), to a maximum of 10,000 head

SUMMARY OF THE PUBLIC HEARING:

Normally there would be only one open record hearing (held by the Planning Commission) and Board action would follow a closed record hearing in accordance with FCC 17.82.110. However, the department has recommended (and the applicant has consented to) an open record hearing before the board. This is because originally, based on the applicant's information as submitted in the application and SEPA Checklist, the conditional use permit and SEPA public notices listed 6,500 head of cattle to be on the site. The applicant clarified to staff the day of the public hearing that the 6,500 figure represented an increase, not a total head count, and there would be 10,000 cattle in total; this information was also verbally entered into the record at the hearing.

When presented to the Planning Commission, the SEPA Lead Official had determined this proposal should be designated as a DNS. Due to the disparity in advertised information provided prior to the hearing, information provided during the public hearing, and because the hearing was arranged to only accept remote testimony (due to COVID-19 measures), staff re-circulated a public notice to clarify the cattle count and issued a SEPA revised MDNS (SEPA Register # 202101019) to allow additional public comment opportunity. Due to this, some discrepancies will be found in the Staff Report presented to the Planning Commission and the updated PowerPoint presentation and this summary, regarding the SEPA Determination designation (DNS or MDNS). No changes were made to the specific conditions the Planning Commission recommended, nor to the proposed number of conditions. **The final SEPA Determination for this proposal is an MDNS.**

The applicant spoke about the proposal and time was allowed for clarification by the Planning Commission. There were two people who were attendees for the WebEx meeting, but were there to gather information about the project and didn't have any comments.

The Planning Commission recommended conditional approval of the CUP, and there were no appeals filed on the recommendation.

Findings of Fact Criteria Used by Planning Commission: The Planning Commission made and entered 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 any way will become a nuisance to uses permitted in the district.

At the January 5th meeting, the Planning Commission discussed the proposal, the comments made, the record as provided, and findings of fact. A motion was made for a recommendation that the Franklin County Board of Commissioners approve the increased feedlot head count regarding application CUP-2020-04, with alternative findings of fact (as provided below).

Findings of Fact – Planning Commission: The Planning Commission (with assistance from Planning Staff) made and entered the following findings from the record, and conclusions thereof:

1. The proposed use in the AP-20 Zoning District **IS** in accordance with goals and policies of the County Development Regulations (Zoning) and the applicable Comprehensive Plan.
 - a. The land is zoned Agricultural Production 20 (AP-20) and the Comprehensive Plan designation is Agricultural.
 - b. Pursuant to the Comprehensive Plan, the approval of a Conditional Use Permit is required for large scale confined animal feeding operations.
 - c. A dairy operation greater in size than 500 head count requires approval of a conditional use permit.
 - d. A feedlot operation greater in size than 1,000 requires the approval of a conditional use permit.

- e. The comprehensive plan says that the county will encourage agricultural industries in agricultural areas (*Comprehensive Plan, Pg. 94-98*).
 - f. While there are critical areas mapped on the parcel and in the vicinity of the dairy operation, no critical areas or buffers will be impacted by this proposal due to the distances from the operation to the features.
2. The proposal **WILL NOT** adversely affect public infrastructure.
- a. The dairy's access is from Pepiot Road and Joyce Road.
 - b. Public Works has determined that it is not anticipated that the use will have a significant impact on the County Road System.
 - c. Surface water runoff resulting from construction activities can potentially enter Project facilities and adversely affect water quality.
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 site location for the animal operation expansion is in an area zoned Agricultural Production 20 (AP-20);
 - b. The general area consists of farms, animal operations, and scattered single family homes;
 - c. The animal operation expansion is in harmony with and is compatible with the surrounding lands, including the existing and intended character of the agricultural area:
 - i. The animal operation and its expansion at this site is a compatible use with the Agricultural Production 20 (AP-20) Zoning District and the surrounding areas.
 - ii. The farm site is in an area zoned Agricultural Production 20 (AP-20).
 - iii. The farm site is not located near a Rural Settlement Area or a designated Urban Growth Boundary.
 - iv. Active farms and another animal operation is located near the proposed farm site.
 - v. The main dairy site is located over 3 miles from the nearest urban growth area.
 - i. This area has a minimum lot size of 20 acres and allows agriculture uses as a permitted use in this zoning classification.

- ii. The residential area is designated in the County Comprehensive Plan as Agricultural.
- 4. The location and height of the structure and site design **WILL NOT** discourage the development of permitted uses on property in the general vicinity or impair the value thereof.
 - a. The farm site is located in an agricultural area that is not densely populated and the farm site is not located near a Rural Settlement Area or a designated Urban Growth Boundary.
 - b. Agricultural industry and animal operations are consistent with the uses allowed in agricultural areas.
 - c. The area is zoned Agricultural Production 20 (AP-20).
 - d. The height of future proposed structures and site design (as submitted) is in compliance with the AP-20 development standards. The dairy expansion will not discourage the development of permitted uses in the area.
 - e. The implementation of a dairy Nutrient Management Plan will help address the potential for buildup of nitrates and nutrients in the soil.
 - f. The use of proper erosion and sediment control practices on the construction site and adjacent areas will prevent upland sediments from entering surface water.
- 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 area is zoned Agricultural Production 20 (AP-20) which allows for a wide range of agricultural activities and animal agricultural operations to occur.
 - b. The proposed animal agricultural activity and operation is not more objectionable than other permitted uses allowed in the area. A dairy facility does not create more noise, fumes, vibrations, dust, traffic, or flashing lights than other agricultural uses permitted in the AP-20 zoning district.
 - c. The dairy expansion is in harmony with and is compatible with the surrounding lands, including the existing and intended character of the agricultural area.
 - d. To further ensure its compatibility with the surrounding agricultural area and reduce potential impacts to neighbors, the dairy operation can implement mitigation measures and comply with a State of Washington Dairy Nutrient Management Plan as enforced by the State of Washington, comply with an Odor and Fly Control Plan, and shield all lights on the property.
- 6. The proposal **WILL NOT** endanger the public health, safety, or general welfare if located where proposed.

- a. The public was notified of this proposal in accordance with all guidelines and requirements, and the Planning Department received **NO COMMENTS** in favor of the proposal, and **NO COMMENTS** in objection to the proposal.
- b. To protect water quality and health related issues, the applicant is required to comply with a State of Washington Dairy Nutrient Management Plan. The Nutrient Management Plan, as enforced by the Washington State Department of Agriculture has the following water quality objectives: "Preventing discharge of contaminated waste water to streams, drainage ditches, or other surface waters from the facility; Preventing migration of contaminants from the facility to the underlying aquifer; Using facility nutrients to supply crop nutrient needs at rates and times tailored to reach realistic yield goals; Meeting the requirements of the Dairy Nutrient Management Act of 1998, the Clean Water Act".
- c. The applicant currently has a Nutrient Management Plan for the existing dairy operation. With the expansion, an updated Plan is required and shall be completed.
- d. Completion of an Odor and Fly Control Plan for the operation. This Plan will discuss numerous items including potential sources of odors and flies on the farm including methods to control and reduce odors and flies at the dairy site.
- e. A Mitigated Determination of Non-Significance (MDNS) has been issued as part of the SEPA review and determination. An approved Conditional Use Permit, compliance with the required Dairy Nutrient Management Plan, and compliance with the State Department of Agriculture's regulations is required for this application.
- f. The project is located within Fire District #1, a rural district. Measures such as enhanced building separation standards and development of a fire apparatus road are necessary to ensure safety.

Suggested Conditions of Approval:

- 1. The project must include the use of proper erosion and sediment control practices on the construction site and adjacent areas to prevent upland sediments from entering surface water. Refer to the Stormwater Management Manual for Eastern Washington at http://www.ecy.wa.gov/programs/wq/stormwater/eastern_manual/manual.html. All ground disturbed by construction activities must be stabilized. When appropriate, use native vegetation typical of the site. In addition, a General Construction Storm Water Permit from the Washington State Department of Ecology will be needed if the project is one acre or greater.
- 2. **A Mitigated Determination of Non-Significance (MDNS)** has been issued as part of the SEPA review and determination. An approved Conditional Use Permit, compliance with the required dairy Nutrient Management Plan, and compliance with the State Department of Agriculture's regulations is required for this permit.
- 3. The applicant shall comply with the State of Washington's requirements for Dairy operations including the implementation of a **Nutrient Management Plan (NMP)** for the operation. Nutrient management plans focus on water quality related issues. The applicant's

current NMP for the dairy operation was completed for the current size of the operation. A copy shall be provided to the County to be placed in the CUP case file, if allowed per federal disclosure laws.

4. Any headcount expansion at the site shall comply with the applicable NMP in effect at the time of expansion.
5. The Odor and Fly Control Guidelines adopted by County Resolution 2001-238 by the Board of County Commissioners states that an **Odor and Fly Control Plan** may be required as part of a Conditional Use Permit for animal operations. An Odor and Fly control Plan **is** required for this operation and expansion. The applicant is required to complete and submit an Odor and Fly Control plan by June 2022 (18 months from the date of CUP approval), which is consistent with the required NMP submittal.
 - a. To assist in being a good neighbor and encouraging positive neighbor relations, the applicant shall ensure the required Odor and Fly Control Plan discusses the following:
 - i. Field spraying of animal waste should only occur at times that will least impact surrounding neighbors. With this, spraying should not occur on weekends and on holidays when neighboring landowners may be spending an increased amount of time enjoying the outdoors; and
 - ii. Applicant should maintain an open door policy with surrounding land owners. Address neighbor issues to the best extent reasonably possible and in turn assist in eliminating nuisance issues to the best of applicants' ability.
6. The applicant shall, at all times, comply with the necessary Federal and State standards for dairy operations. This includes, but is not limited to the Washington State Department of Agriculture requirements for dairy operations.
7. The project must comply with the standards of the **Benton Franklin Health District**. The facility must provide domestic drinking water by a public water supply in accordance with WAC 246-291, approved by the Washington State Department of Health Office of Drinking Water.
8. **Approach permits** are required for any new approaches onto county roads.
9. New facilities such as barns, pen areas, and parlor expansion will need to be established as the headcount number increases. The applicant is required to comply with the requirements of the **County Building Division** regarding any new construction at the site. On Site Water for Fire Protection may be required upon completion of Building Department review of submittals and consultation with local Fire District in accordance with the International Fire Code (IFC).
10. The applicant must submit copies of Water Availability Notification form for proof of an approved potable water source and other information from WA State.

11. Before construction, applicant is required to conduct an archeological survey of the project in order to meet the requirements of the Department of Archaeology & Historic Preservation (DAHP).
12. The following **Fire Code** requirements shall be complied with: Prior to building permits being issued for the site, a fire apparatus lane shall be constructed to the site, a 20' clear area shall be provided around all buildings and the following setbacks are required for new construction on the property.
 - a. Setbacks: The following separation standards shall be required for all existing, new building(s)/structure(s) placed on this parcel:
 - i. Front yard setback: Twenty-five (25) feet from a road right-of way and/or a dedicated roadway/easement, and/or fifty-five (55) feet from the center line of such road right-of way and/or roadway/easement, whichever is greater.
 - ii. Rear yard setback: Twenty-five (25) feet.
 - iii. Side yard setback: Twenty (20) feet.
 - iv. Building separation standards will be determined at the time of building plan review. Typical separation standard is 60 feet.
 - b. Fire extinguishers shall be clearly marked.
13. Per Franklin County Ordinance Number 5-2007, as amended, prohibits the **accumulation of irrigation water on County Roads** in Franklin County. Compliance with this Ordinance is required for this operation.
14. **Outdoor lighting** at the facility shall be shielded down. This will assist in ensuring the outdoor lighting will not become a nuisance to neighboring properties and will limit light pollution in the rural area.
15. Any **discontinuance or abandonment** of the approved use (dairy operation) for a period of one (1) year shall null and void this CUP approval.
16. The site shall be maintained at all times so as to not let the land become a fire hazard or accumulate with debris and weeds.
17. 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.
18. 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.
19. 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.

20. Future expansions and improvements at the site shall comply with the submitted and approved site and building plans. To allow future flexibility for changes to the plans which are determined to be minor or incidental may be done administratively by the Planning Department. Major changes, which do not meet the intent of, or seriously re-align, the approved plans, shall be reviewed by the Planning Commission through a new Conditional Use Permit process prior to that change occurring.
21. By accepting the issuance of this permit, the Permit Holder(s) agree(s) to accept full responsibility for any and all operations conducted or negligence occurring at this location and any incidents that occur on surrounding properties caused by operations or negligence at this location; Permit Holder(s) further agree(s) to indemnify and hold the County harmless and agree that the County is in no way negligent in relation to granting this permit, or operations or negligence that occur at this location or on surrounding properties caused by operations or negligence on this property; Permit Holder(s) further agree(s) to accept full responsibility for any future cleanup needed due to activities conducted at this location that impact the surrounding properties, and obtaining and retaining appropriate insurance coverage.

Suggested Motion: I move that the Board of County Commissioners adopt the recommendation of the Planning Commission and approve CUP 2020-04, based upon the 6 written findings of fact; and 21 conditions of approval.

**FRANKLIN COUNTY
PLANNING COMMISSION
AGENDA**

REGULAR MEETING: January 5, 2021 – 6:30 P.M.
VIRTUAL MEETING-WEBEX
Franklin County Courthouse
Entrance at Main Door – 1016 North 4th Avenue, Pasco, WA

OPEN PLANNING COMMISSION REGULAR MEETING – 6:30 P.M.

CALL TO ORDER

ROLL CALL

Current Planning Commission Members/Districts/Terms:

Member	District	Term Expires
Mike Vincent	Columbia River West Area	August 1, 2021
Roger Lenk	Riverview/Pasco UGAB	August 27, 2022
Layton Lowe	Connell/Kahlotus Area (Combined)	December 9, 2023
Claude Pierret	Snake River Area	May 1, 2023
Kent McMullen	Riverview/Pasco UGAB	March 26, 2023
Mike Corrales	Basin City Area	May 1, 2022
Melinda Didier	Eltopia Area	March 1, 2022

DECLARATION OF QUORUM

PLEDGE OF ALLEGIENCE

APPROVAL OF AGENDA

Approval of Agenda for January 5, 2021

APPROVAL OF MINUTES

October 27, 2020

November 17, 2020

PUBLIC HEARING - ITEM #1 – CUP 2020-04/SEPA 2020-11, proposal to allow for the construction of a feedlot to grow dairy heifer replacements and offspring. Applicant is pursuing a Conditional Use Permit in order to exceed the permitted as right feedlot limit of 1,000 head, as specified in FCC 17.10.020 (B)(5). A maximum of 6,500 head of cattle are to be at the site. Features of the site will consist of corrals with feed bunks, fences and concrete slabs on an area of around 30-50 acres.

