

Agenda Summary Report (ASR)

Franklin County Board of Commissioners

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| DATE SUBMITTED: October 11, 2022 | PREPARED BY: Aaron Gunderson |
| Meeting Date Requested: October 18, 2022 | PRESENTED BY: Derrick Braaten |
| ITEM: (Select One) <input type="checkbox"/> Consent Agenda <input checked="" type="checkbox"/> Brought Before the Board Time needed: 10 minutes | |
| SUBJECT: Closed Record Public Hearing (Quasi-Judicial Item) - A Conditional Use Permit to allow for contractor storage and gate fabrication shop for fencing company. (File # CUP 2022-06 and SEPA 2022-20) | |
| FISCAL IMPACT: None | |
| <p>BACKGROUND: The applicant is proposing to have a fencing company to operate out of their residence with contractor storage and gate fabrication shop located on the property. Home businesses with contractor storage are required to obtain a Conditional Use Permit in the Rural Residential 1 (RR-1) Zoning District. 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.</p> <p>The project is on parcel 114-301-117 at 4120 Melody Ln., Pasco, WA, The proposed project site is located East of Road 42 North, South of Melody Ln. and West Road 36 North. The zoning is RR-1 and the Comprehensive Plan designation is Rural Residential.</p> | |
| <p>RECOMMENDATION: The Building and Planning Department staff provided the Planning Commission with a written recommendation of approval. Subsequently, at their meeting on September 6, 2022 the Planning Commission held an open-record public hearing and passed a motion (4-2) to forward the BOCC a recommendation of approval, based on six findings of fact and with eight suggested conditions of approval. There were no appeals.</p> <p><u>Suggested Motion:</u> Pass Resolution # _____, granting approval of CUP 2022-06, based on the six findings of fact and subject to eight conditions of approval.</p> | |
| <p>COORDINATION: The Conditional Use Permit application was advertised to the public via adopted public notice procedures, and agencies were contacted for review and comment; a SEPA DNS was issued. The County Planning Commission, after an open record public hearing and consideration on CUP 2022-06 recommended approval of the CUP, with six findings of fact and subject to eight conditions of approval.</p> | |
| <p>ATTACHMENTS: (Documents you are submitting to the Board)</p> <p>(1) Draft Resolution (2) Staff Report to the Planning Commission (3) Draft Planning Commission Minutes</p> | |
| <p>HANDLING / ROUTING: (Once document is fully executed it will be imported into Document Manager. Please list <u>name(s)</u> of parties that will need a pdf)</p> <p>To the Clerk of the Board: 1 Original Resolution</p> <p>To Planning: 1 Copy Resolution</p> | |

I certify the above information is accurate and complete

 Derrick Braaten

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

Conditional Use Permit (CUP) 2022-06 to allow for contractor storage and fabrication shop in the Rural Residential 1 (RR-1) zoning district.

WHEREAS, on October 18, 2022, the Board of Franklin County Commissioners, via public meeting, considered the positive recommendation of the Franklin County Planning Commission to grant a conditional use permit for the proposed use under file CUP 2022-06; 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 2022-06** did recommend approval of the Conditional Use Permit with six findings of fact and nine conditions of approval; and

WHEREAS, there were no appeals filed; and

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

NOW, THEREFORE, BE IT RESOLVED that CUP 2022-06 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 2022-06 on behalf of Franklin County.

APPROVED THIS 18th DAY OF OCTOBER, 2022.

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 # 2022-06

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 October 18, 2022.

APPLICANT: United Fence Co, LLC, 4120 Melody Ln., Pasco, WA 99301

LEGAL DESCRIPTION: SHORT PLAT 2003-18 LOT 4

NON-LEGAL DESCRIPTION: The project site is on parcel 114-301-117 at 4120 Melody Ln., Pasco, WA 99301.

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 July 28, 2022 under WAC 197-11-340(2) which was published on July 28, 2022. Comments on the Threshold Determination were due by August 11, 2022 with no SEPA comments received. There were no appeals of the DNS.

CONDITIONAL USE DESCRIPTION: A Conditional Use Permit to allow for contractor storage and gate fabrication shop for fencing company at personal residence. Contractor storage is listed as a conditional use in the Rural Residential 1 (RR-1) Zoning District.

An attached site plan (Exhibit A) shows location of the following features:

- Existing house
- Existing shop (location of gate fabrication)
- Location of well head, septic tank, drainfield and reserve drainfield.
- Location of fence material storage

FINDINGS OF FACT AND CONDITIONS OF APPROVAL:

Findings of Fact:

1. The proposed contractor storage in the RR-1 Zoning District **IS** in accordance with goals and policies of the County Development Regulations (Zoning) and the applicable Comprehensive Plan.
 - a. The Franklin County Comprehensive Plan designates the land as Rural Residential.
 - b. One of the development policies for Rural Residential as expressed in the Franklin County Comprehensive Plan is to limit commercial/industrial activities; while at the same time encouraging development of home occupations. Restrictions contained in the conditions of approval serve to limit the commercial activity, and improve its compatibility with surrounding uses, while allowing for the establishment of a home occupation.
 - c. The County Zoning Code designates the land as Rural Residential 1 (RR-1).

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- d. Contractor storage requires a Conditional/Special Use Permit in the RR-1 Zoning District. Applicant has applied for a Conditional Use Permit to allow for contractor storage in the Rural Residential 1 (RR-1) zoning district.
2. The proposal **WILL NOT** adversely affect public infrastructure.
 - a. Public Works has determined that it is not anticipated that the use will have a significant impact on the County Road System.
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 existing and intended character of the immediate area is rural residential. With conditions imposed, the proposed contractor storage will not impair the ability for residential activities to continue, nor will it have a negative impact on the intended character of the general vicinity.
 - b. "Quiet hours" in Franklin County are defined to be between 10 PM and 7 AM, unless specifically exempted. Facility operations are limited to the hours between 9 AM and 4 PM, Monday through Friday.
4. The location and height of proposed site design **WILL NOT** discourage the development of permitted uses on property in the general vicinity or impair the value thereof.
 - a. Applicant will be required to install a 6 ft. site obscuring fence on both side and rear yards and be restricted in the storing of materials to 4 ft. in height.
 - b. Any fabrication of materials is to be located within an approved structure.
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. Production of noise will be limited to standards contained in WAC 173-60.
 - b. Hours of operation will be limited to 9 AM-4 PM, Monday thru Friday.
 - c. Any deliveries/pick-up of materials shall occur during business hours, 9 AM-4 PM, Monday through Friday, and shall not occur on weekends.
 - d. Exterior lighting shall be directed on-site so as not to interfere with the comfort and repose of adjoining property owners. If security or other outdoor lighting is installed, it shall be directed down, and no part of the illumination halo shall encroach onto a neighboring property.

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- e. Any fabrication of materials is to be located within an approved structure.
- 6. The proposal **WILL NOT** endanger the public health, safety, or general welfare if located where proposed.
 - a. The project is required to comply with the commercial building code (IBC), Health Department, and Public Works standards, regarding health and access/safety standards for the proposed use.
 - b. Applicant will be required to maintain site at all times to prevent the accumulation of weeds, debris and/or garbage. The applicant will also be required to mitigate for fugitive dust at the site.
 - c. 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 **THREE COMMENTS** from three households in objection to the proposal, along with the submittal of a petition in opposition to said proposal.

Conditions of Approval:

- 1. Comply with the requirements of the **Franklin County Planning and Building Department**:
 - a. Applicant shall apply for a home occupation permit and comply with the standards set forth in FCC Ch. 17.68, with exception of sections F, K and N as listed in FCC 17.68.040.
 - b. Shall comply with noise standards established in WAC 173-60.
 - c. A minimum 6 ft. tall, site obscuring fence, shall be constructed out of wood, PVC or block material, or similar materials, and shall cover both the side and rear yard area, as defined in FCC 17.06.1000 and 17.06.1010. Fence shall not encroach within the 30 ft. access & utility easement as contained in short plat 2003-18 and AF #512228.
 - d. Construction materials stored outside shall not be stacked more than 4 ft. in height and shall not exceed the footprint for outdoor material storage designated in the CUP's approved site plan. All parts of the material storage area shall be accessible via a 10' wide, minimum, access route.

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- e. Gate fabrication activities shall be entirely conducted within the confines of the existing shop. The existing shop shall be inspected to ensure it meets the requirements for a commercial structure, prior to use of the building for commercial fabrication. This includes meeting fire and safety requirements, as well as sanitary and ADA compliance, as required by, but not necessarily limited to, the BFHD and International Building Code (IBC).
 - f. Hours of business operation shall be 9 AM to 4 PM, Monday thru Friday, as stated in the application. Any business related deliveries/pick-ups shall occur during business hours, and shall not occur before 9 AM, after 4 PM, or on weekends.
 - g. Exterior lighting shall be directed on-site so as not to interfere with the comfort and repose of adjoining property owners. If security or other outdoor lighting is installed, it shall be directed down, and no part of the illumination halo shall encroach onto a neighboring property.
 - h. Site shall be maintained at all times so as to not let the land become a fire hazard or accumulate with debris, weeds and/or garbage. Additionally, the risk of fugitive dust shall be mitigated through appropriate means at the site.
 - i. Should archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains be observed during project activities, all work in the immediate vicinity shall stop. The State Department of Archaeology and Historic Preservation (360-586-3065), the Franklin County Planning and Building Department, the affected Tribe(s) and the county coroner (if applicable) shall be contacted immediately in order to help assess the situation and determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) is required.
2. Comply with the requirements of the **Franklin County Public Works Department**:
- 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. Comply with **fire code** requirements as expressed in Franklin County Code (FCC) Ch. 8.40.

FRANKLIN COUNTY BOARD OF COMMISSIONERS

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RESOLUTION NUMBER _____

4. 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.
5. 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.
6. In accordance with the County's Zoning Code, 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.
7. This permit applies to the described lands, applicant, and business, and is not transferable to another party. Any transferring of this permit to another party shall require a new Conditional Use Permit be applied for and approved by the Board of County Commissioners. It cannot be transferred to another site.
8. 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 that this location that impact the surrounding properties, and obtaining and retaining appropriate insurance coverage.

FRANKLIN COUNTY BOARD OF COMMISSIONERS

CONDITIONAL USE PERMIT # 2022-06

RESOLUTION NUMBER _____

This Conditional Use Permit is issued this 18th day of October, 2022.