APPLICANT: Case VanderMeulen

OWNER: Case VanderMeulen

1. **Open Public Hearing**
 - a. Staff Report
 - b. Public Comments
 - d. Clarification of Public Statements/Questions
2. Close Public Hearing
3. Planning Commission Discussion
4. Recommendation/Motion/Finding of Fact

PUBLIC HEARING - ITEM #2 – SUB 2020-01/SEPA 2020-13, proposal to allow for the development of a single-family residential subdivision, comprising six (6) parcels (126-200-011; 126-190-345; 126-190-336; 126-190-346; 126-190-354; 126-190-363) and approximately 108-acres, and creating seventy-four (74), one (1) acre lots. The area where the project is proposed has a zoning designation of Rural Community 1 (RC-1), with a comprehensive plan designation of Shoreline Development.

APPLICANT: Big Sky Developers, LLC (Caleb Stromstad, representative speaking on behalf)

OWNER: Pomona Properties & Investments, LLC

1. **Open Public Hearing**
 - a. Staff Report
 - b. Public Comments
 - d. Clarification of Public Statements/Questions
2. Close Public Hearing
3. Planning Commission Discussion
4. Recommendation/Motion/Finding of Fact

ADMINISTRATIVE ITEMS

- Questions?
- Discussion of items for next meeting (Franklin County Comprehensive Plan, City of Pasco UGA Application).

UPDATE ON PAST ITEMS

- Nothing to report

ADJOURN PLANNING COMMISSION REGULAR MEETING



FRANKLIN COUNTY

PLANNING AND BUILDING DEPARTMENT

Planning Commission Public Hearing Procedures, Protocols and Etiquette

The Planning Commission Process:

The Planning Commission is a seven (7) member volunteer board that is appointed by the Board of County Commissioners.

This public hearing is the 'only' open record hearing for a land use application and is the public's opportunity to speak in favor or against an application. The Planning Commission is not a "final" decision making committee but rather makes "recommendations" to the elected officials for the different applications they review. The purpose of the 'open record public hearing' is for the Commission to gather factual information to assist them in formulating their recommendations. The hearing is not a debate or a question and answer session with the audience.

Copies of the agenda and staff reports are available in the hearing room. Please ask staff if you have any questions.

The Public Hearing:

The Chair will introduce the item on the agenda. The public hearing will be "opened" and Staff will be requested to give a summary of the Staff report.

1. **The Chair will request input from proponents (people in favor of the application).** Please step forward to the middle of the room or near a podium and state your name and address for the record before stating your testimony.
2. **The Chair will request input from opponents (people not in favor of the application).** Please step forward to the middle of the room or near a podium and state your name and address for the record before stating your testimony.
3. **The Chair will ask the public for any clarification of statements or questions.** Also the Planning Commission members may ask questions of proponents and opponents. Please step forward to the middle of the room or near a podium and state your name and address for the record before stating your testimony.
4. **The Chair will "close" the public hearing.**
5. **The Chair will allow for Planning Commission Member discussion only.** Once deliberation has ended The Chair will ask for a motion for recommendation with findings of fact and/or conditions.

Hearing Tips, Protocols and Etiquette:

Please speak clearly. State your name and address for the record;

Speak only when recognized by the Chair;

Focus your testimony on the matter at hand, state only the relevant facts and opinions;

Avoid repetitive testimony. If another witness has made similar points please make note of it in the record and state that you concur with the previous speaker;

Please be prepared to limit your comments to five (5) minutes per speaker per item. When large groups are present, the Chair may reduce the time per speaker (usually to three minutes each);

Speaking time may not be deferred to another witness;

Do not speak to the Commission unless you step forward to the middle of the room or near a podium;

Exhibits (photographs, letters, maps) become part of the permanent record and cannot be returned;

The Commission's hearings are conducted in a courtroom-like environment and audience conduct shall be in accordance with courtroom etiquette. Clapping, cheering, speaking out of order or disorderly conduct are not appropriate and are grounds for removal from the hearing room by order of the Chair. Pagers and cellular phones should be turned off or placed on vibrate as to not disturb the hearing.

Please contact the Planning and Building Department at 545-3521 if you have questions.

Agenda Item #1

STAFF REPORT

CUP 2020-04

CASE VANDERMEULEN

FACT SHEET/STAFF REVIEW

Hearing before the Franklin County Planning Commission

Case file: CUP 2020-04 (Conditional Use Permit) and SEPA 2020-11

Hearing Date: January 5, 2020

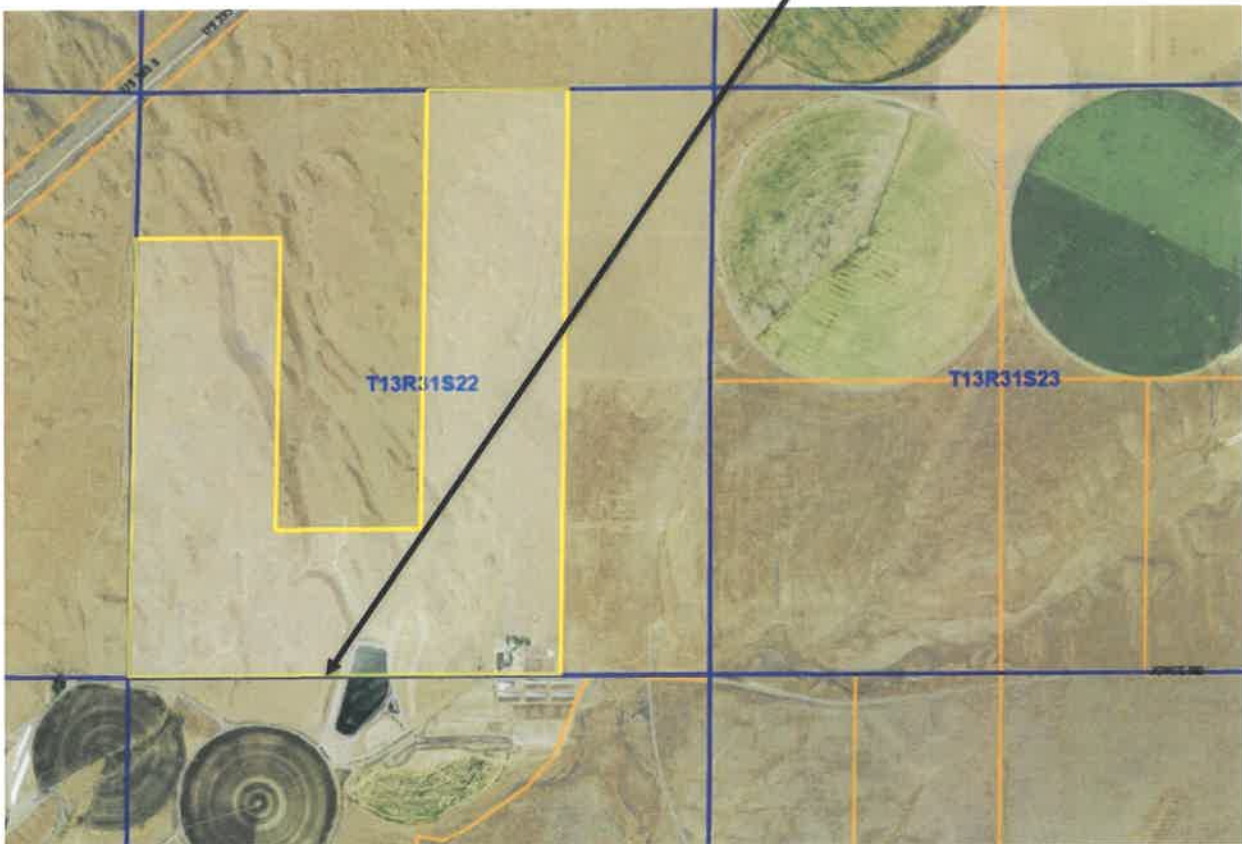
Applicant: Case VanderMeulen P.O. Box 228 Mesa, WA 99343

Owner: Case VanderMeulen

Location: The property is bounded to the South of HWY 395, West of Joyce Rd. and North of Pepiot Rd. Parcel #109-220-022 has an address of 2270 Joyce Rd. and Parcel #109-270-022 has no address. The site is located in the Southwest 1/2 of Township 13, Range 32, Section 22 and Northwest 1/2 of Township 13, Range 31, Section 27, W.M., of Franklin County WA.

VICINITY MAPS:

Subject Area





Property size:	The current property size (parcel(s)) is approximately 635 acres.
Area to be Used:	Approximately around 30-50 acres of both parcels are to be used for the feedlot.
Comp. Plan:	Agriculture
Zoning:	Agriculture Production 20 (AP-20)
Suggested Recommendation:	Positive recommendation <u>with six (6) suggested findings of fact and twenty-one (21) suggested conditions of approval</u>
Suggested Motion:	I move to forward to the board of commissioners a positive recommendation of CUP 2018-07 with six (6) findings of fact and twenty-one (21) suggested conditions of approval.

APPLICATION DESCRIPTION:

An application for a Conditional Use Permit (CUP) was filed with Franklin County on October 23, 2020. The conditional use permit application is to allow for an expansion of up 6,500 head of cattle. Subject area is zoned Agricultural Production 20 (AP-20), with an Agricultural Comprehensive Plan Designation. Applicant is pursuing a CUP in order to exceed the permitted as right feedlot limit of 1,000 head, as specified in FCC 17.10.020 (B)(5) to a maximum of 6,500 head.

The applicant provided a **SEPA Environmental Checklist** with the application. Franklin County supplemented the checklist with additional information and detail.

The applicant's **site plan** and accompanying photos shows the following features:

- Area in which proposal will be installed, along with dimensions and distances to retention pond and existing feedlot.
- Photos visually presenting typical fencing, feed bunks, and concrete slab features.
- Retention Pond
- Existing feedlot
- Two existing homes

PUBLIC NOTICE:

- The Planning Staff emailed technical review requests to Technical Agencies on **December 10, 2020.**
- The Planning staff mailed notices to Property Owners within **1 mile** on **December 10, 2020.**
- A Public Notice was published in the *Tri-City Herald* and *Franklin County Graphic* on **December 10, 2020.**
- A sign was posted on the property on, or about, **December 18, 2020.**

SEPA:

- A SEPA Checklist was included in the application. The Planning and Building Director [Lead Agency Responsible Official] reviewed the checklist and issued a Determination of Non-Significance (DNS) on **December 10, 2020** under WAC 197-11-340(2) which was published on **December 10, 2020.**
- The Washington State Department of Ecology filed the notice under **SEPA # 202006208** in the state-wide SEPA Register.
- Comments on the DNS Threshold Determination were due by **December 24, 2020.** Ecology provided comments on the SEPA, and there were no other comments and no appeals of the threshold determination.

APPLICABLE STANDARDS/CODES:

1. County Code, Title 6, Animals
 - a. Chapter 6.08 Livestock Management
2. County Zoning-- County Code:
 - a. Chapter 17.10 AP-20 Agricultural Production Zone
 - b. Chapter 17.82 Special Permits
3. County Environmental Code
 - a. Chapter 18.04 State Environmental Policy Act Guidelines
 - b. Chapter 18.08 Critical Area / Resource Area Protection Standards

3. Franklin County Comprehensive Plan
4. Benton Franklin District Board of Health Rules and Regulations No. 2.
5. Franklin County Ordinance 8-2008 "Right to Farm"
6. Franklin County Resolution 2001-238, Odor and Fly Control Guidelines

PUBLIC COMMENT:

Two people have expressed interest in the proposal, with one of them requesting a WebEx invite to speak at the meeting. Our office also sent as a professional courtesy, a WebEx invite to the other person as well.

AGENCY COMMENTS / CRITERIA FOR FINDINGS OF FACT:

1. **Planning and Building:** The Planning Department has determined the following and provided the following comments for this application:
 - a. **WHAT IS A SPECIAL USE/CONDITIONAL USE PERMIT (CUP):** A CUP allows the County to consider special uses which may be essential or desirable to Franklin County, but which are not allowed as a matter of right within a zoning district, through a public hearing process. A conditional use permit can provide flexibility within a zoning ordinance. Another traditional purpose of the conditional use permit is to enable a County to control certain uses which could have detrimental effects on the community and examine the compatibility of the proposed use.
 - b. **ZONING:** The property is located in the AP-20 Zone. A conditional use permit is required for milking cow dairy operations that exceed a headcount of 500 and for feedlot (young stock) operations that exceed a headcount of 1,000.

Further, the County Zoning Ordinance states that no more than two (2) operations, greater in size than 1,300 milking cows, shall be located within an operation's two (2) mile buffer.
 - c. **COMPREHENSIVE PLAN:** The Comprehensive Plan designation for the property is Agricultural. The Comprehensive Plan encourages agricultural industries in agricultural areas.
 - d. **HEADCOUNT NUMBER:** Currently, the applicant with current feedlot has a maximum rating of 3,500 head on the property. Applicant is requesting the ability to increase the total headcount number to a maximum of 6,500 head.
 - e. **STOCK WATERING:** The applicant has stated the dairy facility utilizes an existing well for stock watering purposes. A private irrigation source is also provided to the farm.
 - f. **PROPOSAL LOCATION/COMPATIBILITY TO SURROUNDING LANDS:**
 1. The animal operation and its expansion at this site is a compatible use with the Agricultural Production 20 Zoning District and the surrounding areas.

2. The proposal is located in an area zoned Agricultural Production 20 (AP-20).
 3. The proposal is located approximately 3.5 miles outside Mesa City Limits and 1 mile from HWY 395.
 4. Active farms and other animal operations are located near the proposed farm site.
- g. ODOR AND FLY CONTROL PLAN: In 2001, the Franklin County Board of Commissioners adopted County Resolution 2001-238 identified as the Franklin County Odor and Fly Control Guidelines for Livestock and Poultry Operations. These guidelines were adopted for use by the County Planning Commission in reviewing new operations and existing operations wishing to expand that require a special/conditional use permit. The guidelines were developed by a task force consisting of the Franklin Conservation District, County Planning Department, County Planning Commission, USDA Natural Resource Conservation Service, Benton Franklin Health Department, the local Poultry Industry and the local Dairy Industry.
1. The Odor and Fly Control Guidelines state that an Odor and Fly Control Plan may be required as part of a Conditional Use Permit for animal operations.
 2. An Odor and Fly Control Plan shall focus on Odor Production (Sources and Controls) and Implementation (Timelines, Maintenance and Monitoring).
- h. ODOR AND FLY CONTROL PLAN GUIDELINES: Odor and Fly Control Guidelines adopted by the Board of County Commissioners (County Resolution 2001-238) are applicable to this dairy expansion. The following are important guidelines to follow when reviewing this application:
1. County Resolution 2001-238 identified as the Franklin County Odor and Fly Control Guidelines for Livestock and Poultry Operations states: "Franklin County understands the importance of managing odor and nuisance issues to a reasonable extent as they relate to Livestock and Poultry Operations" (County Resolution 2001-238);
 2. A Conditional Use Permit is required for dairy operations greater in size than 500 (headcount).
 3. General Philosophy: "No Livestock operation can be 100% odor free". "Zoning should be used to avoid conflict where possible";
 4. Introduction: "Elimination of odor from livestock and associated facilities is not realistic. Odors of some sort will always be produced and are usually released to the environment"; "What can be evaluated and possibly changed is the frequency of odor occurrences, the duration of the odor, the intensity of the odor and negative perceptions by some neighbors";
 5. Selection of a Site: "Many operations are already situated close to neighbors and major roads. Such farms should be examined to identify potential problems and

ways to avoid them by modifying the collection, processing, storage, and disposal of manure. This is especially important when considering the upgrading or expansion of an existing site. Sometimes it is better to abandon the site and invest remodeling or expansion money in new facilities at a better location”.

- i. **NUTRIENT MANAGEMENT PLANS:** Nutrient Management Plans (NMP) are designed to satisfy the requirements of Washington State's Dairy Nutrient Management Act. The Department of Agriculture approves the plans, has the following objectives as it relates to Nutrient Management Plans: “Preventing discharge of contaminated waste water to streams, drainage ditches, or other surface waters from the facility; Preventing migration of contaminants from the facility to the underlying aquifer; Using facility nutrients to supply crop nutrient needs at rates and times tailored to reach realistic yield goals; Meeting the requirements of the Dairy Nutrient Management Act of 1998, the Clean Water Act and compliance with Federal, State And local laws regarding water quality standards” (*Dept. of Agriculture-Livestock Nutrient Management Program Website*).
 1. Nutrient management plans focus on water quality related issues as described above. Enforcement of approved Nutrient Management Plans is the responsibility of the Washington State Department of Agriculture.
 2. The applicant’s current Nutrient Management Plan for the dairy operation was completed in 2012. With the proposed expansion, an updated NMP is required.
 3. Requirements of a Dairy Nutrient Management Plan will help address the potential for buildup of nitrates and nutrients in the soil.
- j. **CRITICAL AREAS AND ENVIRONMENT:**
 - There is a retention pond located approximately 150 feet from proposed feedlot expansion.
 - Domestic sewage is via an existing septic tank, used by residents and employees.
 - **WETLANDS:** None.
 - **CRITICAL AQUIFER RECHARGE AREAS:** None.
 - **FREQUENTLY FLOODED AREAS:** There are some floodplains located near the project area, with a possible encroachment in the buffer area. FEMA map indicates that this is a natural flood channel in a 100 year flood event.
 - **GEOLOGICALLY HAZARARDOUS AREAS:** There are some areas near or slightly within project that have slopes of less than 15 percent.
 - **FISH AND WILDLIFE HABITAT AREAS:** Is located in an area listed by Washington Department of Fish and Wildlife as habitat for Ferruginous Hawk, which is considered threatened by Washington State.

MAPPED CRITICAL AREAS:



Blue=Floodplain

Green/Turquoise=Geohazard Slopes

2. **Public Works Department:** Public Works has concluded that the proposed use will not have a significant impact on the County Road System. They noted general comments:
 - a. An approach permit is required per the County Road Approach Policy (Resolution No. 2014-123).
 - b. Any utility extension crossing Franklin County roads will be addressed at the time of application. *See Accommodation of Utilities on County Road Right-of-Way per Resolution #2000-330 for more information.*
3. **BBEC:** *No comments received.*
4. **Health District:** *No comments received.*
5. **Fire District #1:** *No comments received.*
6. **Franklin Conservation District:** *No comments received.*
7. **US Bureau of Reclamation:** *No comments received.*
8. **Ecology (State of Washington):** Ecology submitted comments on the proposal on the following topics (see the letter attached to this report):

Staff Report
CUP 2020-04

8

- a. Toxics Cleanup Program
- b. Water Quality Program
- c. SEPA

9. **Department of Archaeology & Historic Preservation (DAHP):**

- a. Require a professional archaeological survey of project area be conducted prior to ground disturbing activities.
- b. More information is included in attached letter dated December 11, 2020.

RECOMMENDATION: (CUP-2020-04)

According to the Franklin County Code, Chapter 17.82 Special Permits, the Planning Commission shall:

1. Make and enter findings of fact from the record and conclusions thereof;
2. 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 any way will become a nuisance to uses permitted in the district.

Planning and Building Department Staff Assistance: Planning Staff will assist the Planning Commission with the determination of findings and conditions for CUP-2020-04.

Recommendation: The Franklin County Planning Department recommends that the Planning Commission forward a **POSITIVE** recommendation to the Franklin County Board of Commissioners for Application CUP-2020-04, with the following suggested findings of fact and suggested conditions of approval:

Suggested Findings of Fact:

1. The proposed use in the AP-20 Zoning District **IS** in accordance with goals and policies of the County Development Regulations (Zoning) and the applicable Comprehensive Plan.
 - a. The land is zoned Agricultural Production 20 (AP-20) and the Comprehensive Plan designation is Agricultural.
 - b. Pursuant to the Comprehensive Plan, the approval of a Conditional Use Permit is required for large scale confined animal feeding operations.
 - c. A dairy operation greater in size than 500 head count requires approval of a conditional use permit.
 - d. A feedlot operation greater in size than 1,000 requires the approval of a conditional use permit.
 - e. The comprehensive plan says that the county will encourage agricultural industries in agricultural areas (*Comprehensive Plan, Pg. 94-98*).
 - f. While there are critical areas mapped on the parcel and in the vicinity of the dairy operation, no critical areas or buffers will be impacted by this proposal due to the distances from the operation to the features.
2. The proposal **WILL NOT** adversely affect public infrastructure.
 - a. The dairy's access is from Pepiot Road and Joyce Road.
 - b. Public Works has determined that it is not anticipated that the use will have a significant impact on the County Road System.
 - c. Surface water runoff resulting from construction activities can potentially enter Project facilities and adversely affect water quality.
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 site location for the animal operation expansion is in an area zoned Agricultural Production 20 (AP-20);
 - b. The general area consists of farms, animal operations, and scattered single family homes;
 - c. The animal operation expansion is in harmony with and is compatible with the surrounding lands, including the existing and intended character of the agricultural area:

- i. The animal operation and its expansion at this site is a compatible use with the Agricultural Production 20 (AP-20) Zoning District and the surrounding areas.
 - ii. The farm site is in an area zoned Agricultural Production 20 (AP-20).
 - iii. The farm site is not located near a Rural Settlement Area or a designated Urban Growth Boundary.
 - iv. Active farms and another animal operation is located near the proposed farm site.
 - v. The main dairy site is located over 3 miles from the nearest urban growth area.
 - i. This area has a minimum lot size of 20 acres and allows agriculture uses as a permitted use in this zoning classification.
 - ii. The residential area is designated in the County Comprehensive as Agricultural.
- 4. The location and height of the structure and site design **WILL NOT** discourage the development of permitted uses on property in the general vicinity or impair the value thereof.
 - a. The farm site is located in an agricultural area that is not densely populated and the farm site is not located near a Rural Settlement Area or a designated Urban Growth Boundary.
 - b. Agricultural industry and animal operations are consistent with the uses allowed in agricultural areas.
 - c. The area is zoned Agricultural Production 20 (AP-20).
 - d. The height of future proposed structures and site design (as submitted) is in compliance with the AP-20 development standards. The dairy expansion will not discourage the development of permitted uses in the area.
 - e. The implementation of a dairy Nutrient Management Plan will help address the potential for buildup of nitrates and nutrients in the soil.
 - f. The use of proper erosion and sediment control practices on the construction site and adjacent areas will prevent upland sediments from entering surface water.
- 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 area is zoned Agricultural Production 20 (AP-20) which allows for a wide range of agricultural activities and animal agricultural operations to occur.

- b. The proposed animal agricultural activity and operation is not more objectionable than other permitted uses allowed in the area. A dairy facility does not create more noise, fumes, vibrations, dust, traffic, or flashing lights than other agricultural uses permitted in the AP-20 zoning district.
 - c. The dairy expansion is in harmony with and is compatible with the surrounding lands, including the existing and intended character of the agricultural area.
 - d. To further ensure its compatibility with the surrounding agricultural area and reduce potential impacts to neighbors, the dairy operation can implement mitigation measures and comply with a State of Washington Dairy Nutrient Management Plan as enforced by the State of Washington, comply with an Odor and Fly Control Plan, and shield all lights on the property.
6. The proposal **WILL NOT** endanger the public health, safety, or general welfare if located where proposed.
- a. The public was notified of this proposal in accordance with all guidelines and requirements, and the Planning Department received **NO COMMENTS** in favor of the proposal, and **NO COMMENTS** in objection to the proposal.
 - b. To protect water quality and health related issues, the applicant is required to comply with a State of Washington Dairy Nutrient Management Plan. The Nutrient Management Plan, as enforced by the Washington State Department of Agriculture has the following water quality objectives: "Preventing discharge of contaminated waste water to streams, drainage ditches, or other surface waters from the facility; Preventing migration of contaminants from the facility to the underlying aquifer; Using facility nutrients to supply crop nutrient needs at rates and times tailored to reach realistic yield goals; Meeting the requirements of the Dairy Nutrient Management Act of 1998, the Clean Water Act".
 - c. The applicant currently has a Nutrient Management Plan for the existing dairy operation. With the expansion, an updated Plan is required and shall be completed.
 - d. Completion of an Odor and Fly Control Plan for the operation. This Plan will discuss numerous items including potential sources of odors and flies on the farm including methods to control and reduce odors and flies at the dairy site.
 - e. A Mitigated Determination of Non-Significance (MDNS) has been issued as part of the SEPA review and determination. An approved Conditional Use Permit, compliance with the required Dairy Nutrient Management Plan, and compliance with the State Department of Agriculture's regulations is required for this application.
 - f. The project is located within Fire District #1, a rural district. Measures such as enhanced building separation standards and development of a fire apparatus road are necessary to ensure safety.

Suggested Conditions of Approval:

1. The project must include the use of proper erosion and sediment control practices on the construction site and adjacent areas to prevent upland sediments from entering surface water. Refer to the Stormwater Management Manual for Eastern Washington at http://www.ecy.wa.gov/programs/wq/stormwater/eastern_manual/manual.html. All ground disturbed by construction activities must be stabilized. When appropriate, use native vegetation typical of the site. In addition, a General Construction Storm Water Permit from the Washington State Department of Ecology will be needed if the project is one acre or greater.
2. A **Mitigated Determination of Non-Significance (MDNS)** has been issued as part of the SEPA review and determination. An approved Conditional Use Permit, compliance with the required dairy Nutrient Management Plan, and compliance with the State Department of Agriculture's regulations is required for this permit.
3. The applicant shall comply with the State of Washington's requirements for Dairy operations including the implementation of a **Nutrient Management Plan (NMP)** for the operation. Nutrient management plans focus on water quality related issues. The applicant's current NMP for the dairy operation was completed for the current size of the operation. A copy shall be provided to the County to be placed in the CUP case file, if allowed per federal disclosure laws.
4. Any headcount expansion at the site shall comply with the applicable NMP in effect at the time of expansion.
5. The Odor and Fly Control Guidelines adopted by County Resolution 2001-238 by the Board of County Commissioners states that an **Odor and Fly Control Plan** may be required as part of a Conditional Use Permit for animal operations. An Odor and Fly control Plan **is** required for this operation and expansion. The applicant is required to complete and submit an Odor and Fly Control plan by June 2022 (18 months from the date of CUP approval), which is consistent with the required NMP submittal.
 - a. To assist in being a good neighbor and encouraging positive neighbor relations, the applicant shall ensure the required Odor and Fly Control Plan discusses the following:
 - i. Field spraying of animal waste should only occur at times that will least impact surrounding neighbors. With this, spraying should not occur on weekends and on holidays when neighboring landowners may be spending an increased amount of time enjoying the outdoors; and
 - ii. Applicant should maintain an open door policy with surrounding land owners. Address neighbor issues to the best extent reasonably possible and in turn assist in eliminating nuisance issues to the best of applicants' ability.
6. The applicant shall, at all times, comply with the necessary Federal and State standards for dairy operations. This includes, but is not limited to the Washington State Department of Agriculture requirements for dairy operations.

7. The project must comply with the standards of the **Benton Franklin Health District**. The facility must provide domestic drinking water by a public water supply in accordance with WAC 246-291, approved by the Washington State Department of Health Office of Drinking Water.
8. **Approach permits** are required for any new approaches onto county roads.
9. New facilities such as barns, pen areas, and parlor expansion will need to be established as the headcount number increases. The applicant is required to comply with the requirements of the **County Building Division** regarding any new construction at the site. On Site Water for Fire Protection may be required upon completion of Building Department review of submittals and consultation with local Fire District in accordance with the International Fire Code (IFC).
10. The applicant must submit copies of Water Availability Notification form for proof of an approved potable water source and other information from WA State.
11. Before construction, applicant is required to conduct an archeological survey of the project in order to meet the requirements of the Department of Archaeology & Historic Preservation (DAHP).
12. The following **Fire Code** requirements shall be complied with: Prior to building permits being issued for the site, a fire apparatus lane shall be constructed to the site, a 20' clear area shall be provided around all buildings and the following setbacks are required for new construction on the property.
 - a. Setbacks: The following separation standards shall be required for all existing, new building(s)/structure(s) placed on this parcel:
 - i. Front yard setback: Twenty-five (25) feet from a road right-of way and/or a dedicated roadway/easement, and/or fifty-five (55) feet from the center line of such road right-of way and/or roadway/easement, whichever is greater.
 - ii. Rear yard setback: Twenty-five (25) feet.
 - iii. Side yard setback: Twenty (20) feet.
 - iv. Building separation standards will be determined at the time of building plan review. Typical separation standard is 60 feet.
 - b. Fire extinguishers shall be clearly marked.
13. Per Franklin County Ordinance Number 5-2007, as amended, prohibits the **accumulation of irrigation water on County Roads** in Franklin County. Compliance with this Ordinance is required for this operation.
14. **Outdoor lighting** at the facility shall be shielded down. This will assist in ensuring the outdoor lighting will not become a nuisance to neighboring properties and will limit light pollution in the rural area.