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

**Attest: _____
Clerk of the Board**

**_____
Chair**

Original to County Commissioners Duplicate to File

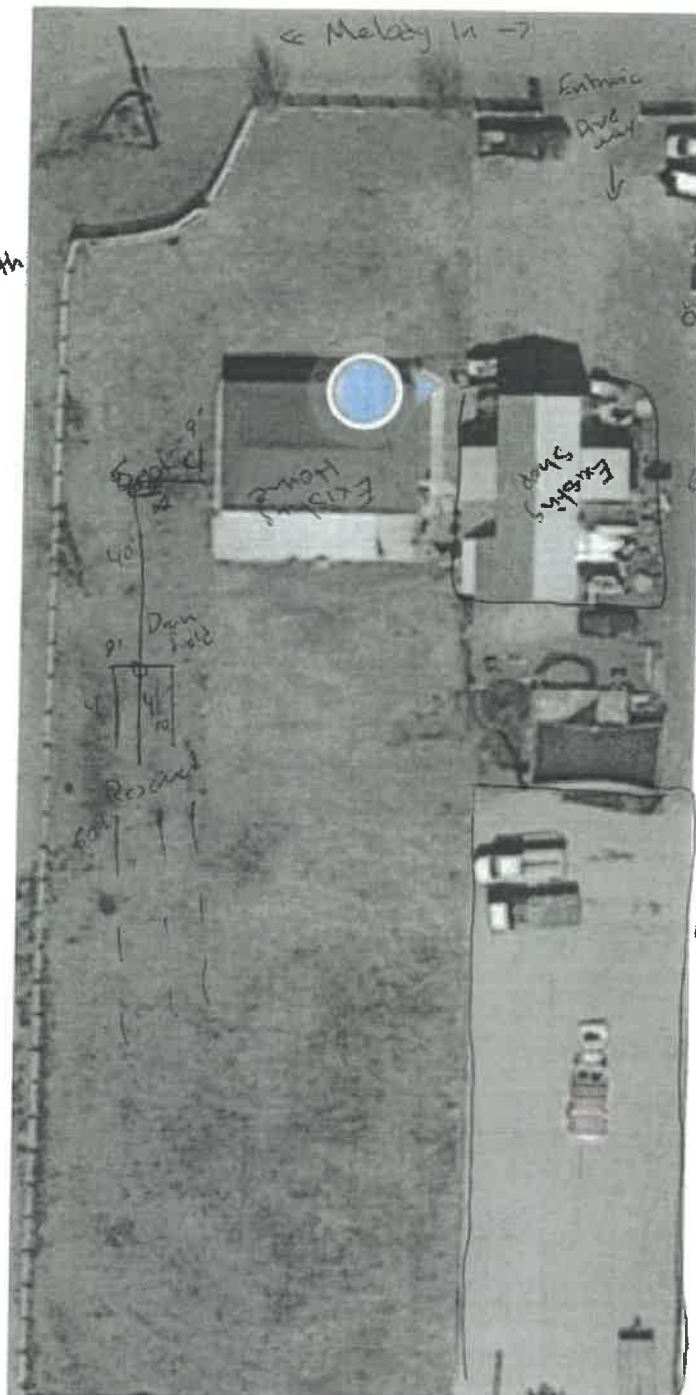
Duplicate to Applicant Duplicate to be Filed with Auditor

RESOLUTION NUMBER _____

Jonathan Lopez 7-5-22
Beleir Lopez

4120
Melody
In
Pasco
WA
99301

Portt
114301117



Bill
our gates
(gate fabrication)

Store
Fence
material
temporarily
until next
Schedule
Jus.

PC MEETING SUMMARY

CUP 2022-06

United Fence Co. – Contractor Storage

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 2022-06 (Conditional Use Permit) and SEPA 2022-20

PC Meeting Date: September 6, 2022

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

SUMMARY OF THE PUBLIC HEARING:

The proposal for fence contracting business with contractor storage and gate fabrication shop under file CUP 2022-06 was presented by Staff at an open record public hearing (regular Planning Commission meeting) on September 6, 2022. Planning Commission provided opportunity for the applicant to speak, to which they spoke in support of the project.

There was public testimony against the proposal from nearby property owners. There were also three written responses from three households in opposition of the proposal, along with a petition that was presented as part of staff presentation (*see staff report and draft minutes*).

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 September 6th 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 of approval to the Franklin County Board of Commissioners for Application CUP 2022-06, with the findings of fact and conditions of approval (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 contractor storage in the RR-1 Zoning District **IS** in accordance with goals and policies of the County Development Regulations (Zoning) and the applicable Comprehensive Plan.
 - a. The Franklin County Comprehensive Plan designates the land as Rural Residential.
 - b. One of the development policies for Rural Residential as expressed in the Franklin County Comprehensive Plan is to limit commercial/industrial activities; while at the same time encouraging development of home occupations. Restrictions contained in the conditions of approval serve to limit the commercial activity, and improve its compatibility with surrounding uses, while allowing for the establishment of a home occupation.
 - c. The County Zoning Code designates the land as Rural Residential 1 (RR-1).
 - d. Contractor storage requires a Conditional/Special Use Permit in the RR-1 Zoning District. Applicant has applied for a Conditional Use Permit to allow for contractor storage in the Rural Residential 1 (RR-1) zoning district.
2. The proposal **WILL NOT** adversely affect public infrastructure.
 - a. Public Works has determined that it is not anticipated that the use will have a significant impact on the County Road System.
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 existing and intended character of the immediate area is rural residential. With conditions imposed, the proposed contractor storage will not impair the ability for residential activities to continue, nor will it have a negative impact on the intended character of the general vicinity, with conditions imposed.
 - b. "Quiet hours" in Franklin County are defined to be between 10 PM and 7 AM, unless specifically exempted. Facility operations are limited to the hours between 9 AM and 4 PM, Monday through Friday.
4. The location and height of proposed site design **WILL NOT** discourage the development of permitted uses on property in the general vicinity or impair the value thereof.
 - a. Applicant will be required to install a 6 ft. site obscuring fence on both side and rear yards and be restricted in the storing of materials to 4 ft. in height.

- b. Any fabrication of materials is to be located within an approved structure.
- 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. Production of noise will be limited to standards contained in WAC 173-60.
 - c. Hours of operation will be limited to 9 AM-4 PM, Monday thru Friday.
 - d. Any deliveries/pick-up of materials shall occur during business hours, 9 AM-4 PM, Monday through Friday, and shall not occur on weekends.
 - e. Exterior lighting shall be directed on-site so as not to interfere with the comfort and repose of adjoining property owners. If security or other outdoor lighting is installed, it shall be directed down, and no part of the illumination halo shall encroach onto a neighboring property.
 - f. Any fabrication of materials is to be located within an approved structure.
- 6. The proposal **WILL NOT** endanger the public health, safety, or general welfare if located where proposed.
 - a. The project is required to comply with the commercial building code (IBC), Health Department, and Public Works standards, regarding health and access/safety standards for the proposed use.
 - b. Applicant will be required to maintain site at all times to prevent the accumulation of weeds, debris and/or garbage. The applicant will also be required to mitigate for fugitive dust at the site.
 - c. 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 **THREE COMMENTS** from three households in objection to the proposal, along with the submittal of a petition in opposition to said proposal.

Suggested Conditions of Approval:

- 1. Comply with the requirements of the **Franklin County Planning and Building Department**:
 - a. Applicant shall apply for a home occupation permit and comply with the standards set forth in FCC Ch. 17.68, with exception of sections F, K and N as listed in FCC 17.68.040.
 - b. Shall comply with noise standards established in WAC 173-60.
 - c. A minimum 6 ft. tall, site obscuring fence, shall be constructed out of wood, PVC or block material, or similar materials, and shall cover both the side and rear yard area,

as defined in FCC 17.06.1000 and 17.06.1010. Fence shall not encroach within the 30 ft. access & utility easement as contained in short plat 2003-18 and AF #512228.

- d. Construction materials stored outside shall not be stacked more than 4 ft. in height and shall not exceed the footprint for outdoor material storage designated in the CUP's approved site plan. All parts of the material storage area shall be accessible via a 10' wide, minimum, access route.
 - e. Gate/fence fabrication activities shall be entirely conducted within the confines of the existing shop. The existing shop shall be inspected to ensure it meets the requirements for a commercial structure, prior to use of the building for commercial fabrication. This includes meeting fire and safety requirements, as well as sanitary and ADA compliance, as required by, but not necessarily limited to, the BFHD and International Building Code (IBC).
 - f. Hours of business operation shall be 9 AM to 4 PM, Monday thru Friday, as stated in the application. Any business related deliveries/pick-ups shall occur during business hours, and shall not occur before 9 AM, after 4 PM, or on weekends.
 - g. Exterior lighting shall be directed on-site so as not to interfere with the comfort and repose of adjoining property owners. If security or other outdoor lighting is installed, it shall be directed down, and no part of the illumination halo shall encroach onto a neighboring property.
 - h. Site shall be maintained at all times so as to not let the land become a fire hazard or accumulate with debris, weeds and/or garbage. Additionally, the risk of fugitive dust shall be mitigated through appropriate means at the site.
 - i. Should archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains be observed during project activities, all work in the immediate vicinity shall stop. The State Department of Archaeology and Historic Preservation (360-586-3065), the Franklin County Planning and Building Department, the affected Tribe(s) and the county coroner (if applicable) shall be contacted immediately in order to help assess the situation and determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) is required.
2. Comply with the requirements of the **Franklin County Public Works Department**:
- 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. Comply with **fire code** requirements as expressed in Franklin County Code (FCC) Ch. 8.40.
4. 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.

5. 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.
6. In accordance with the County's Zoning Code, 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.
7. This permit applies to the described lands, applicant, and business, and is not transferable to another party. Any transferring of this permit to another party shall require a new Conditional Use Permit be applied for and approved by the Board of County Commissioners. It cannot be transferred to another site.
8. 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 2022-06, based upon the written findings of fact and conditions of approval."

PC MINUTES

POWERPOINT PRESENTATION

CUP 2022-06

United Fence Co. – Contractor Storage

ITEM #1 – CUP 2022-06/SEPA 2022-20

Proposal is to allow for contractor storage, which is allowed in the Rural Residential 1 (RR-1) zoning district through Conditional Use Permit approval (FCC 17.14.040(H)).

REPRESENTATIVE: Jonathan & Belen Lopez

OWNER/APPLICANT: United Fence Co.

OPEN PUBLIC HEARING:

Commissioner Corrales opened the public hearing at 7:08 PM.

STAFF REPORT:

Mr. Braaten presented the staff report at 7:08 PM. Presentation lasted approximately 13 minutes.

- Mr. Braaten made a clarification at the beginning of the presentation that the applicant was also looking to have potential contractor operations and a light fabrication yard on the site.

COMMISSIONER QUESTIONS FOR STAFF:

- Commissioner Didier asked if this application was a result of a code enforcement complaint.
 - Mr. Braaten responded, "Correct".
- Commissioner Didier asked for confirmation on if our code enforcement system was complaint driven.
 - Mr. Braaten responded, "Correct".
- Commissioner Didier further asked if there was only one code enforcement complaint prior to the filing of the CUP.
 - Mr. Braaten responded, "Yes" and explained what the letter to the applicant addressed the issue, and how to correct the issue.
 - Commissioner Didier believed Mr. Braaten misunderstood the question and restated the question and asked, "If there were multiple complaints leading up to the code enforcement".
 - Mr. Braaten responded, "No, there was one complaint and that's what triggered everything."

APPLICANT/REPRESENTATIVE PRESENTATION:

- Belen Lopez spoke in behalf of the business. Mrs. Lopez talked for approximately 3 minutes.

COMMISSIONER QUESTIONS FOR APPLICANT:

- No questions from the Commissioners to the Applicant.