15. Any **discontinuance or abandonment** of the approved use (dairy operation) for a period of one (1) year shall null and void this CUP approval.
16. The site shall be maintained at all times so as to not let the land become a fire hazard or accumulate with debris and weeds.
17. 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.
18. 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.
19. 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.
20. Future expansions and improvements at the site shall comply with the submitted and approved site and building plans. To allow future flexibility for changes to the plans which are determined to be minor or incidental may be done administratively by the Planning Department. Major changes, which do not meet the intent of, or seriously re-align, the approved plans, shall be reviewed by the Planning Commission through a new Conditional Use Permit process prior to that change occurring.
21. By accepting the issuance of this permit, the Permit Holder(s) agree(s) to accept full responsibility for any and all operations conducted or negligence occurring at this location and any incidents that occur on surrounding properties caused by operations or negligence at this location; Permit Holder(s) further agree(s) to indemnify and hold the County harmless and agree that the County is in no way negligent in relation to granting this permit, or operations or negligence that occur at this location or on surrounding properties caused by operations or negligence on this property; Permit Holder(s) further agree(s) to accept full responsibility for any future cleanup needed due to activities conducted at this location that impact the surrounding properties, and obtaining and retaining appropriate insurance coverage.

12/29/2020

CUP 2020-04
**CONDITIONAL USE
PERMIT**
CASE VANDERMEULEN



FRANKLIN COUNTY PLANNING COMMISSION
Tuesday, January 5, 2021

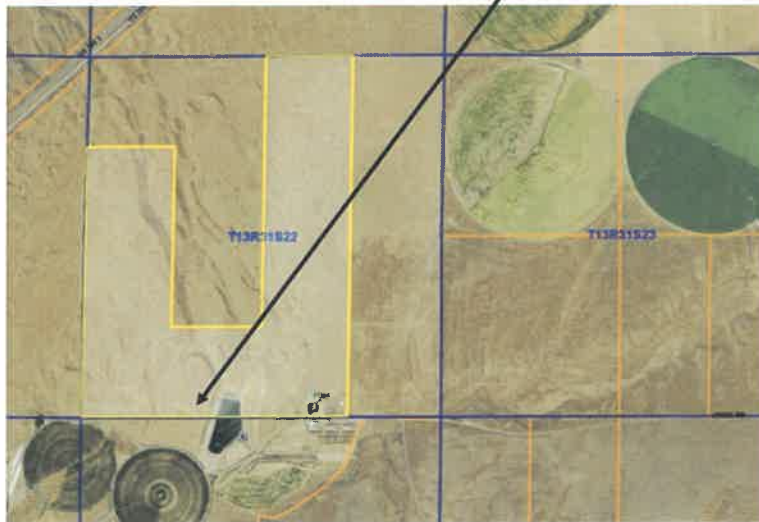
CUP 2020-04

- ☐ The property is located to the North of Pepiot Rd., West of Joyce Rd. and South of HWY 395.
- ☐ Address: Parcel #109-270-022 has no address. Parcel #109-220-022 has an address of 2270 Joyce Rd.
- ☐ Parcel Number(s): 109-270-022 and 109-220-022

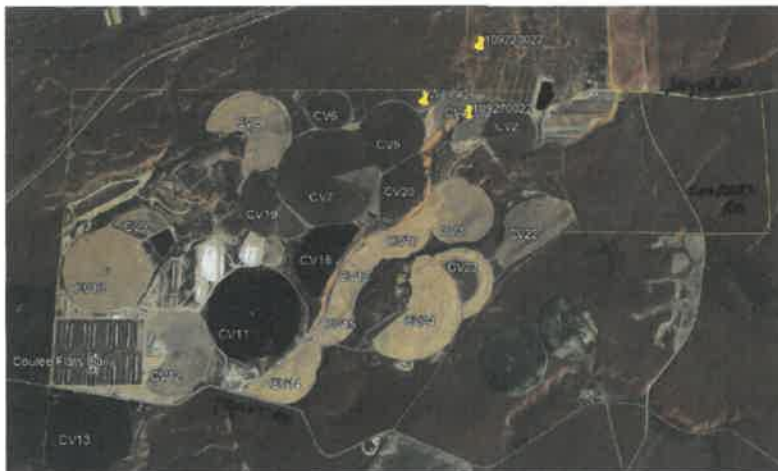
12/29/2020

CUP 2020-04

SUBJECT AREA



CUP 2020-04 AERIAL MAP



12/29/2020

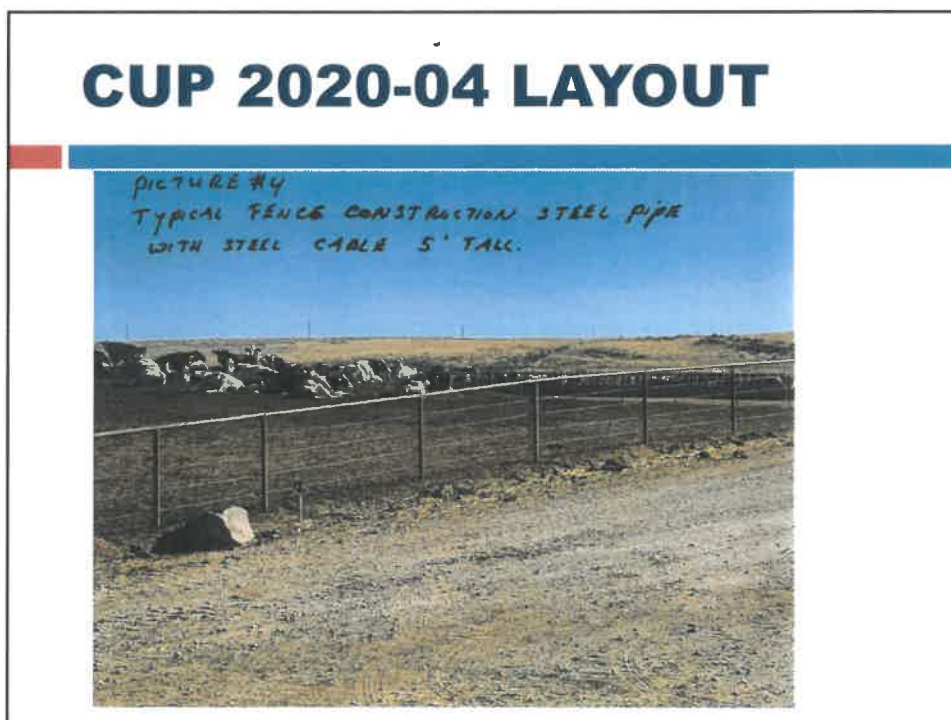
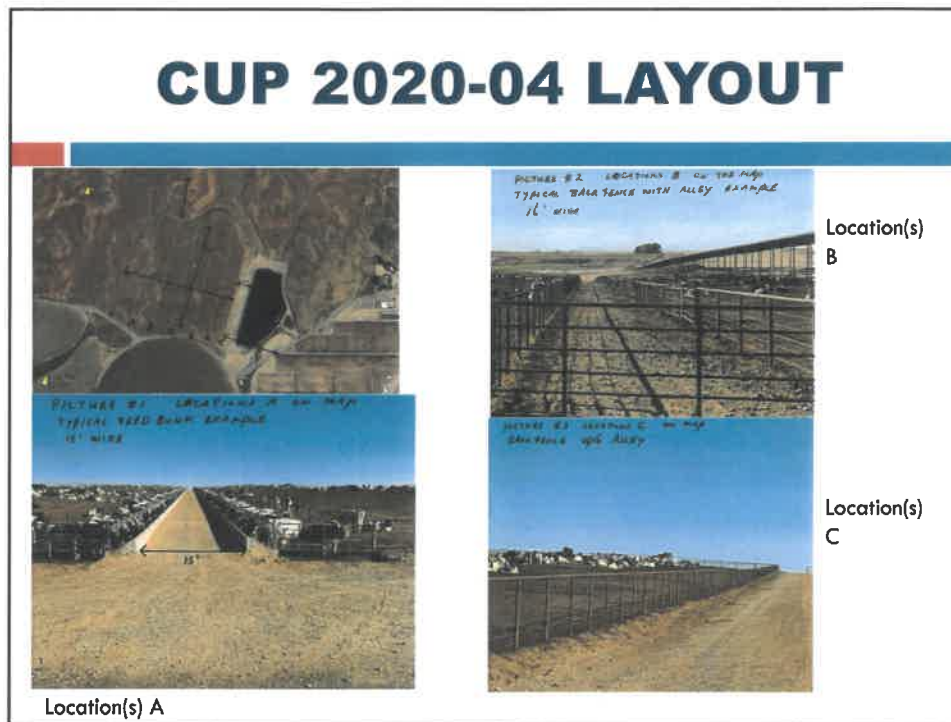
CUP 2020-04

- ❑ **Comp. Plan:** Ag
- ❑ **Zoning:** Agricultural Production AP-20
- ❑ **Request:** The conditional use permit application is to allow the expansion of an existing feedlot for up to 6,500 head of cattle.
- ❑ **Property size:** The current property size of both parcels is approximately 635 acres.
- ❑ **Area to be Used:** Approximately 30-50 acres of both parcels are to be used for the feedlot. For reference, the existing feedlot is approximately 45-50 acres.

CUP 2020-04 CLOSE UP



12/29/2020



12/29/2020

CUP 2020-04 PUBLIC NOTICE



CUP 2020-04 PUBLIC NOTICE

- ☐ Staff notified agencies on December 10, 2020.
- ☐ Staff mailed notices to property owners within 1 mile on December 10, 2020.
- ☐ Sign was posted on the property on, or about, December 18, 2020.
- ☐ SEPA Determination of Non-Significance (DNS) was issued on December 10, 2020.
- ☐ Public notice was published in the Tri-City Herald and Franklin County Graphic on December 10, 2020.

12/29/2020

CUP 2020-04 Regulatory

- ❑ **Fly and Odor Control:** Recommendation - Plan will be required.
- ❑ **Nutrient Management Plan:** A plan was approved by Department of Agriculture for the existing feedlot. It will need to be updated to include said expansion.
- ❑ **Archaeological Survey:** Department of Archaeology & Historic Preservation (DAHP), requires an archaeological survey to be conducted on the site before construction can occur.

CUP 2020-04/SEPA 2020-11

SEPA MDNS - Mitigation Measures:

- 1) Apply for and obtain a Franklin County Conditional Use Permit for land use approval.
- 2) Obtain a letter from the Franklin Conservation District board to allow a deviation from the Dairy Separation Standard (buffer) required under FCC 17.10.020(B)(1)(a).
- 3) If land use approval is granted by Franklin County, the applicant shall:
 - a) Comply with all conditions of the Franklin County Conditional Use Permit.
 - b) Continued compliance with the Washington State Department of Agriculture's requirements for Dairy Nutrient Management Plans – including update requirements of the existing and approved plan.
 - c) Comply with the Washington State Department of Ecology's applicable permit requirements, including air and water quality standards.
 - d) Establish and comply with an Odor and Fly Control Plan consistent with Franklin County Resolution 2001-238, to be approved by the Franklin Conservation District.
- 4) Compliance with the existing water rights and/or stock watering exemption is required at all times for this operation.
- 5) Nothing in this MDNS shall excuse the applicant from complying with all other Local, State and Federal regulations relating to dairy operations, etc.

12/29/2020

CUP 2020-04 ENVIRONMENT

- ❑ There is a retention pond located approximately 150 feet from proposed feedlot expansion.
- ❑ Domestic sewage is via an existing septic tank, used by residents and employees.
- ❑ **WETLANDS:** None.
- ❑ **CRITICAL AQUIFER RECHARGE AREAS:** None.
- ❑ **FREQUENTLY FLOODED AREAS:** There are some floodplains located near the project area, with a potential encroachment in the buffer area. FEMA map indicates this is a natural flood channel in a 100 year flood event.
- ❑ **GEOLOGICALLY HAZARARDOUS AREAS:** There are some areas near or slightly within project area that have slopes of less than 15 percent.
- ❑ **FISH AND WILDLIFE HABITAT AREAS:** Is located in an area listed by Washington Department of Fish and Wildlife as habitat for Ferruginous Hawk, which is considered threatened by Washington State.

CUP 2020-04 CRITICAL AREAS MAP



Blue=Floodplain
Green/Turquoise=Geohazard Slopes

12/29/2020

CUP 2020-04 Suggested Motion

- “I move that the Planning Commission **adopt** the **6** findings of fact and **21** conditions of approval as detailed in the staff report for case-file **CUP 2020-04** and recommend **approval** of the CUP to the Board of County Commissioners.”

RECOMMENDED FINDINGS OF FACT

1. The proposed use in the AP-20 Zoning District **IS** in accordance with goals and policies of the County Development Regulations (Zoning) and the applicable Comprehensive Plan.
2. The proposal **WILL NOT** adversely affect public infrastructure.
3. The proposal **WILL BE** constructed, maintained, and operated to be in harmony with the existing or intended character of the general vicinity.

12/29/2020

RECOMMENDED FINDINGS OF FACT

4. The location and height of the structure and site design **WILL NOT** discourage the development of permitted uses on property in the general vicinity or impair the value thereof.
5. The operation in connection with the proposal **WILL NOT** be more objectionable to nearby properties by reason of noise, fumes, vibrations, dust, traffic, or flashing lights than would be the operation of any permitted uses within the district.

RECOMMENDED FINDINGS OF FACT

6. The proposal **WILL NOT** endanger the public health, safety, or general welfare if located where proposed.

12/29/2020

CONDITIONS OF APPROVAL

In addition to "standard" CUP language:

1. The project must include the use of proper erosion and sediment control practices on the construction site and adjacent areas to prevent upland sediments from entering surface water...
2. A **Mitigated Determination of Non-Significance (MDNS)** has been issued as part of the SEPA review and determination. An approved Conditional Use Permit, compliance with the required dairy Nutrient Management Plan, and compliance with the State Department of Agriculture's regulations is required for this permit.
3. The applicant shall comply with the State of Washington's requirements for Dairy operations including the implementation of a **Nutrient Management Plan (NMP)** for the operation....

CONDITIONS OF APPROVAL

4. The applicant's 2018 NMP shall be complied with until the new NMP is adopted. Any headcount expansion at the site shall comply with the applicable NMP in effect at the time of expansion.
5. ...An Odor and Fly control Plan is required for this operation and expansion...
6. The applicant shall, at all times, comply with the necessary Federal and State standards for dairy operations. This includes, but is not limited to the Washington State Department of Agriculture requirements for dairy operations.
7. The project must comply with the standards of the **Benton Franklin Health District**. The facility must provide domestic drinking water by a public water supply in accordance with WAC 246-291, approved by the Washington State Department of Health Office of Drinking Water.
8. Before construction, applicant is required to conduct an archeological survey of the project in order to meet the requirements of the Department of Archaeology & Historic Preservation (DAHP).