PUBLIC COMMENTS:

- No public, call-in, or email comments, for or neutral about this agenda item.
- There were five (5) members of the public, which spoke against the agenda item.
 - *Chuck Harmon:* Would like to see the area stay quiet, brought up environmental concerns relating to leakage from trucks and birdwatching.
 - Spoke about hazmat being on their side regarding the environmental concerns. Proposed different areas that the business could relocate to like the Port of Pasco or Hanford.
 - Hopes that the Planning Commission will vote against the agenda item and that the Planning Commission can relate to not having a business like this in their front yards.

- *Larry Hebert*: Building a new house behind Mr. Harmon, says he did not receive the public notice letter due to a new address.
 - Mr. Harmon showed him the letter and Mr. Hebert wrote to the Planning Department and told staff about not receiving the letter.
 - Had to hustle to try and figure out what was going on.
 - He knew the people that owned the home before current residents, and that they (the previous owners) did a lot of renovations to the home.
 - Agrees with Mr. Harmon about other locations for the business, like Hanford.
 - Likes the staff report packet but finds the questionnaire questionable.
 - Made the comment that there are a lot of birds and animals out there.
 - He is concerned about the chemicals and a flatbed truck with a chemical tank on it, the water runoff and the nitrates.
 - Agrees with Mr. Harmon about not wanting this in his front yard and questions the height of the fence being proposed as a condition and how it will block the neighbor's view.
- *Vic Hubbard*: Was the person who filed the code enforcement complaint against the applicant "because it got worse and worse out there."
 - They (the applicant) have about five (5) vehicles parked right up against the fence in front of his house.
 - Moved out to the area because it is a residential area.
 - Was not aware that anyone could start a business in a residential area.
 - There are open gas cans that are sitting out and tons of debris that gets blown around as it currently stands.
 - Says it will badly hurt his land value.
 - The area should stay residential and this (agenda item) would dilute the residential area.
- *Richard Ransom*: There's a lot of things he doesn't like about this proposal.
 - Says it's nice and quiet out there and doesn't know how many more times the residents of the area will have to come down and speak out against businesses in the Clark Addition area.
 - Has a quarter inch of dust that goes into his yard when he drives his truck along his dirt road.
 - Applicant's business makes a lot of loud noise at any time during the day.
 - Was under the impression that this was about one storage place and shocked that they want to run a business out there.
 - Glad he came down to the meeting because he didn't know that we were planning on giving them business license.
 - Believes that this has not been well looked at.
- Mr. Braaten interjected after Mr. Ransom spoke to clarify some items that had been brought up.
 - First, he clarified that the Planning Department and Planning Commission do not allow or prevent applications of this type. Staff and the Planning Commission are recommending bodies and do not have the authority to allow or disallow conditional uses. That power resides with the Board. All comments received, including those heard at the Planning Commission meeting, are forwarded to the Board and the Board makes the final decision.
 - Second, he stated that Staff looks at the code as the basis of its recommendation, and the code lists this as an allowed conditional use in the area. As currently operated, the use may not be compatible, but with conditions, may be made to operate in a compatible matter.
 - Second, spoke about updates to our code and how the zoning code had not undergone a major update since 2008 and that the codes may not reflect current desires in regards

to the conditional use lists in listed in each zone. One item that will be reviewed is whether to modify the allowed conditional uses permitted in this area.

- Mr. Ransom stated that by the time that what Mr. Braaten was talking about done (in regards to the zoning code update), these businesses will already be locked in/grandfathered in. Mr. Braaten explained that if one is approved then yes that would be the situation.
- Commissioner Corrales clarified further about the Planning Commission's role in this process after Mr. Ransom was done speaking and how the Planning Commission listens to the public's comments and then they make a recommendation to the Board and that Mr. Ransom can go to that meeting and that this meeting isn't final.
 - Mr. Braaten corrected Commissioner Corrales stating that Mr. Ransom could not speak at the Board's meeting but that he can go to the meeting and that the Board's meeting is a closed-record hearing.
 - All comments made at this meeting are part of the record, and get forwarded onto the Board and they will have access to what those comments are, and all information recieved related to this agenda item.
 - We are finalizing the record which is why we have this meeting and testimony.
 - It is important that the public is here for this meeting and that we hear from the constituents.
- Public comments continued.
 - *Slyvia Hubbard*: Read through the suggested conditions of approval and appreciates that we were looking at this undertaking as this is not within the code as it stands today but that it could to be made part of the neighborhood.
 - Wanted clarification on who recommended the 6 ft. tall site-obscuring fence and where the fence would encompass.
 - Mr. Braaten clarified where the site-obscuring fence would be located by showing the audience a PowerPoint aerial image slide of where the fence would be constructed.
 - Asked if the location of the site-obscuring fence could be part of the suggested conditions forwarded to the Board.
 - Also wanted clarification on a timeframe of how long the applicant has to comply with the conditional use permit conditions.
 - Mr. Braaten explained that the applicant must have met the conditions before they can operate and that it is not a legal operation without the permit.
 - Stated that their position is that they (United Fence Co.) are already doing the business and that this was thought out before the applicant purchased the property and that they could have done this the right way before the business started operation. Also wondered what the consequences would be if the applicant did not follow through with the conditions listed.
 - Mr. Braaten responded by stating that this was not brought to our attention until recently, staff then moved on it and is following the code compliance requirements associated with that. Continued activity is not permitted at this time and if there is continued activity going on until a permit is issued, then that moves back into code enforcement.
 - Asked if the operation continues what they have to file another code enforcement complaint.
 - Mr. Braaten responded by asking if it hadn't stopped and took notes.
 - Mentioned about what kind of precedence this type of operation sets for the Clark's Addition neighborhood.

- *Larry Hebert*: Returned to the podium to discuss the petition that was in the Planning Commission's packet. The petition was now up to 25 signatures.
- *Vic Hubbard*: Returned to the podium to clarify that they (United Fence Co.) had never stopped operation and are not operating within the specified hours (of the conditional use permit) of 9 AM – 4 PM. Also made the comment that he agrees with his wife that they should have done their homework to determine the best location for the business.
- *Chuck Harmon*: Returned to the podium stated that a lot of people didn't get a [public] notice. Further went on to say that he has never seen the "Land Use Permitting" sign that was in the packet out on the property.

STAFF FINAL COMMENTS:

- No final comments were made by staff for this agenda item.

CLARIFICATION OF STATEMENTS:

- Commissioner Gutierrez needed a clarification regarding Mrs. Hubbard's statement about the code enforcement issue.
 - Mrs. Hubbard responded to the statement from Commissioner Gutierrez.

CLOSING PUBLIC HEARING ITEM:

- Commissioner Corrales closed the public hearing portion of this item at 8:00 PM.

PLANNING COMMISSION FURTHER DISCUSSION:

- Commissioner Lowe has a question for Mr. Braaten regarding code enforcement.
 - Mr. Braaten responded to the question
- Commissioner Lowe had another question regarding if there is an on-going operation after they were told to cease and desist, should we even be talking about this agenda item.
 - Mr. Braaten responded and shortly after Commissioner Lowe addressed the applicant asking if they had ceased operation
 - Applicant did not come up to podium; they stated from the audience that they have ceased gate fabrication and that they have been moving all the material out of the parcel.
 - Applicant further stated that they were told by staff that as long as they were moving material off the site, then they were complying with the code enforcement action.
 - Mr. Braaten agreed with that statement
 - Applicant further stated that they no longer have employees. Once they received the cease and desist order, all employees were let go.
- Jen Johnson stated that the public hearing portion had been closed and so none of this could go on the record.
 - Commissioner Lowe stated that this was clarification for the Planning Commission.
 - Mr. Braaten responded to Jen explaining the situation.
 - Ms. Johnson asked if the public hearing option should re-open so that the statements provided by the applicant could go on the record.
 - Mr. Braaten asked if all the statements made needed to be re-stated or if the public hearing portion could be re-opened.
 - Ms. Johnson stated that it could just be re-opened to allow for the clarification only.

RE-OPENING OF PUBLIC HEARING:

- Commissioner Corrales re-opened the public hearing portion at 8:04 PM to address the clarification statement.
- Commissioner Didier asked if there was no further clarification needed from the members of the public before re-closing the public hearing portion.

- *Vic Hubbard*: Re-approached the podium stating that the day he wrote the code enforcement letter and even as late as last week, the number of cars that come and go from the site have been entering in at 6 AM and loading material onto these trucks, doing business as usual. They worked all the way up until last Thursday (9/1) or Friday (9/2), saw no activity during the holiday weekend.
- *Belen Lopez*: Approached the podium to clarify the statements made by the members of the audience.

RE-CLOSING THE PUBLIC HEARING:

- Commissioner Corrales re-closed the public hearing portion at 8:07 PM.

CLARIFICATION OF STATEMENTS:

- Commissioner Vincent needed clarification regarding the business license for the applicant.
 - Commissioner Lowe responded stating that the applicant has to meet all these conditions before issuance of business license and that the Planning Commission is there to discuss land use and not the business license and asked if that was correct.
 - Mr. Braaten responded to both Commissioner Lowe's question and Commissioner Vincent's statement about business licenses.
 - Commissioner Vincent responded to Mr. Braaten.
 - Commissioner Lowe then responded to Commissioner Vincent.
 - Mr. Braaten responded to Commissioner Lowe.
- Commissioner Didier had a question regarding the gate fabrication that will occur in the existing building and how it seems to be more of an industrial use rather than a residential use. Had a question regarding who is going to police the issues raised by the code enforcement and the conditions set forth in the Conditional Use Permit if approved.
 - Discussion ensued between Commissioners Vincent and Lowe regarding code enforcement.
 - Commissioner Didier stated that it could go on forever. Commissioner Vincent agreed.
 - Commissioner Lowe asked how we got from a storage yard to running a business out of the current location.
 - Mr. Braaten responded to the question.
- Commissioner Lowe wanted clarification about the contractor storage being the land use issue and that what they do business wise and the employee issue is a completely different issue.
 - Mr. Braaten concurred with the statement.
 - Commissioner Lowe added that if the Planning Commission approved the land use, then they can still get stopped on the business side of things in regards to the inspections of the shop and everything else, it is not a guarantee that if we approve the land use that they will operate their business out of the location.
 - Commissioner Vincent stated that he was trying to get to that point but in a roundabout way of saying it.
 - Commissioner Lowe stated that he is asking this so that the Planning Commission and the audience understands that this is a land use issue and that operating the business is a separate issue entirely.
 - Mr. Braaten responded to Commissioner Lowe's statement.
- Commissioner Gutierrez stated that he was confused between the question and remarks made concerning this proposal.
 - Mr. Braaten responded.
- Commissioner Vincent discussed an example about an excavator and other equipment and how if things start stacking up then it will look like a lumber yard even with the site-obscuring fence.
 - Mr. Braaten responded to Commissioner Vincent's statement and that's what triggers the Conditional Use Permit for open storage or materials. Whereas, enclosed storage and materials are permitted by right.

- Commissioner Gutierrez made the statement that it is not governed by the Planning Commission body and that we are discussing the land itself.
 - Mr. Braaten responded.
- Commissioner Lowe stated that is a two-step issue and that if we (the Planning Commission) don't approve the Conditional Use Permit then the address at that location does not matter, but if it's approved then it's just another step for them to obtain their business license.
 - Mr. Braaten responded.
- Commissioner Gutierrez interjected and asked if they were talking about approval for recommendation.
 - Mr. Braaten responded by stating that the Planning Commission has no approval power and can only approve, deny, or modify the recommendation.
- Clarification of Statements concluded at 8:26 PM.