Agenda Item #1

PUBLIC NOTICE/PUBLIC COMMENTS

CUP 2020-04

CASE VANDERMEULEN

Memo



Public Works Department

To: Derrick Braaten, Planning & Building Director
From: John Christensen, County Surveyor
cc: Craig Erdman, County Engineer
Date: December 18, 2020
Re: CUP 2020-04 Coulee Flats Dairy

Derrick,

We have reviewed the application for a Conditional Use Permit along with SEPA 2020-11 for the construction of a feedlot to grow dairy heifer replacements and offspring on parcel #109-220-022 & 109-270-022.

Public Works has concluded that the proposed use will not have a significant impact on the County Road System. However, we have the following general comments:

1. An approach permit is required for access to Franklin County roads per the County Road Approach Policy (Resolution No. 2014-123). Requirements include required permits, approach construction, minimum design standards, etc. per Franklin County Design Standards for the Construction of Roads and Bridges (Resolution 2002-270).
2. Any utility extension crossing Franklin County roads will be addressed at the time of application. See Accommodation of Utilities on County Road Right-of-Way for more information (Resolution #2000-330).

Please let me know if you have any questions.



Allyson Brooks Ph.D., Director
State Historic Preservation Officer

December 11, 2020

Aaron Gunderson
Planner I
Franklin County
1016 N. 4th Ave.
Pasco, WA 99301

In future correspondence please refer to:
Project Tracking Code: 2020-12-07554
Property: Franklin County_Coulee Flats Dairy Feedlot Project (CUP 2020-04)
Re: Survey Requested

Dear Aaron Gunderson:

Thank you for contacting the Washington State Historic Preservation Officer (SHPO) and Department of Archaeology and Historic Preservation (DAHP) and providing documentation regarding the above referenced project. Our statewide predictive model indicates that there is a high probability of encountering cultural resources within the proposed project area. In fact, several previously recorded archaeological sites are located less than 1 mile from the project area. Further, the scale of the proposed ground disturbing actions would destroy any archaeological resources present. Identification during construction is not a recommended detection method because inadvertent discoveries often result in costly construction delays and damage to the resource. Therefore, we recommend a professional archaeological survey of the project area be conducted prior to ground disturbing activities. We also recommend consultation with the concerned Tribes' cultural committees and staff regarding cultural resource issues.

These comments are based on the information available at the time of this review and on behalf of the SHPO in conformance with Washington State law. Should additional information become available, our assessment may be revised.

Thank you for the opportunity to comment on this project and we look forward to receiving the survey report. Please ensure that the DAHP Project Number (a.k.a. Project Tracking Code) is shared with any hired cultural resource consultants and is attached to any communications or submitted reports. Should you have any questions, please feel free to contact me.

Sincerely,

Sydney Hanson
Transportation Archaeologist
(360) 280-7563
Sydney.Hanson@dahp.wa.gov





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

December 22, 2020

Aaron Gunderson
Planner I
Franklin County Planning and Building Department
502 Boeing Street
Pasco, WA 99301

Re: Coulee Flats Dairy 2020 Feedlot, File: 2020-11, CUP 2020-00 – REVISED LETTER

Dear Aaron Gunderson:

Thank you for the opportunity to comment on the Mitigated Determination of Nonsignificance regarding the construction of a feedlot. The project includes construction of corrals with feed bunks, fences and concrete slabs (Proponent: Coulee Flats Dairy). After reviewing the documents, the Department of Ecology (Ecology) submits the following comments:

Toxics Cleanup Program-Evelyn Cummings (509) 329-3492

If the property has been historically used for agricultural purposes, then there may be a need for a site assessment to ensure that possible residues from agricultural chemicals are not a threat to human health and the environment.

For questions, please contact Evelyn Cummings (509) 329-3492 or via email at Evelyn.Cummings@ecy.wa.gov.

Water Quality Program-Amanda Richardson (509) 329-3585

Nitrate levels in Franklin County drinking water wells is a concern. This operation should be designed and operated in a way to protect groundwater from pollution. Any discharge to surface or groundwater will require a Confined Animal Feeding Operation permit. If existing retention pond is to be used as waste storage, ensure that seepage from the pond doesn't contribute pollution to groundwater.

For more information or technical assistance, please contact Amanda Richardson at (509) 329-3585 or via email at Amanda.Richardson@ecy.wa.gov.

Aaron Gunderson
December 23, 2020
Page 2

State Environmental Policy Act (SEPA)

Ecology bases comments upon information submitted for review. As such, comments made do not constitute an exhaustive list of the various authorizations you may need to obtain, nor legal requirements you may need to fulfill in order to carry out the proposed action. Applicants should remain in touch with their Local Responsible Officials or Planners for additional guidance.

To receive more guidance on or to respond to the comments made by Ecology, please contact the appropriate staff listed above at the phone number or email provided.

Department of Ecology
Eastern Regional Office
(Ecology File: 202006208)

cc: Case VanderMeulen, Owner, Coulee Flats Dairy

Aaron Gunderson

From: Rebeca Gilley
Sent: Monday, December 14, 2020 12:31 PM
To: davidlcamp@hotmail.com
Cc: Derrick Braaten; Aaron Gunderson; Donna Crisp; Julie A. Michel
Subject: FW: [EXTERNAL] Case VanderMeulen Hearing CUP 2020-1 and SEPA 2020-11

I will forward your request to our Planners Derrick and Aaron

From: David Camp [mailto:davidlcamp@hotmail.com]
Sent: Monday, December 14, 2020 11:40 AM
To: planninginquiry <planninginquiry@co.franklin.wa.us>
Cc: David Camp <davidlcamp@hotmail.com>
Subject: [EXTERNAL] Case VanderMeulen Hearing CUP 2020-1 and SEPA 2020-11

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.

Dear Franklin County,

My mother Maryette Camp has received a notice of this hearing and has asked me to attend virtually for her as we have land adjoining this proposed project. I would like to be included in this meeting.

With very best regards,
David
David L Camp
Mobile: 760.409.4234
Email: DAVIDLCAMP@hotmail.com

Aaron Gunderson

From: Aaron Gunderson
Sent: Wednesday, December 16, 2020 3:34 PM
To: 'larry@stonebridgewa.com'
Cc: Derrick Braaten; Rebeca Gilley
Subject: Site Maps for CUP 2020-04
Attachments: CUP 2020-04 Zoomed Out Vicinity Map.pdf; CUP 2020-04 Zoomed In Vicinity Map.pdf

Hi Larry,

I've attached both site maps that were included as part of the application. Like we discussed over the phone, both of these maps are rough sketches as to where the feedlot will be located. 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



FRANKLIN COUNTY

PLANNING AND BUILDING DEPARTMENT

MAILED
12-9-2020

NOTICE OF PUBLIC HEARING & SEPA DETERMINATION

NOTICE IS HEREBY GIVEN that there has been proposed to the Franklin County Planning Commission an application by **Case VanderMeulen**, PO Box 228 Mesa, WA 99343, for a Conditional Use Permit, file # **CUP 2020-04** and **SEPA 2020-11**.

Said application is to allow for the construction of a feedlot to grow dairy heifer replacements and offspring. The applicant is pursuing a Conditional Use Permit in order to exceed the permitted as right feedlot limit of 1,000 head, as specified in FCC 17.10.020 (B)(5). A maximum of 6,500 head of cattle are to be at the site. Features of the site will consist of corrals with feed bunks, fences and concrete slabs on an area of around 30-50 acres. The area where the project is proposed has a zoning of Agricultural Production 20 (AP-20), with a comprehensive plan designation of Agricultural.

The subject parcel is described as follows:

LEGAL DESCRIPTION:

Southwest 1/2 of Township 13, Range 32, Section 22 and Northwest 1/2 of Township 13, Range 31, Section 27, W.M. of Franklin County, WA

NON-LEGAL DESCRIPTION:

Parcel #109-270-022 has no address, while Parcel #109-220-022 has an address of 2270 Joyce Rd. Property is bounded to the South of HWY 395, West of Joyce Rd. and North of Pepiot Rd. (Parcel Number's #109-220-022 and #109-270-022).

NOTICE IS FURTHER GIVEN that said application will be considered by the Franklin County Planning Commission. A public hearing will be held on **January 5, 2021 at 6:30 PM**. Due to the Covid-19 emergency declaration, the public may not attend in person. Written comments are accepted prior to public hearing and those comments shall be submitted by either email at planninginquiry@co.franklin.wa.us, or by regular mail to Franklin County Planning Department, 502 W. Boeing Street, Pasco, WA 99301. Written Comments shall be submitted by **4:00 PM ON JANUARY 4, 2021**. Further information on how to participate in the meeting is provided below.

NOTICE IS FURTHER GIVEN that said proposal has been reviewed under the requirements of the State Environmental Policy Act, as amended, along with the Environmental Checklist and other information. A determination has been made as to the environmental impacts of the proposal and a **Determination of Non-Significance (DNS)** has been issued. Accordingly, an Environmental Impact Statement is **not** required. This determination was made on **December 10, 2020** and comment period for determination and environmental impacts of proposal were closed on **December 24, 2020**.

HOW TO ATTEND VIRTUAL MEETING: To participate in meeting, you will have to pre-register by phone at 509-545-3521 or email at planninginquiry@co.franklin.wa.us before end of business day **(4:00 PM) December 31, 2020**. WebEx invitations will be sent out through email **January 4, 2021 by 4:00 PM**. You can watch the proceeding on YouTube Live, by going to the Franklin County, WA agenda page at <https://www.co.franklin.wa.us/planning/agenda.html>. There you can access the virtual agenda with the YouTube Live link. Virtual agendas will be posted by the Friday before said meeting date.

Information concerning the proposal can be obtained by email at planninginquiry@co.franklin.wa.us or by calling 509-545-3521.

DATED AT PASCO, WASHINGTON ON THIS 10th DAY OF DECEMBER 2020

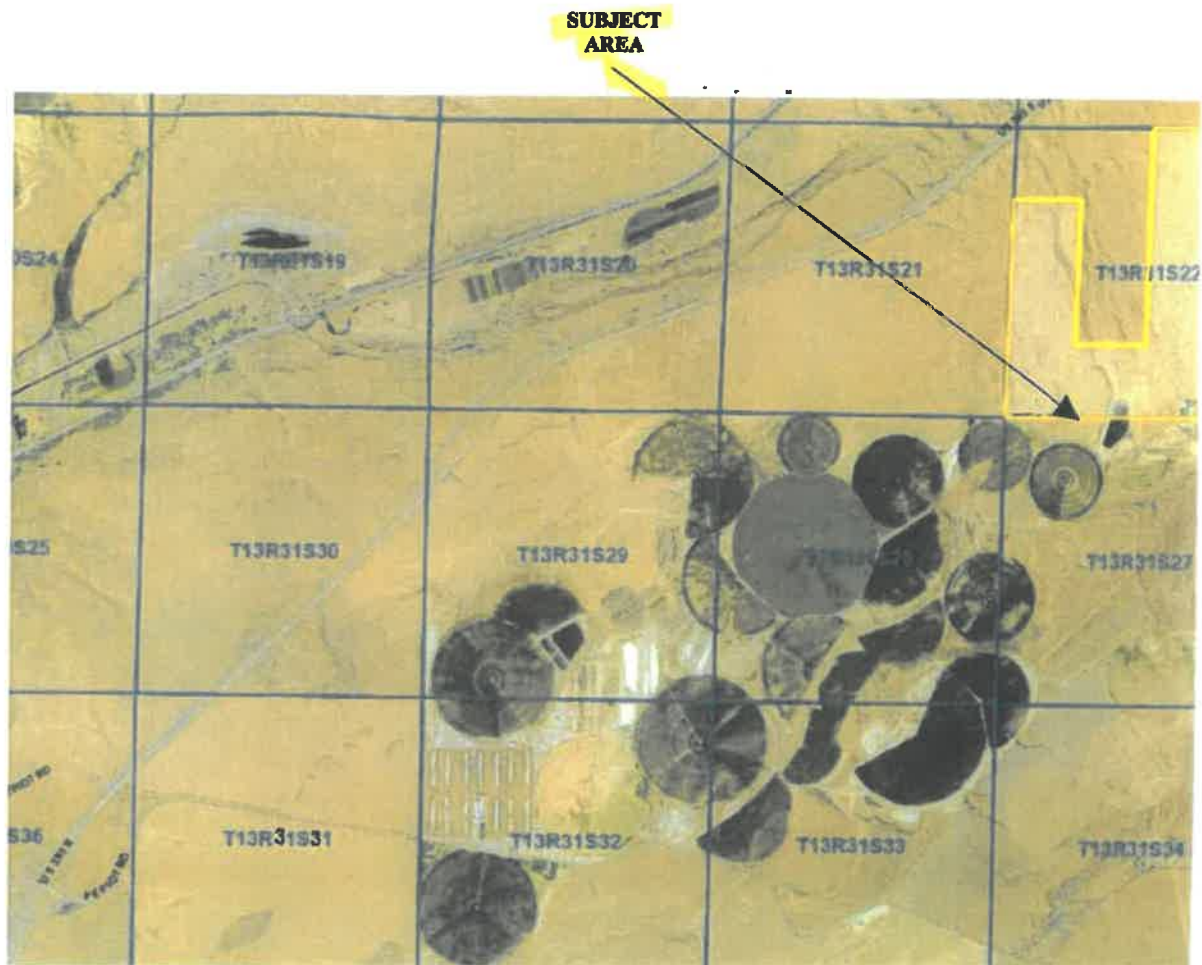
PUBLISH:

Franklin County Graphic: December 10, 2020

Tri-City Herald: December 10, 2020

CUP 2020-04

VICINITY MAP:



DATED AT PASCO, WASHINGTON ON THIS 10th DAY OF DECEMBER 2020.