Commissioner Vincent entertained a motion.

Commissioner Didier made a motion of denial of CUP 2022-06.

- Mr. Braaten reminded Commissioner Didier about making motions to deny, under Roberts Rules of Order.
 - Commissioner Didier then changed her response to a "negative recommendation".
 - Mr. Braaten responded to the changed response and clarified how the recommendation process works.

Commissioner Didier made a motion to forward to the Board of County Commissioners a positive recommendation of CUP 2022-06/SEPA 2022-20 with the six (6) adopted findings of fact, but not the eight (8) conditions of approval.

Ms. Johnson spoke about how it's okay to move forward if the Planning Commission doesn't agree with the conditions and then vote on it and if it doesn't pass, then the Board will be notified that it didn't pass.

Commissioner Didier then finished the motion with the suggested eight (8) conditions of approval.

Commissioner Vincent seconded the motion.

No further discussion amongst the Commissioners after the motion was made.

ROLL CALL VOTE:

| | |
|------------------|--------|
| Mike Corrales: | Yes |
| Melinda Didier: | No |
| Mike Vincent: | No |
| Layton Lowe: | Yes |
| Peter Harpster: | Absent |
| Manny Gutierrez: | Yes |
| Stacy Kniveton: | Yes |

The motion has been approved for CUP 2022-06/SEPA 2022-20 at 8:30 PM.

The remainder of the meeting minutes are being EXCLUDED, as the next part of the meeting addressed an item will go to the Board of County Commissioners at a future date, which is subject to the state Appearance of Fairness Doctrine.

AGENDA ITEM # 1

CUP 2022-06 **CONDITIONAL USE PERMIT** UNITED FENCE COMPANY



FRANKLIN COUNTY PLANNING COMMISSION
Tuesday, September 06, 2022

CUP 2022-06

DESCRIPTION



- ☐ **Address:** 4120 Melody Lane, Pasco, WA 99301.
- ☐ **Parcel Number:** 114-301-117
- ☐ **Zoning:** Rural Residential 1 (RR-1) Zone
- ☐ **Comp. Plan:** Rural Residential
- ☐ **Property size:** Approximately 1.32 acres.

CUP 2022-06

DESCRIPTION

- **Location:** East of Road 42 North, South of Melody Lane, and West of Road 36 North
- **Request:** To operate a material storage fence business (contractor storage).
- **Area to be Used:** 912 sq. ft. for the shop and back of property to be used for storage is 7,725 sq. ft.
- **Features:** Existing residential home and pole building.

CUP 2022-06

VICINITY MAP

SUBJECT AREA



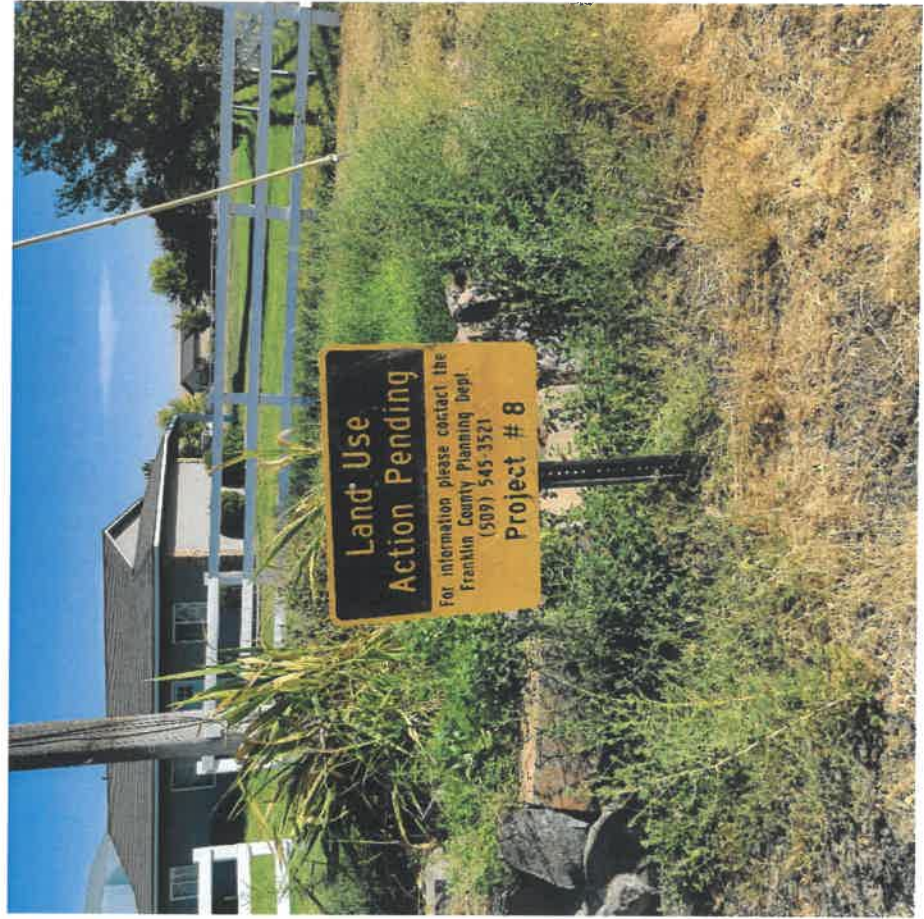
CUP 2022-06

ASSESSOR'S PHOTOS



CUP 2022-06

SITE PHOTOS



CUP 2022-06

SITE PHOTOS



CUP 2022-06

SITE PHOTOS



CUP 2022-06

SITE PHOTOS



CUP 2022-06

AGENCY / PUBLIC NOTICE

- On, or about, July 28, 2022, staff sent notices to:
 - Technical agencies
 - Property owners within 500 feet
 - The Franklin County Graphic
 - Made a SEPA Determination of Non-Significance (DNS)
 - SEPA Registry # 202203725
- Staff also:
 - Posted a “Pending Land Use Action” sign on the property (on August 15, 2022)

CUP 2022-06

PUBLIC COMMENTS



- There were three (3) public comments from three (3) households' submitted comments in opposition to the project as of August 24, 2022.
- There was also the submittal of a petition from the neighbors opposed to the project (August 23, 2022).
- Comments touched on multiple points of concern with traffic, noise, fire hazard, litter, and diminished land values.
- Comments and the petition are available to view in the Staff Report packet.

CUP 2022-06

STAFF ANALYSIS

- P & B received a code complaint regarding the property being used to store commercial business vehicles and fencing materials.
- Staff conducted a site visit and concurred that a fencing business appeared to be operating on the property, including the open storage of construction materials and vehicles.
- A code enforcement letter was then sent to the landowner, requiring commercial activity on the property stop and the openly stored materials be removed or stored in a building, unless a Conditional Use Permit is obtained.

CUP 2022-06

STAFF ANALYSIS

- Mr. Lopez applied for a Conditional Use Permit.
- A key component of the business is contractor storage, which is a listed conditional use within the RR-1 zoning district.
- A “listed conditional use” is defined as a use that is listed as a conditional use within the property’s zoning designation, that has been determined to be able to be made compatible with surrounding uses, provided specific mitigations and/or conditions are met by the applicant.

CUP 2022-06

STAFF ANALYSIS



- Some examples of conditions that may make a conditional use commercial activity compatible with surrounding residential uses are limiting hours of operation, requiring the insertion of site obscuring fencing, limiting the height of stored materials, maintaining fire access lanes through stored materials, etc.
- If a conditional use is approved, it may be rescinded, following a public hearing, if the County receives material complaints the owner is not abiding by/meeting any required conditions.

CUP 2022-06

AGENCY COMMENTS

☐ **Franklin County Public Works:**

- ☐ An approach permit is required to access 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).
- ☐ 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).

CUP 2022-06

RECOMMENDED FINDINGS OF FACT



1. The proposed use in the RR-1 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.

CUP 2022-06

RECOMMENDED FINDINGS OF FACT



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 the structure and site design **WILL NOT** discourage the development of permitted uses on property in the general vicinity or impair the value thereof.

CUP 2022-06

RECOMMENDED FINDINGS OF FACT

5. The operation in connection with the proposal **WILL NOT** be more objectionable to nearby properties by reason of noise, fumes, vibrations, dust, traffic, or flashing lights than would be the operation of any permitted uses within the district.
6. The proposal **WILL NOT** endanger the public health, safety, or general welfare if located where proposed.

CUP 2022-06

CONDITIONS OF APPROVAL

In addition to “standard” CUP language:

1. Applicant shall apply for a home occupation permit and comply with the standards set forth in FCC Ch. 17.68, with the exception of sections F, K, and N, as listed in FCC 17.68.040.
2. Shall comply with noise standards established in WAC 173-60.
3. A minimum 6 ft. tall, site obscuring fence, shall be constructed out of wood, PVC or block material, or similar materials, and shall cover both the side and rear yard area, as defined in FCC 17.06.1000 and 17.06.1010. Fence shall not encroach within the 30 ft. access & utility easement as contained in Short Plat 2003-18 and AF #512228.
4. Construction materials stored outside shall not be stacked more than 4 ft. in height and shall not exceed the footprint for outdoor material storage designated in the CUP’s approved site plan. All parts of the material storage shall be accessible via a 10’ wide, minimum, access route.

CUP 2022-06

CONDITIONS OF APPROVAL

5. Gate fabrication activities shall be entirely conducted within the confines of the existing shop. The existing shop shall be inspected to ensure it meets the requirements for a commercial structure, prior to use of the building for commercial fabrication. This includes meeting fire and safety requirements, as well as sanitary and ADA compliance, as required by, but not necessarily limited to, the BFHD and International Building Code.
6. Hours of business operation shall be 9 AM to 4 PM, Monday thru Friday, as stated in the application. Any business related deliveries/pick-ups shall occur during business hours, and shall not occur before 9 AM, after 4 PM, or on weekends.
7. Exterior lighting shall be directed on-site so as to not interfere with the comfort and repose of adjoining property owners. If security or other outdoor lighting is installed, it shall be directed down, and no part of the illumination halo shall encroach onto a neighboring property.

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CONDITIONS OF APPROVAL

8. Site shall be maintained at all times so as to not let the land become a fire hazard or accumulate with debris, weeds, and/or garbage. Additionally, the risk of fugitive dust shall be mitigated through appropriate means at the site.
- ☐ Comply with comments as provided by **Franklin County Public Works.**

CUP 2022-06

SUGGESTED MOTION



- ☐ “I move that the Franklin County Planning Commission recommend that the Board of County Commissioners **adopt** the **6** findings of fact and **8** conditions of approval, detailed in the staff report, and **approve** case-file

CUP 2022-06 / SEPA 2022-20.”

Agenda Item #1

STAFF REPORT

CUP 2022-06

United Fence Co. – Contractor Storage

FACT SHEET/STAFF REVIEW

Hearing before the Franklin County Planning Commission

Case file: CUP 2022-06 (Conditional Use Permit) and SEPA 2022-20

Hearing Date: September 6, 2022

Applicant: United Fence Co.

Owner: Jonathan & Belen Lopez

Location: The project is located East of Road 42 North, South of Melody Ln. and West of Road 36 North. (Parcel Number 114-301-117). The proposed project has an address of 4120 Melody Ln., Pasco, WA 99301.

VICINITY MAP:



Staff Report
CUP 2022-06

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- Property size:** The current property size is approximately 1.32 acres
- Comp. Plan:** Rural Residential
- Zoning:** Rural Residential 1 (RR-1)
- Suggested Recommendation:** Positive recommendation *with six (6) suggested findings of fact and eight (8) suggested conditions of approval*
- Suggested Motion:** I move to forward to the board of commissioners a positive recommendation of CUP 2022-06 with six (6) findings of fact and eight (8) suggested conditions of approval.

APPLICATION DESCRIPTION:

This is a Conditional Use Permit application to allow for contractor storage on a property in the Rural Residential 1 (RR-1) Zoning District. Applicant is proposing to have a fence contracting business operate out of his residence, with business hours of 9AM-4PM, Monday-Friday. Home businesses with contractor storage are required to obtain a Conditional Use Permit (CUP) in the RR-1 Zoning District. Additionally, the applicant indicated in their site plan that gate fabrication will be occurring within the existing shop building.

The following additional information about the project was included by the applicant in the SEPA checklist/application:

Plans for future additions, expansion, or further activity: *None.*

Site coverage: *Shop is 912 sq. ft. and back of property to be used for storage is 7,725 sq. ft.*

Proposed measures to reduce or control erosion: *None.*

Waste Material: *On-site septic system.*

Noise: *Vehicle traffic/machinery during the hours of 9AM-4PM, Monday-Friday.*

Existing structures: *Single-family dwelling and shop.*

The applicant also provided a site plan, which shows the location of the following features:

- Existing house
- Existing shop (site of gate fabrication)
- Location of septic tank, drainfield and reserve drainfield.
- Location of fence material/contracting equipment storage area.

STAFF ANALYSIS:

The Conditional Use Permit (CUP) application is the result of a code enforcement complaint filed by a neighbor of Mr. Lopez. Code enforcement in unincorporated Franklin County is complaint driven, which means code enforcement action only occurs when a complaint has been filed, or if an imminent risk to the health or safety of the public is observed. In the complaint, it stated Mr. Lopez was using his residence to store commercial business vehicles and fencing material for said business. Staff conducted a site visit and concurred that a fencing business was indeed operating out of the residence.

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CUP 2022-06

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A code enforcement letter was then sent to the applicant, requesting a cease and desist from commercial activity on the site due to not having a CUP, with continuance of commercial activity contingent upon issuance of said CUP. Applicant responded by filing for a CUP, seeking to continue using the residence for commercial activity.

A key component of the business is contractor storage, which is a listed conditional use within the RR-1 Zoning district. A "listed conditional use" is defined as a use that is listed as a conditional use within the property's zoning designation, that has been determined to be able to be made compatible with surrounding uses, provided specific mitigations and/or conditions are met by the applicant. Some examples of conditions that may make a conditional use compatible with surrounding uses are limiting hours of operation, requiring the insertion of a site obscuring fencing, limiting the height of stored materials, maintaining fire access lanes through stored materials, etc.

PUBLIC NOTICE:

- The Planning Staff emailed technical review requests to Technical Agencies on **July 28, 2022**.
- The Planning staff mailed notices to Property Owners within 500 feet on **July 28, 2022**.
- A Public Notice was published in the *Franklin County Graphic* on **July 28, 2022**.
- A sign was posted on the property on **August 15, 2022**.

SEPA:

- A SEPA Checklist was included in the application. Planning Staff [Lead Agency Responsible Official] reviewed the checklist and issued a Determination of Non-Significance (DNS) on **July 28, 2022** under WAC 197-11-340(2) which was published on **July 28, 2022**.
- The Washington State Department of Ecology filed the notice under **SEPA # 202203725** in the state-wide SEPA Register.
- Comments on the DNS Threshold Determination were due by **August 11, 2022**. No SEPA comments were received. There were no appeals of the DNS.

APPLICABLE STANDARDS/CODES:

1. County Zoning-- County Code:
 - a. Chapter 17.14 Rural Residential 1 (RR-1) Zoning District
 - b. Chapter 17.66 Use regulations
 - c. Chapter 17.82 Special Permits
 - d. Chapter 18.04 State Environmental Policy Act Guidelines (SEPA)
 - e. Title 14 Development Code Administration
2. Franklin County Comprehensive Plan

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PUBLIC COMMENT:

There were three public comments from three households' submitted comments in opposition to project as of August 24, 2022. There was also the submittal of a petition from the neighbors opposed to the project (August 23, 2022). Comments touched on multiple points of concern with traffic, noise, fire hazard, litter and diminished land values. Please see the comments and petition included in your packet.

AGENCY COMMENTS/CRITERIA FOR FINDINGS OF FACT:

1. **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 and questions:
 - a. 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).
 - 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 for more information (Resolution #2000-330).
2. **Department of Ecology:** No comments received.
3. **Franklin County Assessor's Office:** No comments received.
4. **Franklin PUD:** No comments received.
5. **South Columbia Basin Irrigation District (SCBID):** No comments received.
6. **Franklin County Irrigation District:** No comments received.
7. **US Bureau of Reclamation:** No comments received.
8. **Tri-Cities Airport:** No comments received.
9. **Department of Archeology & Historic Preservation (DAHP):** No comments received.
10. **Confederated Tribes of the Umatilla Indian Reservation:** No comments received.
11. **Yakama Nation:** No comments received.
12. **Nez Pierce Tribe:** No comments received.
13. **Colville Confederated Tribes:** No comments received.
14. **Benton-Franklin Health District:** No comments received.

15. **Fire District #3:** No comments received.
16. **City of Pasco:** No comments received.
17. **Planning and Building Department:** Staff has determined the following suggested findings and recommended conditions for the application request.
 - a. Applicant shall apply for a home occupation permit and comply with the standards set forth in FCC Ch. 17.68, with exception of sections F, K and N as listed in FCC 17.68.040.
 - b. Shall comply with noise standards established in WAC 173-60.
 - c. A minimum 6 ft. tall, site obscuring fence shall be constructed out of wood, PVC or block material, or similar materials, and shall cover both the side and rear yard area, as defined in FCC 17.06.1000 and 17.06.1010. Fence shall not encroach within the 30 ft. access & utility easement as contained in short plat 2003-18 and AF #512228.
 - d. Construction materials stored outside shall not be stacked more than 4 ft. in height and shall not exceed the footprint for outdoor material storage designated in the CUP's approved site plan. All parts of the material storage area shall be accessible via a 10' wide, minimum, access route.
 - e. Gate fabrication activities shall be entirely conducted within the confines of the existing shop. The existing shop shall be inspected to ensure it meets the requirements for a commercial structure, prior to use of the building for commercial fabrication. This includes meeting fire and safety requirements, as well as sanitary and ADA compliance, as required by, but not necessarily limited to, the BFHD and International Building Code (IBC).
 - f. Hours of business operation shall be 9 AM to 4 PM, Monday thru Friday, as stated in the application. Any business related deliveries/pick-ups shall occur during business hours, and shall not occur before 9 AM, after 4 PM, or on weekends.
 - g. Exterior lighting shall be directed on-site so as not to interfere with the comfort and repose of adjoining property owners. If security or other outdoor lighting is installed, it shall be directed down, and no part of the illumination halo shall encroach onto a neighboring property.
 - h. Site shall be maintained at all times so as to not let the land become a fire hazard or accumulate with debris, weeds and/or garbage. Additionally, the risk of fugitive dust shall be mitigated through appropriate means at the site.
 - i. Should archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains be observed during project activities, all work in the immediate vicinity shall stop. The State Department of Archaeology and Historic Preservation (360-586-3065), the Franklin County Planning and Building Department, the affected Tribe(s) and the county coroner (if applicable) shall be contacted immediately in order to help assess the situation and determine how to

Staff Report
CUP 2022-06

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preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) is required.

RECOMMENDATION: (CUP 2022-06)

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. Shall render a recommendation to the Board of Commissioners as to whether the proposal be denied, approved, or approved with modifications and/or conditions.

Findings of Fact Criteria by Planning Commission: The planning commission shall make and enter findings from the record and conclusions thereof as to whether or not:

1. The proposal is in accordance with the goals, policies, objectives, maps and or narrative text of the comprehensive plan;
2. The proposal will adversely affect public infrastructure;
3. The proposal will be constructed, maintained and operated to be in harmony with the existing or intended character of the general vicinity;
4. The location and height of proposed structures and the site design will discourage the development of permitted uses on property in the general vicinity or impair the value thereof;
5. The operation in connection with the proposal will be more objectionable to nearby properties by reason of noise, fumes, vibrations, dust, traffic, or flashing lights than would be the operation of any permitted uses within the district;
6. The proposal will endanger the public health or safety if located and developed where proposed, or in 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 2022-06.

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 2022-06, with the following suggested findings of fact and suggested conditions of approval:

Suggested Findings of Fact:

1. The proposed contractor storage in the RR-1 Zoning District **IS** in accordance with goals and policies of the County Development Regulations (Zoning) and the applicable Comprehensive Plan.
 - a. The Franklin County Comprehensive Plan designates the land as Rural Residential.

- b. One of the development policies for Rural Residential as expressed in the Franklin County Comprehensive Plan is to limit commercial/industrial activities; while at the same time encouraging development of home occupations. Restrictions contained in the conditions of approval serve to limit the commercial activity, and improve its compatibility with surrounding uses, while allowing for the establishment of a home occupation.
 - c. The County Zoning Code designates the land as Rural Residential 1 (RR-1).
 - d. Contractor storage requires a Conditional/Special Use Permit in the RR-1 Zoning District. Applicant has applied for a Conditional Use Permit to allow for contractor storage in the Rural Residential 1 (RR-1) zoning district.
- 2. The proposal **WILL NOT** adversely affect public infrastructure.
 - a. Public Works has determined that it is not anticipated that the use will have a significant impact on the County Road System.
- 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 existing and intended character of the immediate area is rural residential. With conditions imposed, the proposed contractor storage will not impair the ability for residential activities to continue, nor will it have a negative impact on the intended character of the general vicinity.
 - b. "Quiet hours" in Franklin County are defined to be between 10 PM and 7 AM, unless specifically exempted. Facility operations are limited to the hours between 9 AM and 4 PM, Monday through Friday.
- 4. The location and height of proposed site design **WILL NOT** discourage the development of permitted uses on property in the general vicinity or impair the value thereof.
 - a. Applicant will be required to install a 6 ft. site obscuring fence on both side and rear yards and be restricted in the storing of materials to 4 ft. in height.
 - b. Any fabrication of materials is to be located within an approved structure.
- 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. Production of noise will be limited to standards contained in WAC 173-60.
 - c. Hours of operation will be limited to 9 AM-4 PM, Monday thru Friday.
 - d. Any deliveries/pick-up of materials shall occur during business hours, 9 AM-4 PM, Monday through Friday, and shall not occur on weekends.