PUBLISH:

Franklin County Graphic: December 10, 2020

Tri-City Herald: December 10, 2020

Derrick Braaten, Planning and Building Director



Agenda Item #1

APPLICATION, SEPA DETERMINATION/CHECKLIST

CUP 2020-04

CASE VANDERMEULEN

2020-04



FRANKLIN COUNTY CONDITIONAL USE PERMIT (CUP) APPLICATION SUPPLEMENT

Submittal Checklist:

<input checked="" type="checkbox"/>	General Land Development Application
<input checked="" type="checkbox"/>	\$400.00 Conditional Use Permit Fee: Check made payable to the Franklin County Planning and Building Department.
<input checked="" type="checkbox"/>	\$150.00 SEPA Fee: Check made payable to the Franklin County Planning and Building Department.
<input checked="" type="checkbox"/>	SEPA Checklist: A completed State Environmental Policy Checklist shall be completed and submitted with this application.
<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 review period will not begin until this Variance Report is completed.</i>
<input checked="" type="checkbox"/>	Site Plan: Provide a site plan on 8.5" x 11" or 11" x 17" paper, drawn neatly and to scale, that includes: <ul style="list-style-type: none">• North arrow, Legend stating the Owner/Applicant name, date the site plan was drawn, tax parcel number, and scale;• Exterior property lines and any adjacent public street or alley rights-of-way;• Existing and proposed buildings and other structures;• Existing and proposed retaining walls or fences (<i>indicate material, if the fencing provides visual screening, the height of the fence, and if there is barbed wire</i>);• Existing and proposed points of ingress and egress, drives and driveways and circulation pattern;• The location of existing and proposed parking areas with each parking space shown and surface type indicated and lighting noted;• Existing and proposed open spaces and landscape areas;• Water (Location of well or water systems within 100 feet of the subject property or within a 100 foot well control zone and the distance from any structures within the well control zone) and sewerage facilities (Location of proposed or existing drain field area, extension area, and tank area as well as replacement areas and distances to structures and property lines);• Storm water drainage;• Sidewalks and streetlights;• Fire protection devices, with sufficient water storage and flows;• Facilities or improvements to address compatibility with adjacent dissimilar land uses;• Location of structures on the adjoining lots, which may cause compatibility issues;• All major man-made and natural physical features such as railroads, canals, streams, creeks, drainage ditches, hills, depressions, steep slopes, lakes, shorelines, floodplains*, floodways,

	<p>the 100-year base flood elevations etc. on-site or adjacent to the site;</p> <ul style="list-style-type: none">• Proposed contours and grading as they affect lot layout, streets, and drainage ways; and• Location of proposed or existing drain field area, extension area, and tank area as well as replacement areas and distances to structures and property lines.
<input type="checkbox"/>	Property information: Covenants, Conditions and Restrictions (CC&Rs) or deed restrictions pertaining to or affecting the property (if any).
<input 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.

CONDITIONAL USE PERMIT INFORMATION

ZONING:
AP20

PROJECT NAME:
Coulee Flats Dairy 2020 Feedlot

WHAT ARE YOU PROPOSING? (ex: Accessory Dwelling Unit, Bed and Breakfast, Commercial Agriculture, Church, Dairy, Accessory Building deviating from standards, Wireless Communication Facility, etc.)

Feedlot for dairy replacement heifers and offspring

LOT/PARCEL SIZE:
109220022-316 Acres & 109270022-319 Acres

SIZE OF THE AREA TO BE USED FOR THE PROPOSED USE OR BUILDING:
30-50 Acres

PRESENT USE OF THE LAND AND STRUCTURES, IF ANY:
Range ground and retention pond

DETAILED DESCRIPTION OF THE PROPOSED USE / DEVELOPMENT PROPOSAL (ATTACH ADDITIONAL SHEETS IF NEEDED):
Construction of a feedlot to grow dairy heifer replacements and offspring, consisting out of corrals with feed bunks, fences and concrete slabs.

WILL THE PROJECT BE CONDUCTED ENTIRELY WITHIN A STRUCTURE? ☐ YES ☒ NO

A. IF NO, DESCRIBE THE OUTDOOR ACTIVITIES (E.G., OUTDOOR EATING, PLAYGROUND, PARK):
Feeding and growing of dairy replacements and offspring.

B. WHAT IS THE APPROXIMATE SQUARE FOOTAGE, OR SEATING CAPACITY OF YOUR OUTDOOR USE AREA(S)?
6500 Head

C. WHAT TYPE OF NOISES WILL THE OUTDOOR USE GENERATE (E.G. MUSIC, MACHINERY, VEHICLES)?
Noises from general agriculture and livestock equipment such as tractors and trucks.

PROPOSED HOURS OF OPERATION/DAYS OF THE WEEK (INDICATE MONTHS, IF SEASONAL):
24 hours a day 365 days a year.

PROPOSED STRUCTURES AND USE (SIZE, HEIGHT, ETC.):

Feedbunks, concrete slabs and fences. there are no buildings in the proposal.

HOW WILL THE PROPOSED DEVELOPMENT BE COMPATIBLE WITH THE USES PERMITTED IN THE SURROUNDING ZONE(S)?

Yes the site is in a rural enviroment with the closest neighbor around 2.5 miles away and we already have an existing dairy and feedlot on the same farm.

DESCRIBE HOW THE SUBJECT PROPERTY IS PHYSICALLY SUITABLE FOR THE TYPE, DENSITY AND/OR INTENSITY OF THE USE BEING PROPOSED:

This is a very low populated area of dryland and crp farms, the closest neighbor is 2.5 miles away and there are no open water bodies or streams in the vicinity.

PROPOSED MEASURES TO ENSURE COMPATIBILITY WITH PERMITTED USES IN THE SURROUNDING ZONE (EXAMPLE: FENCES, LANDSCAPE BUFFERS, BERMS, ETC):

The site is already very hidden by natural land scapes and topagraphy. No other measures proposed

DESCRIBE ANY EXISTING ZONING ORDINANCE VIOLATION:

None

IRRIGATION SOURCE:

☐ NONE ☒ PRIVATE ☐ SCBID ☐ FCID

DOMESTIC WATER SUPPLY:

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

☐ OTHER (SPECIFY):

SEWAGE DISPOSAL:

☐ ON-SITE SEPTIC ☐ OTHER (SPECIFY):

LIST UTILITY PROVIDERS:

Power – BBEC

Telephone – Centurylink

Natural Gas – N/A


Cable / Broadband – Desert wireless

Sanitary waste disposal - Basin Disposal

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.


Owner _____ Date 16/20/20

SAHR
Applicant/Representative _____ Date _____

Print Name: CASH VANDER MEULEN

Print Name: _____

Rev. Jan 2019



FRANKLIN COUNTY

PLANNING AND BUILDING DEPARTMENT

CUP 2020-04
SEPA 2020-11

GENERAL LAND DEVELOPMENT APPLICATION

FOR STAFF USE ONLY:	FILE #:	S L A W P U 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 checked="" 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 type="checkbox"/> Short Plat	<input checked="" 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 checked="" type="checkbox"/>	Property Owner Name: Case VanderMeulen Mailing Address: P.O. Box 228 Mesa, WA 99343 Phone: 509-840-0141 Email: casevdm@cfdairy.com
<input type="checkbox"/>	Applicant / Agent / Contractor (if different) Company: Name: Address: Email: Phone:
<input type="checkbox"/>	Surveyor / Engineer Company: Name: Address: Email: Phone:

BRIEF DESCRIPTION OF PROJECT OR REQUEST:

Conditional Use permit for a Feedlot

PROPERTY INFORMATION:

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

109220022 & 109270022

Legal Description of Property:

Site Address (describe location if no address is assigned):
1/3 mile east of 2270 Joyce rd. Mesa WA.

- 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

10/29/20
Date

Applicant/Representative

Date

Print Name:

CASA VAN OBERMUELEN

Print Name:

PLANNING AND BUILDING DEPARTMENT
502 W. Boeing St.
Pasco, WA 99301
509-545-3521

Receipt Number: PL20-00779

Payer/Payee: CASE VANDERMEULEN
PO BOX 228
MESA WA 99343-0228

Cashier: Donna Crisp

Date: 10/23/2020

CUP-2020-04 CONDITIONAL USE PERMIT 2270 JOYCE RD

Fee Description

Fee Amount Amount Paid Fee Balance

Conditional Use Permit

\$450.00 \$450.00 \$0.00

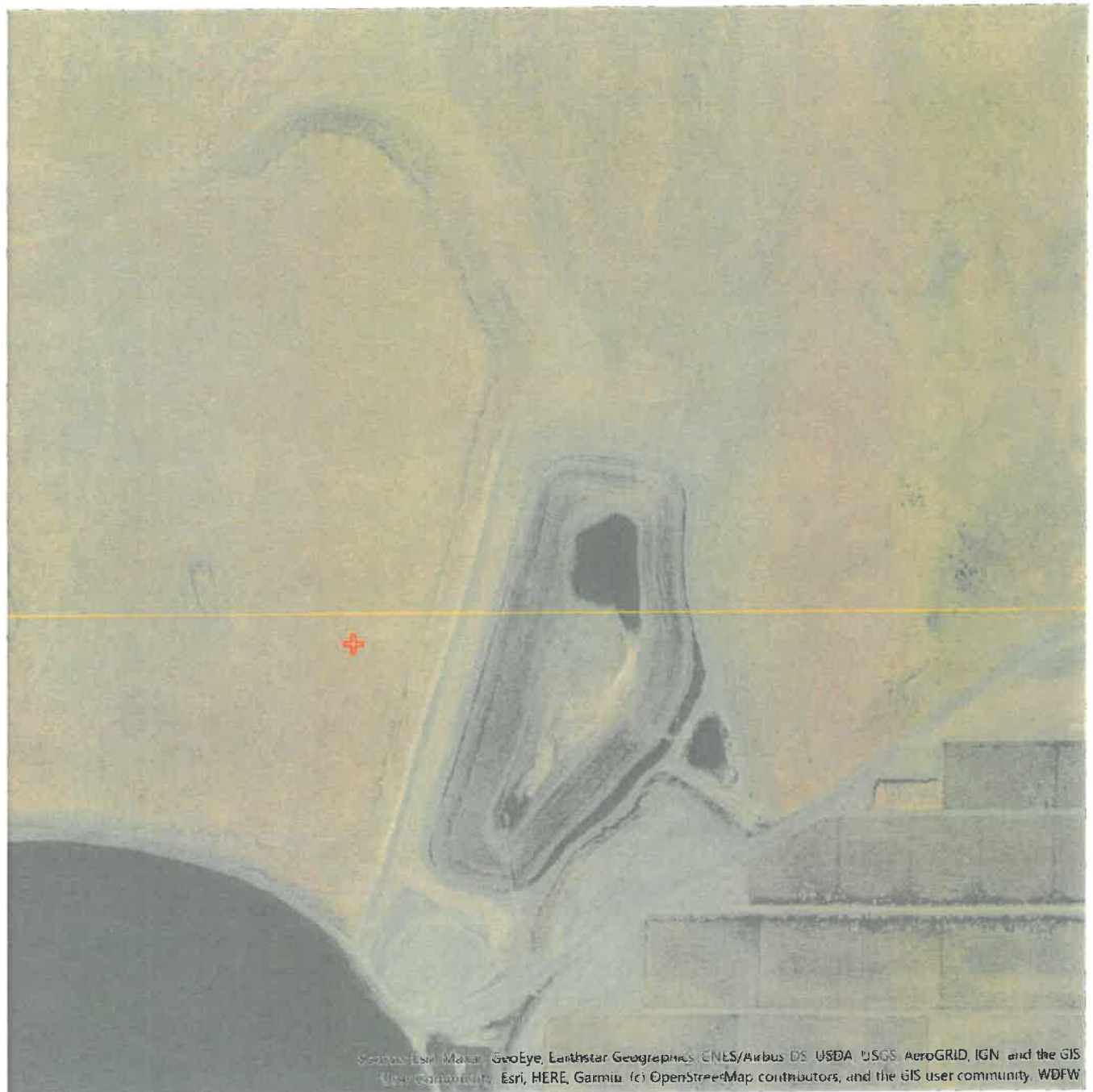
\$450.00 \$450.00 \$0.00

Payment Method	Reference Number	Payment Amount
CHECK	46096	\$450.00

Total Paid: \$450.00



Priority Habitats and Species on the Web



Report Date: 11/20/2020

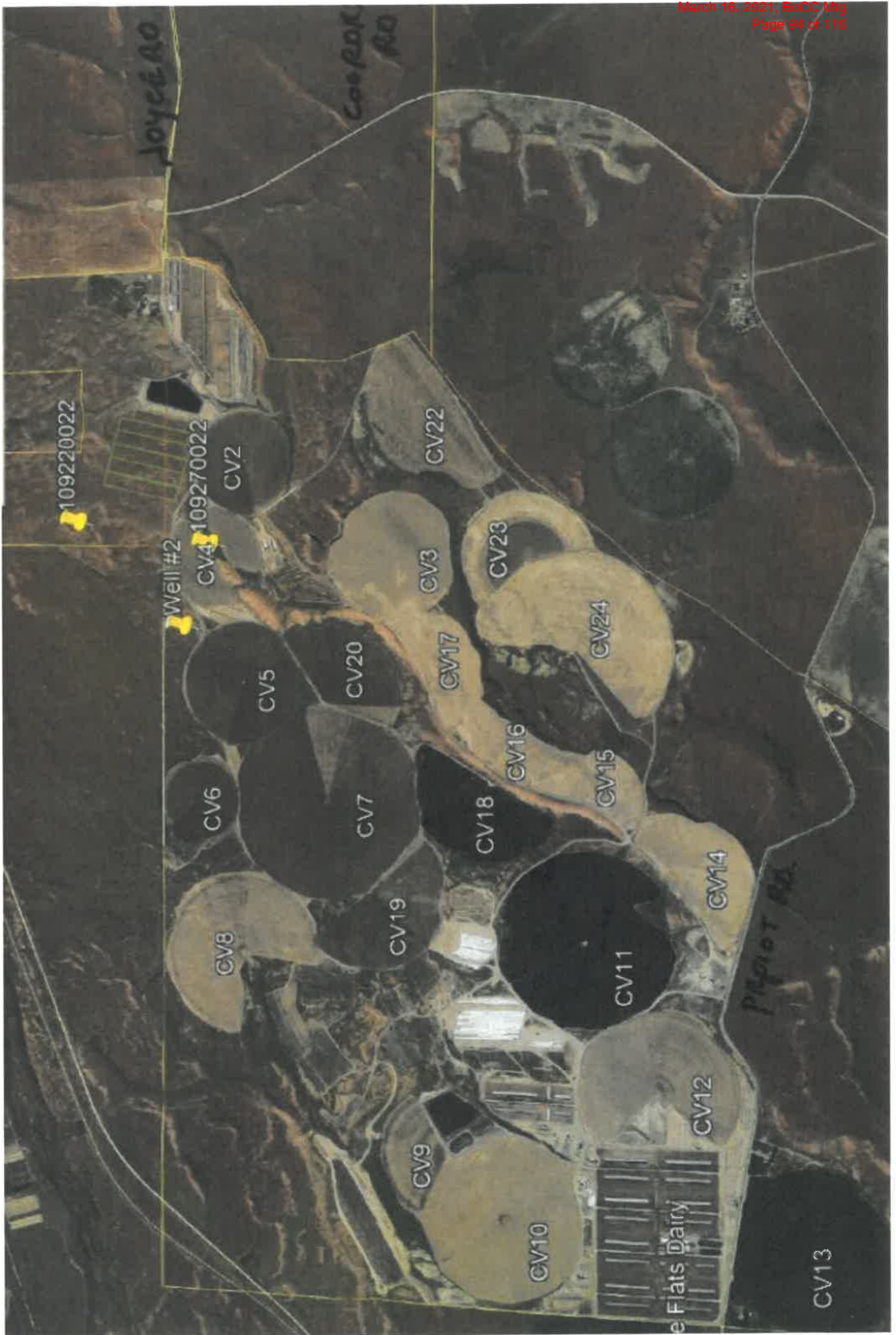
PHS Species/Habitats Overview:

Occurrence Name	Federal Status	State Status	Generalized Location
Ferruginous hawk	N/A	Threatened	Yes

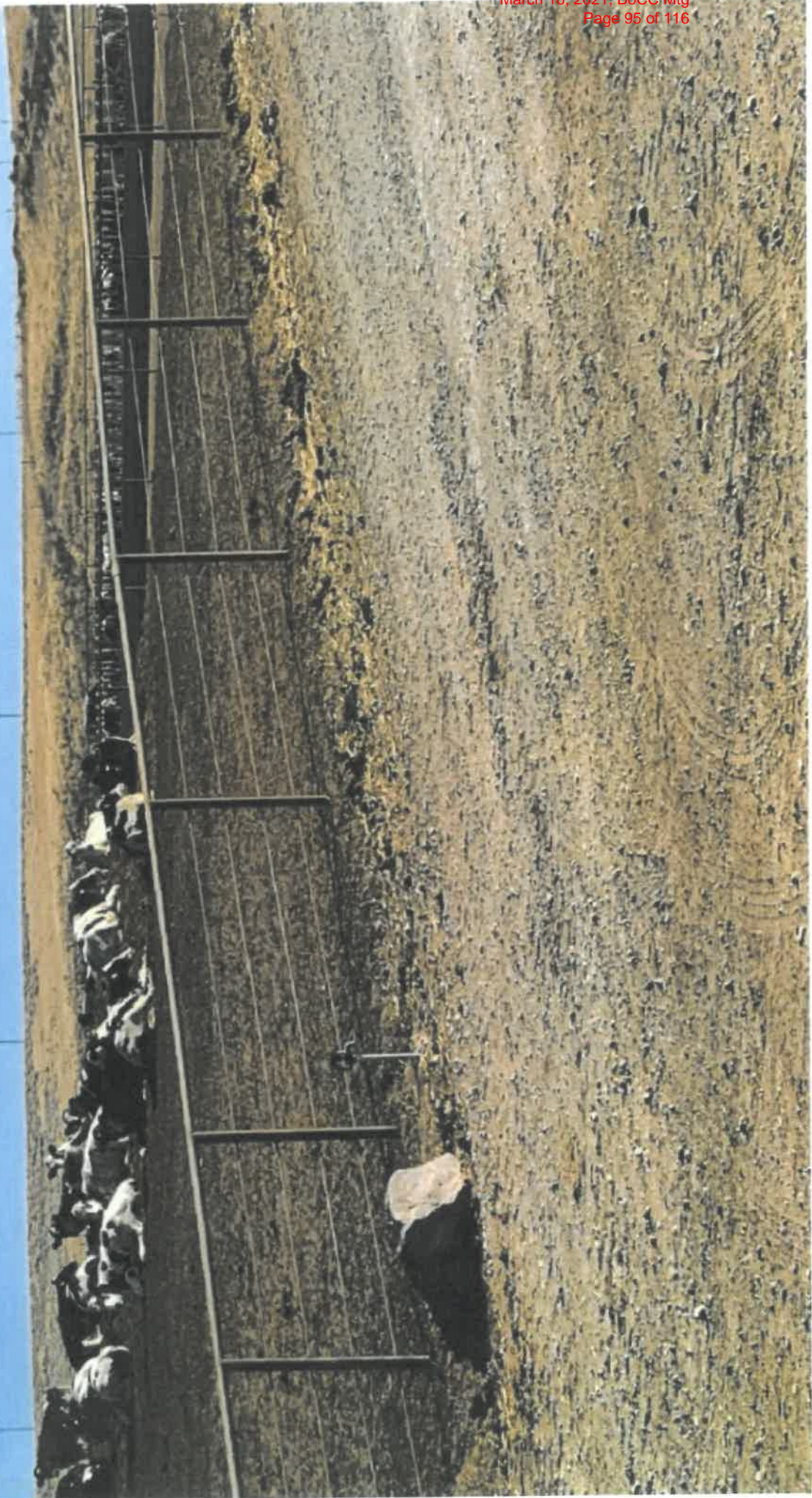
PHS Species/Habitats Details:

Ferruginous hawk	
Scientific Name	<i>Buteo regalis</i>
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release (360-902-2543) for obtaining information about masked sensitive species and habitats.
Federal Status	N/A
State Status	Threatened
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
SGCN	Y
Display Resolution	TOWNSHIP
ManagementRecommendations	http://wdfw.wa.gov/publications/pub.php?id=00026

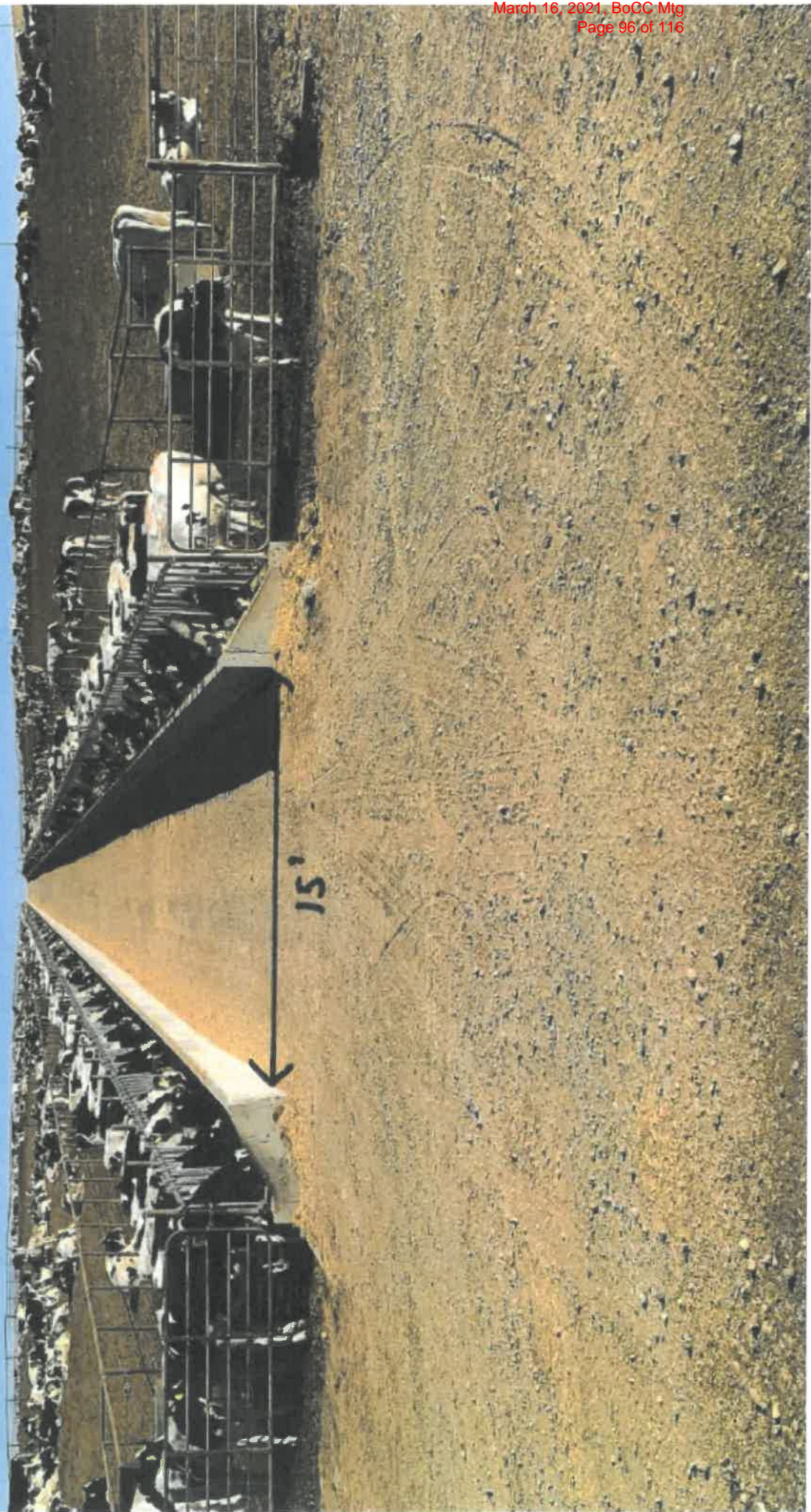
DISCLAIMER. This report includes information that the Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. It is not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife. This information only documents the location of fish and wildlife resources to the best of our knowledge. It is not a complete inventory and it is important to note that fish and wildlife resources may occur in areas not currently known to WDFW biologists, or in areas for which comprehensive surveys have not been conducted. Site specific surveys are frequently necessary to rule out the presence of priority resources. Locations of fish and wildlife resources are subject to variation caused by disturbance, changes in season and weather, and other factors. WDFW does not recommend using reports more than six months old.



PICTURE #4
TYPICAL FENCE CONSTRUCTION STEEL PIPE
WITH STEEL CABLE 5' TALL.

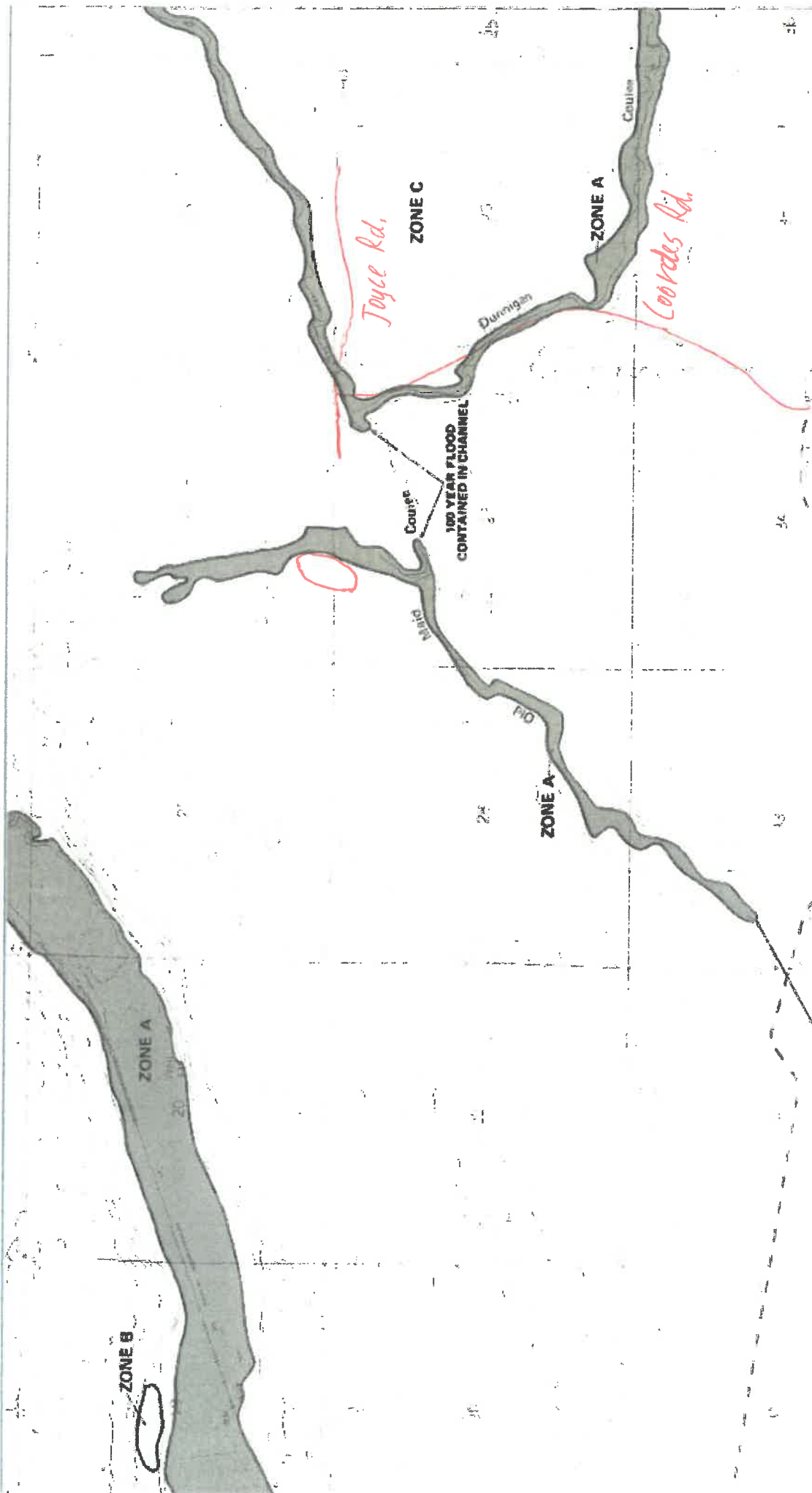


PICTURE #1 LOCATIONS A ON MAP
TYPICAL FEED BUNK EXAMPLE
15' WIDE



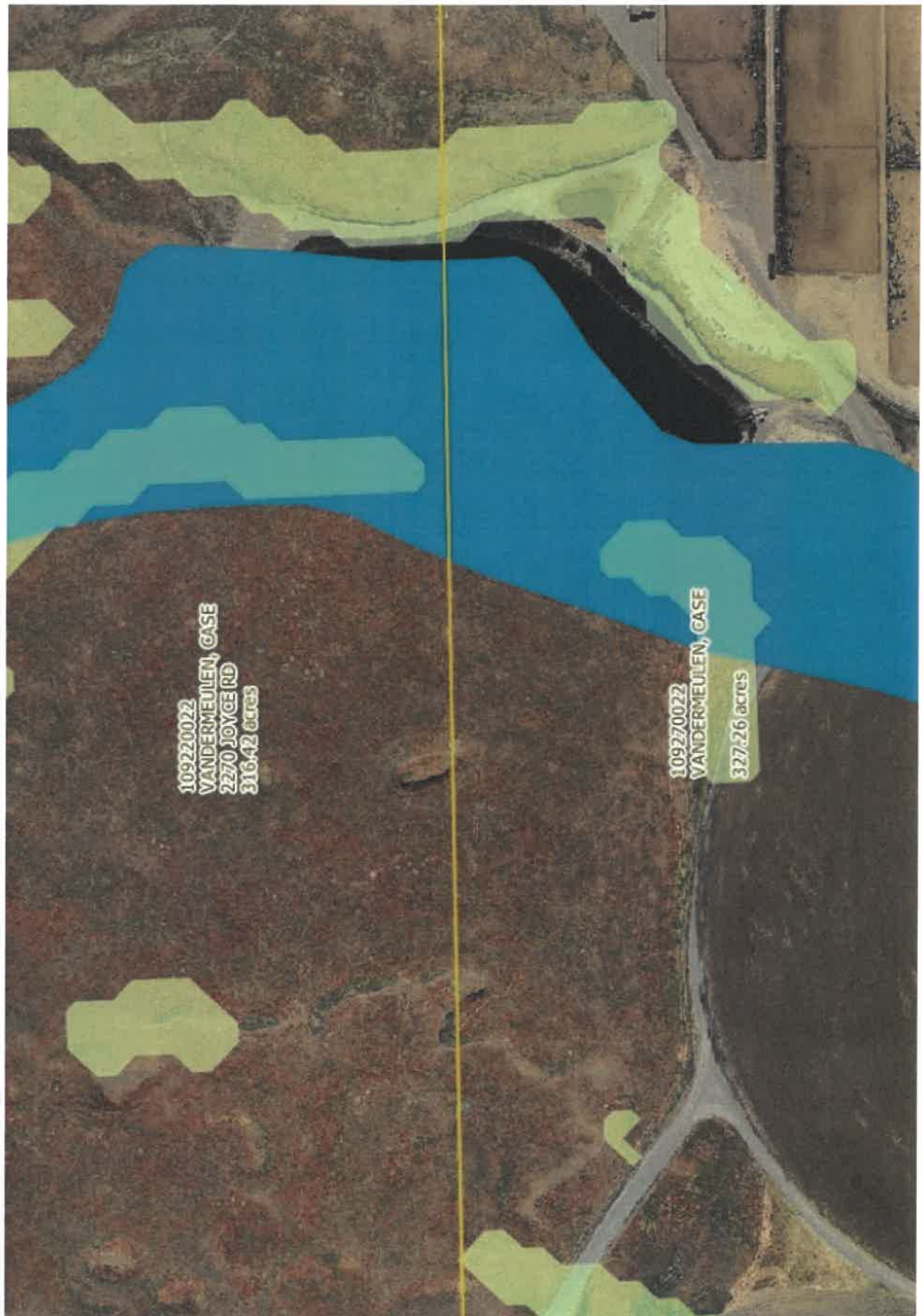
PICTURE #2 LOCATIONS B ON THE MAP
TYPICAL BACK FENCE WITH ALLEY EXAMPLE
16' WIDE