- e. Exterior lighting shall be directed on-site so as not to interfere with the comfort and repose of adjoining property owners. If security or other outdoor lighting is installed, it shall be directed down, and no part of the illumination halo shall encroach onto a neighboring property.
 - f. Any fabrication of materials is to be located within an approved structure.
6. The proposal **WILL NOT** endanger the public health, safety, or general welfare if located where proposed.
- a. The project is required to comply with the commercial building code (IBC), Health Department, and Public Works standards, regarding health and access/safety standards for the proposed use.
 - b. Applicant will be required to maintain site at all times to prevent the accumulation of weeds, debris and/or garbage. The applicant will also be required to mitigate for fugitive dust at the site.
 - c. 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 **THREE COMMENTS** from three households in objection to the proposal, along with the submittal of a petition in opposition to said proposal.

Suggested Conditions of Approval:

- 1. Comply with the requirements of the **Franklin County Planning and Building Department**:
 - a. Applicant shall apply for a home occupation permit and comply with the standards set forth in FCC Ch. 17.68, with exception of sections F, K and N as listed in FCC 17.68.040.
 - b. Shall comply with noise standards established in WAC 173-60.
 - c. A minimum 6 ft. tall, site obscuring fence, shall be constructed out of wood, PVC or block material, or similar materials, and shall cover both the side and rear yard area, as defined in FCC 17.06.1000 and 17.06.1010. Fence shall not encroach within the 30 ft. access & utility easement as contained in short plat 2003-18 and AF #512228.
 - d. Construction materials stored outside shall not be stacked more than 4 ft. in height and shall not exceed the footprint for outdoor material storage designated in the CUP's approved site plan. All parts of the material storage area shall be accessible via a 10' wide, minimum, access route.
 - e. Gate fabrication activities shall be entirely conducted within the confines of the existing shop. The existing shop shall be inspected to ensure it meets the requirements for a commercial structure, prior to use of the building for commercial fabrication. This includes meeting fire and safety requirements, as well as sanitary and ADA compliance, as required by, but not necessarily limited to, the BFHD and International Building Code (IBC).

- f. Hours of business operation shall be 9 AM to 4 PM, Monday thru Friday, as stated in the application. Any business related deliveries/pick-ups shall occur during business hours, and shall not occur before 9 AM, after 4 PM, or on weekends.
 - g. Exterior lighting shall be directed on-site so as not to interfere with the comfort and repose of adjoining property owners. If security or other outdoor lighting is installed, it shall be directed down, and no part of the illumination halo shall encroach onto a neighboring property.
 - h. Site shall be maintained at all times so as to not let the land become a fire hazard or accumulate with debris, weeds and/or garbage. Additionally, the risk of fugitive dust shall be mitigated through appropriate means at the site.
 - i. Should archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains be observed during project activities, all work in the immediate vicinity shall stop. The State Department of Archaeology and Historic Preservation (360-586-3065), the Franklin County Planning and Building Department, the affected Tribe(s) and the county coroner (if applicable) shall be contacted immediately in order to help assess the situation and determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) is required.
2. Comply with the requirements of the **Franklin County Public Works Department**:
 - 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. Comply with **fire code** requirements as expressed in Franklin County Code (FCC) Ch. 8.40.
4. 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.
5. 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.
6. In accordance with the County's Zoning Code, 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.

Staff Report
CUP 2022-06

10

7. This permit applies to the described lands, applicant, and business, and is not transferable to another party. Any transferring of this permit to another party shall require a new Conditional Use Permit be applied for and approved by the Board of County Commissioners. It cannot be transferred to another site.
8. 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.

Agenda Item #1

PUBLIC NOTICE

AGENCY/PUBLIC COMMENT

CUP 2022-06

United Fence Co. – Contractor Storage



FRANKLIN COUNTY

PLANNING AND BUILDING DEPARTMENT

AGENCY COMMENTS (CUP 2022-06/SEPA 2022-20)

DATE: July 28, 2022

RE: CUP 2022-06/SEPA 2022-20

TO: County Engineer
Benton-Franklin Health Dist.
Fire Code Official
Assessor/GIS
County E-911
US Bureau of Reclamation
DAHP
Conf. Tribes of Umatilla Indian Res.
Colville Conf. Tribes
Nez Pearce Tribes

Irr. Dist. (FCID X SCBID X)
Fire Dist. # 3
Elec. Utility (PUD X BBEC)
County Building Official
City of Pasco
Yakama Valley Nation
Clark Addition Water Association

FROM: Derrick Braaten, Planning & Building Director

CC: Ryan Nelson, Rebeca Gilley, Aaron Gunderson

Agency Representative:

Enclosed is a copy of a proposed Conditional Use Permit application. The proposal is to allow for contractor storage in the Rural Residential 1 (RR-1) Zoning District.

We would appreciate your review and comments **within ten (10) working days of the above listed date, if possible**. If it will take longer to review the CUP, please contact this office at (509) 545-3521.

Sincerely,

Derrick Braaten
Planning & Building Director

See attached for additional information

REPLY:

Signed: _____
Title: _____

Date: _____



FRANKLIN COUNTY

PLANNING AND BUILDING DEPARTMENT

NOTICE OF PUBLIC HEARING & SEPA DETERMINATION

NOTICE IS HEREBY GIVEN that there has been an application proposed to the Franklin County Planning Commission by **Belen Lopez, United Fence Co., LLC, 4120 Melody Ln., Pasco, WA 99301** for a Conditional Use Permit (CUP), **CUP 2022-06/SEPA 2022-20**. Said application is to allow for contractor storage, which is allowed in the Rural Residential 1 (RR-1) zoning district through CUP approval (FCC 17.14.040(H)). The land has a Comprehensive Plan Land Use Designation of Rural Residential.

The subject parcels are described as follows:

LOCATION:

Parcel number for the property is 114-301-117 and is generally located East of Road 42 North, South of Melody Ln., and West of Road 36 North. The property has an address of 4120 Melody Ln., Pasco, WA 99301.

NOTICE IS FURTHER GIVEN that said application will be considered by the Franklin County Planning Commission. Said consideration will be a public hearing on **September 6, 2022 at 7:00 PM** in the **Franklin County Courthouse, Commissioners Meeting Room, 1016 N. 4th Avenue, Pasco, WA 99301** and all concerned may present comments regarding the application. Written comments are accepted prior to public hearing and those comments shall be submitted by either email at planninginquiry@franklincountywa.gov, or by regular mail to Franklin County Planning Department, 502 W. Boeing Street, Pasco, WA 99301. All written comments received in advance of the public hearing, or comments presented at the public hearing, shall be included as part of the record. Written comments submitted by **4:30 PM on August 19, 2022** will be included in the packet provided to the Planning Commission in advance of the meeting.

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 **July 28, 2022** and the comment period for the determination and environmental impacts of the proposal will close on **August 11, 2022**.

HOW TO WATCH/PARTICIPATE VIRTUALLY: 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>. To participate virtually, please contact our office for an invite, by the Friday proceeding the meeting.

Information concerning the proposal can be obtained by email at planninginquiry@franklincountywa.gov or by calling 509-545-3521.

DATED AT PASCO, WASHINGTON ON THIS 28th DAY OF JULY 2022

PUBLISH:

Franklin County Graphic: July 28, 2022



FRANKLIN COUNTY

PLANNING AND BUILDING DEPARTMENT

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DATED AT PASCO, WASHINGTON ON THIS 28th DAY OF JULY 2022

PUBLISH:

Franklin County Graphic: July 28, 2022

SUBJECT PARCEL



Aaron Gunderson

From: life precious moments <abearcubs@outlook.com>
Sent: Tuesday, August 23, 2022 6:09 PM
To: Derrick Braaten; planninginquiry; planninginquiry
Cc: Keith Johnson; life precious moments
Subject: [EXTERNAL] FW: CUP 2022-06 / SEPA 2022-20 determination
Attachments: SMFM1744322082314310.pdf; SMFM1744322082314330.pdf; before--after pic .pdf

CAUTION: This email originated from outside of Franklin County. Be careful when following links or opening attachments.

Hi Derrick I wanted to make sure these attached documents make it to the packet that will be provided to the planning commission in advance to the meeting.

Derrick I did not received this public Hearing notice at my address 6708 rd 42, Pasco, 99301 but instead heard about it through my neighbor Vick and then Chuck Harmon. So please except my late entry from (August 19th). Derrick I had just enough time to round up a petition with signatures from neighbor whom also want to stop this commercial business from continuing. Several have stated that they also did not received a hearing notice and want to be heard. Please see the before and after pictures of Mr. Lopez property.

Derrick
Thank you
Larry Hebert
509 303-1180

Sent from [Mail](#) for Windows

From: [life precious moments](#)
Sent: Tuesday, August 23, 2022 5:34 PM
Subject: Fwd: CUP 2022-06 / SEPA 2022-20 determination

Sent from my iPhone

Begin forwarded message:

From: "Hebert, Larry J" <larry_j_hebert@rl.gov>
Date: August 23, 2022 at 2:36:17 PM PDT
To: abearcubs@outlook.com
Subject: CUP 2022-06 / SEPA 2022-20 determination

From: MFM17443@RL.GOV <MFM17443@RL.GOV>
Sent: Tuesday, August 23, 2022 2:32 PM
To: Hebert, Larry J <larry_j_hebert@rl.gov>
Subject: Message from MFM17443

Reference CUP 2022-06/SEPA 2022-20

Conditional Use Permits, or CUPs for short, are permits that require discretionary approval from the city in our case the county. These types of permits consent to a use not allowed by-right in a particular zone. Just like the name implies, the permit application is approved under a set of conditions.

Conditional use zoning **balances community concerns**—such as preventing building an industrial/Commercial facility next to single-family homes in a residential neighborhood.

My name is Larry Hebert, my address is 6708 road 42, Pasco, WA. 99301.

I am not sure why I did not receive this notice as my neighbors did.

I am currently building a home on lot 1 short plate 2022-15.

The CUP states that they are applying for a Conditional use permit to allow them to use this home and buildings as a place to store fencing materials.

From what I have observed this place is being used as a commercial business. I have noticed employees arriving around 6:00 AM and leaving in the evening.

I for one would ask the hearing board to vote NO in allowing this CUP.

They are using this place as a business, the shop for fabrications and the home as an office.

The worker loading trucks with forklift. stirring up dust. And very noisy. I have notice big semi-trucks blocking the road when delivering fencing material. This is a family community not designed for a business of this size.

I have created a petition to get the neighborhood feed back. And our neighborhood agreed by signing the petition they do not want a business in our community. Also they have complaints about big semi-trucks that are allowed to be parked in the neighborhood and the planning commission has done nothing to fix this. see attached. petition;

*Larry Hebert
8/22/22*

Residents of Clark addition oppose CUP 2022-06/SEPA 2022-20

Belden Lopez, United Fence Co. LLC submitted an application to Franklin County Planning Commission for a Conditional Use Permit (See attached)

Said application is to utilized 4120 Melody Ln, Pasco, Wa. As his contractor storage.

We live in a rural area away from city residential areas and commercial business.






Our area is very peaceful and quiet.

I believe that this property is being used as a commercial business not just for contractor storage.

I believe that Clark addition resident would be un-comfortable with a commercial business of this type moving into our neighborhood creating noises in early morning and late into the evening from forklifts, workers loading trucks, stirring up dust and Fabricating fencing products in the shop as well as utilizing the current house as an office. If you would agree with this petition, please approve by completing the signature page.