PICTURE #3 LOCATIONS C ON MAP
BACK FENCE W/O ALLEY





FRANKLIN COUNTY, WASHINGTON

STATE ENVIRONMENTAL POLICY ACT (SEPA) DETERMINATION OF NONSIGNIFICANCE (DNS)

Description of proposal: The proposal is for the approval of a Conditional Use Permit, to construct a feedlot to grow dairy heifer replacements and offspring. A maximum of 6,500 head of cattle are to be at the site. Features of proposal will consist of corrals with feed bunks, fences and concrete slabs on an area of around 30-50 acres. Current land use is rangeland, with a retention pond located nearby.

File Number: SEPA 2020-11 (CUP 2020-04)

Proponent Case VanderMeulen

Location: The parcel is bounded to the South of HWY 395, West of Joyce Rd. and North of Pepiot Rd. (Parcel Number's #109-220-022 and #109-270-022)

Legal Description: Southwest 1/2 of Township 13, Range 32, Section 22 and Northwest 1/2 of Township 13, Range 31, Section 27, W.M. of Franklin County, WA

Lead agency: Franklin County, Washington.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under WAC 197-11-350; the lead agency will not act on this proposal for 14 days from the date of publication (December 10, 2020). Comments must be submitted by: December 24, 2020.

Responsible official: Derrick Braaten

Position/title/Phone: Planning and Building Director — (509) 545-3521

Address: 502 Boeing Street, Pasco, WA 99301

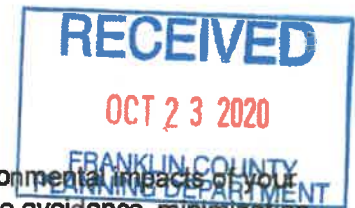
Date/Signature:

12/10/2020 - 

Any agency or person may appeal this SEPA determination by filing a written appeal to the responsible official no later than **December 24, 2020**. Contact the responsible official to read or ask about the procedure for SEPA appeals.

SEPA 2020-11

SEPA ENVIRONMENTAL CHECKLIST FRANKLIN COUNTY, WASHINGTON



Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

**For guidance on completing this form or assistance in understanding a question, visit
<http://www.ecy.wa.gov/programs/sea/sepa/ChecklistGuidance.html>**

**The SEPA Handbook is available online at:
<http://www.ecy.wa.gov/programs/sea/sepa/handbk/hbintro.html>**

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the supplemental sheet for nonproject actions (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background

1. Name of proposed project, if applicable:

Coulee Flats Dairy 2020 Feedlot

2. Name of applicant:

Coulee Flats Dairy, Attn: Case VanderMeulen

3. Address and phone number of applicant and contact person:

Coulee Flats Dairy
1321 Pepiot Rd.

Mesa, WA 99343 Attn: Case VanderMeulen

4. Date checklist prepared: 10/10/2020

5. Agency requesting checklist:
Franklin County

6. Proposed timing or schedule (including phasing, if applicable): Start construction the Winter of 2020-2021
It may take a few years to complete the project.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
No

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None known

SEPA Checklist, updated Nutrient Management Plan, CAFO Plan FCP 12/2/2020

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
None

10. List any government approvals or permits that will be needed for your proposal, if known.
None known

Conditional Use Permit approval by Franklin County Board of County Commissioners, updated nutrient plan approval from Franklin County Conservation District FCP 12/2/2020

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Construction of a feedlot for 6500 dairy replacement heifers and offspring.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposed project is located around 3/4 of a mile west of 2270 Joyce Rd. Mesa WA. Franklin County, Township 13, Range 31, Section 22 & 27 , parcel 109220022 and parcel 109270022.

To Be Completed by Applicant:

**Evaluation for
Agency Use Only:**

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other

b. What is the steepest slope on the site (approximate percent slope)?

There are steep slopes nearby the actual building site but on the site less than 5% slope

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

The majority of the site is underlain by various Sandy to Gravelly Silty loam soils.

According to USDA General Soil Map, soil types are Quincy-Royal-Hezel and Sagehill-Neppel-Finely FCP 12/2/2020

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

None

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

The area will be graded and sloped so any potential runoff will be caught and directed or pumped to the already existing retention pond as required by the Nutrient management plan.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Water trucks will be used during construction so no erosion will occur. There will be no erosion during operation.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Less than 5%.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

The use of water trucks during construction and grading.

During construction, any runoff must be concentrated using standard construction stormwater retention systems FCP 12/2/2020

2. Air

To Be Completed by Applicant:

**Evaluation for
Agency Use Only:**

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

None known except exhaust from tractors feedtrucks etc.

Raising cattle is known to result in increases of methane emissions and odor. The applicant has indicated there will not be increased traffic to and from the dairy, so no increases to vehicle emissions is anticipated FCP 12/2/2020

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None known

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None

Compliance with Franklin County Resolution 2011-238, "odor and fly control guidelines for livestock and poultry operations."

3. Water

a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

No streams or surface water bodies are located in the area of the site

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected.

Indicate the source of fill material.

None

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

None

To Be Completed by Applicant:

**Evaluation for
Agency Use Only:**

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No According to Franklin County Critical Areas Map and FEMA Flood Map Dated 5/1/1980, portions of the site may lie in a designated floodwater channel. FCP 12/2/2020

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

None. A nutrient Management Plan approved by the Franklin County Conservation District is utilized for the application of any Nutrients generated from the feedlot and Dairy operations on the irrigated farm ground.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

Groundwater will be withdrawn from an existing well for livestock water under the livestock well exemption. At 6500 Head at 10Gal/Hd/Day is 65000 Gal per day or average around 45 Gal/Min.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

There will be no discharges into the ground water. Land application of the manure and nutrient will be at agronomic rates as described in the Nutrient Management Plan.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

All runoff and storm water will be contained and directed or pumped to the existing retention pond.

Runoff and stormwater will also be stored in accordance with the approved dairy nutrient management plan FCP 12/2/2020

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

The approved Nutrient Management Plan requires that no material will enter ground or surface waters. See answers above.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No

To Be Completed by Applicant:

**Evaluation for
Agency Use Only:**

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

See above. Compliance with an approved Dairy Nutrient Management Plan will be required FCP 12/2/2020

4. Plants

a. Check the types of vegetation found on the site:

- ☐ deciduous tree: alder, maple, aspen, other
- ☐ evergreen tree: fir, cedar, pine, other
- ☐ shrubs
- ☒ grass
- ☒ pasture
- ☐ crop or grain
- ☐ Orchards, vineyards or other permanent crops.
- ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

There will be no more vegetation on the developed or finished parts of the site, so its just grasses from the range land will be removed.

c. List threatened and endangered species known to be on or near the site.

None

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

None

e. List all noxious weeds and invasive species known to be on or near the site.

None known

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:

Eagle, ducks, geese, crow, robin, sparrow FCP 12/2/2020

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mammals: deer, bear, elk, beaver, other: Coyotes
fish: bass, salmon, trout, herring, shellfish, other _____

Skunk FCP 12/2/2020

- b. List any threatened and endangered species known to be on or near the site.
None known Ferruginous Hawk, listed as threatened by State of Washington, Fish and Wildlife FCP 12/2/2020
- c. Is the site part of a migration route? If so, explain.
None known Pacific Migratory Flyway FCP 12/2/2020
- d. Proposed measures to preserve or enhance wildlife, if any:
None
- e. List any invasive animal species known to be on or near the site.
None known

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
Only electricity will be used and only to pump runoff to the retention pond.
- b. Would your project affect the potential use of solar energy by adjacent properties?
If so, generally describe.
No
- c. What kinds of energy conservation features are included in the plans of this proposal?
List other proposed measures to reduce or control energy impacts, if any:
None

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?
If so, describe.
None Animal waste (containing nitrogen and phosphorous) and greenhouse gases (methane, carbon dioxide, nitrous oxide and fluorinated gases) will be produced on the site from the animals. FCP 12/2/2020
- 1) Describe any known or possible contamination at the site from present or past uses.
None known

To Be Completed by Applicant:

**Evaluation for
Agency Use Only:**

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

None known

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

None

- 4) Describe special emergency services that might be required.

None

- 5) Proposed measures to reduce or control environmental health hazards, if any:

None

Compliance with an approved Dairy Nutrient Management Plan will be required to control environmental health hazards. FCP 12/2/2020

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

None except for the agriculture equipment already on the site, its in a rural enviroment.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

A little bit more of the same noises already existing.

Short-term construction noise may occur when the new facility is built. FCP 12/2/2020

- 3) Proposed measures to reduce or control noise impacts, if any:

None

8. Land and Shoreline Use

To Be Completed by Applicant:

**Evaluation for
Agency Use Only:**

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

The site and surrounding area is rural agricultural land. No affect will occur on nearby properties.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

The site is currently and will remain working farmlands.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

No impacts will occur.

- c. Describe any structures on the site.

Feedbunks with concrete slabs and corral fences. All none corral areas will be graveled.

Two houses on Southeast edge of Parcel #109-220-022. Existing feedlot Northeast edge of Parcel #109-270-022. FCP 12/2/2020

- d. Will any structures be demolished? If so, what?

No

- e. What is the current zoning classification of the site?

AP-20

Agricultural Production 20 FCP 12/2/2020

- f. What is the current comprehensive plan designation of the site?

Primary Agriculture

Agricultural FCP 12/2/2020

- g. If applicable, what is the current shoreline master program designation of the site?

N/A

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

None There are certain areas in the site deginated as a geohazard area, due to 15% slopes, along with a designated flood channel located nearby. FCP 12/2/2020

- i. Approximately how many people would reside or work in the completed project?

Around 5 additional full time positions once the project is to capacity.

- j. Approximately how many people would the completed project displace?

None

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**Evaluation for
Agency Use Only:**

- k. Proposed measures to avoid or reduce displacement impacts, if any:

N/A

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

None

- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

N/A

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, mid-dle, or low-income housing.

None

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None

- c. Proposed measures to reduce or control housing impacts, if any:

N/A

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Corral fences 6' or 7' in height Max

- b. What views in the immediate vicinity would be altered or obstructed?

None, the site is hidden by the natural slopes and landscapes.

- b. Proposed measures to reduce or control aesthetic impacts, if any:

None

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

None

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A

To Be Completed by Applicant:

**Evaluation for
Agency Use Only:**

- c. What existing off-site sources of light or glare may affect your proposal?

N/A

- d. Proposed measures to reduce or control light and glare impacts, if any:

None Any outdoor lighting shall be setup using "dark sky standards"- All light shall be directed towards the ground. FCP 12/2/2020

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

None

- b. Would the proposed project displace any existing recreational uses? If so, describe.

None

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe.

None

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

None known.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

N/A The "Washington information system for Architectural and Archaeological Records Data" was consulted. FCP 12/2/2020

To Be Completed by Applicant:

**Evaluation for
Agency Use Only:**

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None known

Any inadvertent discovery must be reported to the Yakima Nation, Colville Confederated Tribes, and Confederated Tribes of the Umatilla Reservation. FCP 12/2/2020

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

The closest road is almost a mile away, only farm roads will be used to access the site.

Private farm roads/Joyce Rd. FCP 12/2/2020

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

N/A

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

N/A

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

None

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

None

10 additional vehicular trips, due to increase of five workers. FCP 12/2/2020

To Be Completed by Applicant:

**Evaluation for
Agency Use Only:**

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No

- h. Proposed measures to reduce or control transportation impacts, if any:

None

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

No

- b. Proposed measures to reduce or control direct impacts on public services, if any.

None

16. Utilities

- a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

None at the site currently, there is a power line from BBEC running through the site.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

A new electric service from BBEC for pumps to pump runoff to the retention pond.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  _____

Name of signee CHRIS VANDERMAULEN

Position and Agency/Organization OWNER

Date Submitted: 10/23/20

PLANNING AND BUILDING DEPARTMENT
502 W. Boeing St.
Pasco, WA 99301

Receipt Number: PL20-00780

509-545-3521

Payer/Payee: CASE VANDERMEULEN
PO BOX 228
MESA WA 99343-0228

Cashier: Donna Crisp

Date: 10/23/2020

SEPA-2020-11 STATE ENVIRONMENTAL POLICY ACT 2270 JOYCE RD
(SEPA)

<u>Fee Description</u>	<u>Fee Amount</u>	<u>Amount Paid</u>	<u>Fee Balance</u>
State Environmental Policy Act (SEPA)	\$150.00	\$150.00	\$0.00
	\$150.00	\$150.00	\$0.00

<u>Payment Method</u>	<u>Reference Number</u>	<u>Payment Amount</u>
CHECK	46097	\$150.00
Total Paid:		\$150.00