Petition to Oppose CUP 2022-06 /SEPA 2022-020

We the undersigned are concerned citizens who urge our leaders to act now and to NOT approve this application CUP 2022-06 /SEPA 2022-20

| Signature | Address | Comments | Date |
|---|-----------------|--|---------|
|  | 6708 R. 42 | I moved here for the peace AND QUIET | 8-17-22 |
| Chuck Harmon | 6716 R 42 | I moved here 53 years ago | 8-19-22 |
|  | 3715 MELODY LN | LIVED HERE 42 YEARS | 8/19/22 |
| Patti Anderson | 3715 Melody Ln | LIVED HERE 42 yrs | 8/19/22 |
|  | 3612 Melody Ln | It is Quiet and want to keep it that way | 8/19/22 |
|  | 3612 Melody Ln. | Love having a quiet neighborhood | 8/19/22 |
| Doreen Waters | 6920 N. Rd 42 | Rural living | 8/19/22 |
| Mr Hubbard | 6713 N. Road 42 | I'm here for Rural living Not Commercial | 8/20/22 |
|  | 6970 Rd 42 | I MOVED HERE FOR PEACE AND QUIET | 8/20/22 |

Petition to Oppose CUP 2022-06 /SEPA 2022-020

We the undersigned are concerned citizens who urge our leaders to act now and to NOT approve this application CUP 2022-06 /SEPA 2022-20

| Signature | Address | Comments | Date |
|---|-------------------------|----------------------------|-----------|
|  | 7015 N. RD 42 | N/A | 8/20/2022 |
|  | 4116 4016 Robert R | Y/A Business | 8/20/22 |
|  | 4016 Robert Rd 4116 | no Business | 8/20/22 |
| Yoly Delgado | 4320 Janet Pasco WA. | NO Business | 8/20/22 |
| Y. Bando Gaurin | 4415 Janet Rd | NO Business | 8/20/22 |
| Fidel Lira | 4220 Janet Rd | Y/A | 8/20/22 |
| Miguel Lira | 4220 Janet Rd | No Business | 8/20/22 |
|  | 4121 Melody LANE | NO Business Residential | 8/24/22 |
| Bruce Leland | 7420 N RD 36 Pasco | NO Semi Truck | 8/22/22 |

Petition to Oppose CUP 2022-06 /SEPA 2022-020

We the undersigned are concerned citizens who urge our leaders to act now and to NOT approve this application CUP 2022-06 /SEPA 2022-20

[illegible]



Before



AFTER



AFTER

Applicant say he is applying for a conditional use permit to store business material there.

- Our area has plenty of storages that can be rented for this.
- I believe the county has places to help new companies find locations and help them start-up new business. I know for a fact that richland has area near Hanford that will rent a building and help with the supplies you need to start your business with plenty of storage.

Does this also involve storing of galvanized paints any other chemicals associated with a fencing company that will be stored ?

Most of the residents in Clark addition feel strongly that this is a commercial business being conducted on this residential property and not Just a storage place. Next to our homes, where we bought to be in a quite area.

There is a lot of noise coming from this place, from worker loading and unloading trucks, fabrication of equipment not to mention the off gassing and dust created by the forklift.

Semi-trucks parking on the road to deliver material, causing delays for homeowners trying to get through the neighborhood. Heck just drive around Clark addition and see how many Semi-trucks are parked alone side the road ways which the county has ignored.

As such maybe an Environmental and safety assement impact on our area should be performed or scheduled to be performed so that as homeowners we are not affected.

I would think that there are many variables associated with running this type of business. Like worker safety, Level of detail required to safely and properly perform this type of work.

I would ask that the planning commission not grant this once beautiful home to become a commercial storage in our neighborhood.

We have one of the world's largest HAZMAT clean up sight (Hanford) and people in this area are well educated in the different hazards that a companies could possibly bring to our community. With that stated we put trust in our community governments to protect our properties and the safety of its people thus is why we elect you. We hope that you will do the right thing.

Chuck E. Harmer
signature

8-24-22 [Signature] 8-24-22
date

Cassidy A. Harmer
signature

8-24-22
date

Charlotte Harbert 8-24-22

Aaron Gunderson

From: Sherrie <c133b@yahoo.com>
Sent: Thursday, August 4, 2022 5:42 PM
To: planninginquiry
Subject: [EXTERNAL] Conditional Use Permit CUP 2022-06/SEPA 2022-20 4120 Melody Lane, Pasco

CAUTION: This email originated from outside of Franklin County. Be careful when following links or opening attachments.

I live in a quiet residential neighborhood.

I am "not in favor of any" business in this residential area!

Over the last few years, I have had large trucks blocking part of the road or parking on the front of my property, to unload supplies to 4120 Melody Lane.

This is a neighborhood with people loving to walk, ride their bikes or horses and children playing and riding their bicycles.

Please consider the quality of life in our peaceful neighborhood.

Cheryl Stevens
4121 Melody Lane
Pasco, WA 99301

To whom it may concern:

I am objecting to the Conditional Use Permit (CUP) applied for from the residence of 4120 Melody Lane, Pasco, WA on four points: fire hazard, excessive noise, litter, and diminished land value.

Fire hazard:

We border over 200 acres of shrub steppe behind our residence and our place consists of another 4 acres of the same habitat. In 2016 a fire burnt a large portion of this area, taking a couple neighbor's outbuilding and quite a few farm animals. While I know property maintenance may not be a concern to some, but when it comes to fire safety, it is extremely important and relevant. The applicants rarely mow their grass unless it is a foot tall. They do not address tumbleweeds, which are highly flammable and keep gas containers out in the open. (See photos labeled Fire Hazard 1 and 2). Note the tumbleweeds and stacks of pallets in Fire Hazard 1 and the gas container sitting on the bed of one of the four large vehicles that are currently up against my front property line in Fire Hazard 2. If they caught on fire, it would threaten the trees, shrubs and arborvitae we have planted and being that our house is only 60 feet from that property line, our home.

Excessive noise:

The day I began writing this objection letter, my wife didn't have to be up early and since I'm retired, neither did I, but about 6 a.m. we were awoken by the noise of large diesel motors of the company trucks, and a forklift moving fencing materials around and loading the trucks. The crew (I believe it was six people) were shouting to each other above that noise, as you would expect at a commercial yard when crews are getting what they need and preparing for their day. I've also had to ask for them to turn down music when working in the shop because I could actually hear and feel the bass in my house with our windows closed. I do know a neighbor had to have the Franklin County Sheriff out during another day to have them turn down the music. This simply is not the neighborhood to have a business that creates such disruptions.

Litter:

I've had to pick up the crew's fast-food litter and plastics that has blown in from the commercial fencing yard. Again, property maintenance is an issue. (See photos labeled Litter 1 and 2) In photo Litter 1, you can see an example of some of the trash that eventually blew into my yard. In Litter 2, an example of the loose plastics that will also eventually become litter, either in my yard or one the other neighbor's in our residential neighborhood.

Diminished land value:

We love our neighborhood. It is quiet (or has been). Slowly more and more people are coming out here to enjoy a "country life". In a neighborhood that was completely manufactured housing and even older "mobile homes", it is more often now seeing "stick built" homes going in. Overall, the Tri-Cities has seen a very robust housing market. Our neighborhood, which used to have a somewhat poor reputation has become an area sought after for its "country life" feel and our increased land value and tax assessments have shown that. This is a residential neighborhood, specifically a "Rural Residential" neighborhood and as such, allowing a CUP in this instance will greatly diminish the value of my home and this

neighborhood. Unfortunately, there is no way to adequately obscure the commercial enterprise that the applicants have created in their back yard (see photos Diminished Value 1 and 2). Diminished Value 1 shows some of the recent materials staged in their commercial yard. Note the height. Diminished Value 2 is now the view out our front window. Also, I wonder if our neighborhood roads are rated to handle the weight of the semi-trailer truck that delivers the materials that are being stowed at this property.

Thank you for your consideration. I hope you'll see that there is simply no way to approve the application for CUP without doing major damage to the neighborhood.

Sincerely,

Vic Hubbard

6713 N Road 42, Pasco, WA 99301













Memo



Public Works Department

To: Derrick Braaten, Planning & Building Director
From: John Christensen
cc: Craig Erdman, PE, Director / County Engineer
Date: July 29, 2022
Re: CUP 2022-06 for Contractor Storage

Derrick,

We have reviewed the application for a Conditional Use Permit along with SEPA 2022- to allow for contractor storage in the Rural Residential 1 (RR-1) Zoning District. The property is located East of Road 42 North, South of Melody Ln., and West of Road 36 North. (Parcel #114-301-117).

Public Works has concluded that the proposed use will not have a significant impact on the County Road System. Public Works has 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.

Agenda Item #1

APPLICATION, SEPA DETERMINATION & SEPA CHECKLIST

CUP 2022-06

United Fence Co. – Contractor Storage



FRANKLIN COUNTY

PLANNING AND BUILDING DEPARTMENT

GENERAL LAND DEVELOPMENT APPLICATION

| | | | |
|--------------------------------|---------------------------------|---|--|
| FOR STAFF USE ONLY: | FILE #: CUP2022-00 | Reviewed by: Hearing Date: | |
| | Total Fees: \$400.00 | | |
| | Receipt #: PL22-00791 | | |
| | 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 type="checkbox"/> | Property Owner Name: Jonathon i Belan Lopez Mailing Address: 4120 melody lane pasco wa 99301 Phone: 509 907-5595 Email: ben @ united fence co. biz |
| <input type="checkbox"/> | Applicant / Agent / Contractor (if different) Company: United Fence Co LLC Name: Address: 4120 melody lane pasco wa 99301 Phone: 509 902-2525 Email: ben @ united fence co. biz |
| <input type="checkbox"/> | Surveyor / Engineer Company: Name: Address: Address: Phone: Phone: Email: |

BRIEF DESCRIPTION OF PROJECT OR REQUEST:

material storage fence

PROPERTY INFORMATION:

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

114301117

Legal Description of Property:

18-Residential - All other

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

4120 melody lane Pasco WA 99301

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

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

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



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

Belen Lopez 7-5-22
Owner Date

7-5-22
Applicant/Representative Date

Print Name: Belen Lopez

Print Name: Belen Lopez

CONDITIONAL USE PERMIT INFORMATION

ZONING: Residential

PROJECT NAME: N/A

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

Fence material Storage

LOT/PARCEL SIZE: 1.11 Acres

SIZE OF THE AREA TO BE USED FOR THE PROPOSED USE OR BUILDING:

Shop 412 SQ', Back of property 7,725 SQ'

PRESENT USE OF THE LAND AND STRUCTURES, IF ANY:

Hose and pole building/shop

DETAILED DESCRIPTION OF THE PROPOSED USE / DEVELOPMENT PROPOSAL (ATTACH ADDITIONAL SHEETS IF NEEDED): fence material Storage

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

A. IF NO, DESCRIBE THE OUTDOOR ACTIVITIES (E.G., OUTDOOR EATING, PLAYGROUND, PARK):

Storage

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

N/A

C. WHAT TYPE OF NOISES WILL THE OUTDOOR USE GENERATE (E.G. MUSIC, MACHINERY, VEHICLES)?

vehicle traffic & machinery

PROPOSED HOURS OF OPERATION/DAYS OF THE WEEK (INDICATE MONTHS, IF SEASONAL):

mon - friday 9 AM - 4 PM.

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

N/A

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

N/A

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

1 acre for storage

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

installation of privacy fence 6' high back of property

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 - Franklin P&S

Telephone - Verizon

Natural Gas - none

Cable / Broadband - Charter

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.

Brian Lopez 7-5-22
Owner Date

Brian Lopez 7-5-22
Applicant/Representative Date

Print Name: Brian Lopez

Print Name: Brian Lopez

Rev. Jan 2019

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 allow for contractor storage in the Rural Residential 1 (RR-1) Zoning District.

File Number: SEPA 2022-20 (CUP 2022-06)

Proponent: United Fence Co.

Location: The property's parcel number is 114-301-117, with an address of 4120 Melody Ln. Pasco, WA 99301. Property is located East of Road 42 North, South of Melody Ln., and West of Road 36 North.

Legal Description: SHORT PLAT 2003-18 LOT 4

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 (July 28, 2022). Comments must be submitted by: August 11, 2022.

Responsible official: Derrick Braaten

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

Address: 502 Boeing Street, Pasco, WA 99301

Date/Signature: 7/28/2022-



Any agency or person may appeal this SEPA determination by filing a written appeal to the responsible official no later than **August 11, 2022**. Contact the responsible official to read or ask about the procedure for SEPA appeals.

SEPA 2022-20

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: *N/A*

2. Name of applicant: *Belén Lopez*

3. Address and phone number of applicant and contact person: *4120 Melody Ln Pasco WA, 99301 509-902-2525*

4. Date checklist prepared:

7-5-22

5. Agency requesting checklist:

Franklin County

6. Proposed timing or schedule (including phasing, if applicable):

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*

FCP: SEPA Checklist (7-21-2022)

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. *NO*

10. List any government approvals or permits that will be needed for your proposal, if known.

NONE

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.) *Fence material storage*

FCP: Contractor Storage requires a Conditional Use Permit in the RR-1 Zone. (7-21-2022)

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. *4120 Melody Ln Pasco WA 99301*

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)? N/A

FCP: None known; Less than 5% (7/21/2022)

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.

FCP: According to internal GIS mapping, Quincy-Hezel-Burbank soil type (7/21/2022)

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

FCP: None known (7/21/2022)

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. N/A

FCP: No fill, excavation, or grading required; existing business (7/21/2022)

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. No

FCP: No known erosion potential (7/21/2022)

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? N/A none

FCP: Approximately 22% of the lot is covered with impervious surface. This includes existing home, deck, utility sheds, pole building, and concrete for material storage (7/21/2022)

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: none

FCP: None proposed (7/21/2022)

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. **N/A**

FCP: General passenger vehicle emissions during regular business hours (7/21/2022)

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

FCP: None known (7/21/2022)

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

FCP: None proposed (7/21/2022)

3. Water

a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including **NO** 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

- 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.

NO

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**

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.

NO

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.

wash vehicles

FCP: Groundwater withdrawal will be for domestic purposes on the property, including washing vehicles. (7-21-2022)

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.

NO waste material will be discharged

FCP: On-Site Septic system for the domestic household. (7-21-2022)

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. **NO**

2) Could waste materials enter ground or surface waters? If so, generally describe. **NO**

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: *no*

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? *none*

c. List threatened and endangered species known to be on or near the site. *None*

FCP: None known (7/21/2022)

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*

FCP: None known (7/21/2022)

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. *none*

Examples include:

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

To Be Completed by Applicant:

**Evaluation for
Agency Use Only:**

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

none

b. List any threatened and endangered species known to be on or near the site. *None*

c. Is the site part of a migration route? If so, explain. *no*

FCP: Pacific Migratory Flyway (7/21/2022)

d. Proposed measures to preserve or enhance wildlife, if any: *N/A*

e. List any invasive animal species known to be on or near the site. *N/A*

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. *electric*

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: *N/A*

FCP: None proposed; Existing business (7/21/2022)

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. *N/A*

FCP: None known (7/21/2022)

1) Describe any known or possible contamination at the site from present or past uses. *N/A* **FCP: None known (7/21/2022)**

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*

FCP: None known (7/21/2022)

- 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:

maintain clean property

b. Noise

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

traffic / equipment

- 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.

operation short term load equipment

FCP: Short-term noise associated with fence construction. Long-term noise associated with on-going business activity. (7/21/2022)

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

operate within hours allowed for noise

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. **NO**
FCP: House and Shop for the site and nearby adjacent properties are rural residential (7/21/2022)
- 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? **NO**
- 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**
- c. Describe any structures on the site. **Shop and house**
- d. Will any structures be demolished? If so, what? **NO**
- e. What is the current zoning classification of the site? **Residential**
FCP: Rural Residential 1; RR-1 (7/21/2022)
- f. What is the current comprehensive plan designation of the site? **N/A**
FCP: Rural Residential (7/21/2022)
- 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. **NO**
- i. Approximately how many people would reside or work in the completed project? **2 people homeowner & business owner**
- j. Approximately how many people would the completed project displace? **None**

To Be Completed by Applicant:

**Evaluation for
Agency Use Only:**

- k. Proposed measures to avoid or reduce displacement impacts, if any: *PIA*
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: *N/A*
- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: *None*

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, mid-dle, or low-income housing. *N/A*
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. *N/A*
- c. Proposed measures to reduce or control housing impacts, if any: *PIA*

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? *PIA*
- b. What views in the immediate vicinity would be altered or obstructed? *None*
- 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? *N/A*
- 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: **N/A**

**FCP: Any outdoor lighting shall be setup using "dark sky standards: -
All light shall be directed towards the ground (7/21/2022)**

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. **no**

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: **none N/A**

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. **no**

FCP: None known (7/21/2022)

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. **no**

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. **none**

FCP: The "Washington Information System for Architectural and Archaeological Records Data" / WISAARD was consulted (7/21/2022)

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. *N/A*

FCP: Existing facility. However, if any new construction occurs, applicant shall report any inadvertent discovery to the Yakama Nation, Colville Confederated Tribes, Confederated Tribes of the Umatilla Reservation, and Confederated Tribes of the Nez Perce (7/21/2022)

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.

FCP: Access to and from Melody Lane and Road 42 N (7/21/2022)

- 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? *NO*

FCP: The nearest public transit (Ben Franklin Transit) stop is approximately 1.33 miles around Road 44 and Burden Blvd on Route 225. (7/21/2022)

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? *None*

- 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). *NO*

- 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?

*2 or 3 vehicles
noon to 4pm*

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. *None*

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

N/A

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. *N/A*

16. Utilities

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

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. *N/A*

Power: Franklin PUD
Sewer: On-site Septic
Water: Well (on property)
Sanitary Waste Disposal: Basin Disposal Inc.
FCP (7/21/2022)

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: Belen Lopez

Name of signee Belen Lopez

Position and Agency/Organization _____

Date Submitted: 7-5-22

D. supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Agenda Item #1

MAPS & SITE PHOTOS

CUP 2022-06

United Fence Co. – Contractor Storage



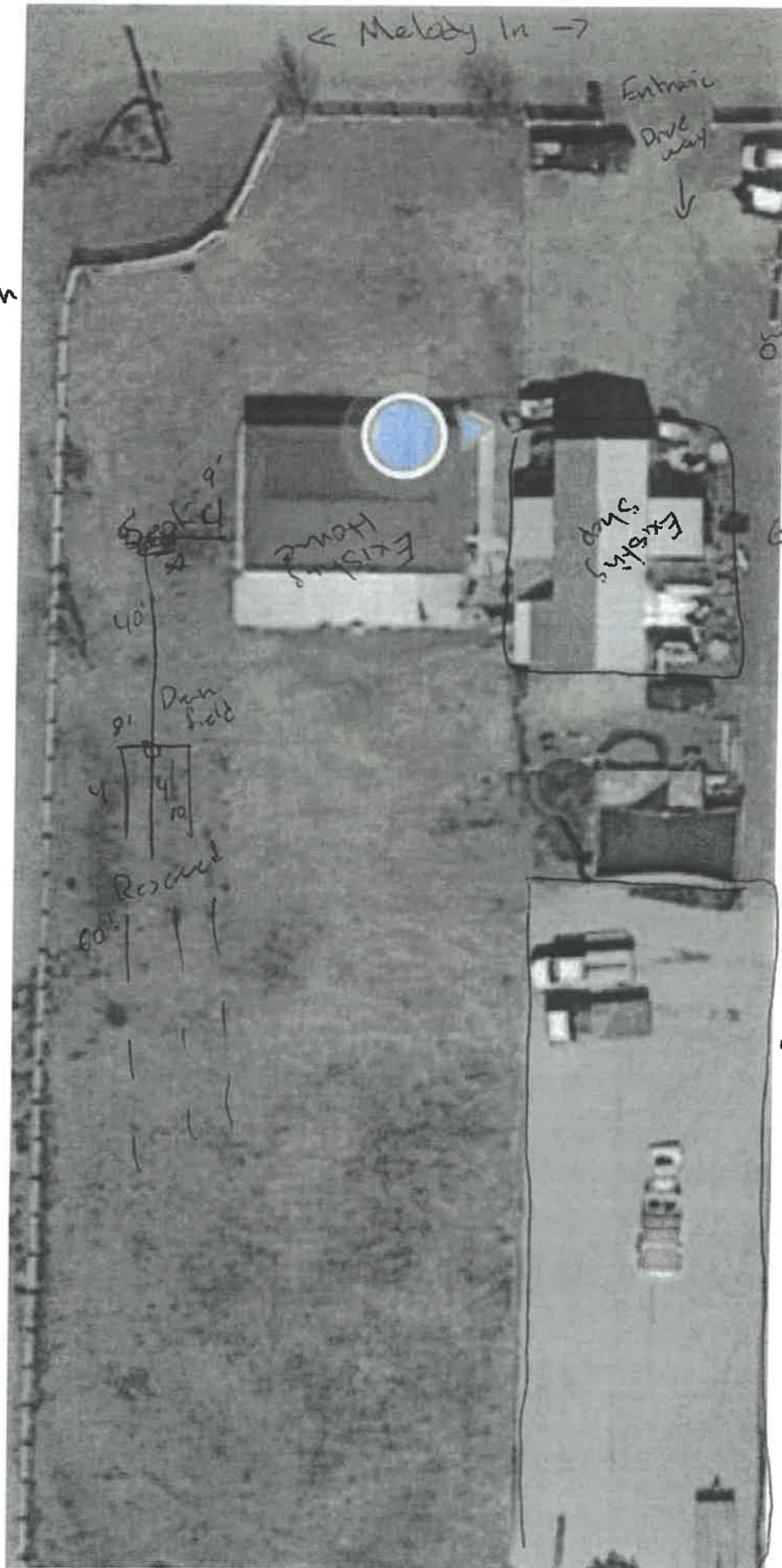
Jonathan Lopez
Belen Lopez

7-5-22

4120
Melody
In
Pasco
WA
99301

7
North

Port#
114301117



Build
our gates
(gate fabrication)

Store
Fence
material
temporary
until next
schedule
Jns.













