

Agenda Summary Report (ASR)

Franklin County Board of Commissioners

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| DATE SUBMITTED: October 18, 2022 | PREPARED BY: Aaron Gunderson |
| Meeting Date Requested: October 25, 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 major amendment to previously approved feedlot Conditional Use Permit (CUP 2020-04, SEPA 2020-11). (File # CUP 2022-07 and SEPA 2022-22) | |
| FISCAL IMPACT: None | |
| <p>BACKGROUND: The applicant is proposing to move the location of previously approved feedlot (CUP 2020-04, SEPA 2020-11). Features of the proposal are similar to what was originally approved, with main changes consisting of site location and increased size of the new site. Number of cows and other main characteristics of the site are the same as in previously approved CUP. The County Planning and Building 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(s) 109-220-022 and 109-220-013, one of the parcels has a building addressed as 2270 Joyce Road, Mesa, WA 99343. The proposed project site is located South of HWY 395 and North of Joyce and Coordes Rd. The zoning is AP-20 and the Comprehensive Plan designation is Agricultural.</p> | |
| <p>RECOMMENDATION: The Building and Planning Department staff provided the Planning Commission with a written recommendation of approval. Subsequently, at their meeting on October 4, 2022 the Planning Commission held an open-record public hearing and passed a motion (6-0) to forward the BOCC a recommendation of approval, based on six findings of fact and twelve suggested conditions of approval. There were no appeals.</p> <p><u>Suggested Motion:</u> Pass Resolution # _____, granting approval of CUP 2022-07, based on the six findings of fact and subject to twelve 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 MDNS was issued. The County Planning Commission, after an open record public hearing and consideration on CUP 2022-07 recommended approval of the CUP, with six findings of fact and subject to twelve conditions of approval.</p> | |
| <p>ATTACHMENTS: (Documents you are submitting to the Board)</p> <p>(1) Draft Resolution (2) BoCC PC Summary (3) Staff Report to the Planning Commission (4) 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) 2022-07 to allow for major adjustment for previously approved feedlot (CUP 2020-04).

WHEREAS, on October 25, 2022, the Board of Franklin County Commissioners, via a closed record public hearing, considered the positive recommendation of the Franklin County Planning Commission to grant a conditional use permit for the proposed use under file CUP 2022-07; and

WHEREAS, following the public hearing, the Board has found that the County Planning Commission, after an open record public hearing and consideration on **CUP 2022-07** did recommend approval of the Conditional Use Permit with six findings of fact and twelve 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 2022-07 is hereby approved in accordance with the provisions of the Franklin County Development Regulations and as recommended by the Planning Commission.

APPROVED THIS 25th 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 # 2022-07

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 25, 2022.

APPLICANT: Case VanderMeulen, PO Box 228, Mesa, WA 99343

LEGAL DESCRIPTION: 109-220-022: W2E2 & S2SW4 & NW4SW4 & SW4NW4 22-13-31 EXCEPT THAT PORTION OF THE WEST HALF OF THE EAST HALF OF SECTION 22, TOWNSHIP 13 NORTH, RANGE 31 EAST, W.M. FRANKLIN COUNTY, WASHINGTON. DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 22 WHICH IS A BUREAU OF RECLAMATION BRASS CAP; THENCE ALONG THE NORTH LINE OF SAID SECTION 22 SOUTH 89°47'38" WEST FOR 1303.43 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF SAID SECTION 22 AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF SOUTH 00°44'36" WEST FOR 5308.45 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE EAST HALF; THENCE ALONG THE SOUTH LINE OF SAID SECTION 22, SOUTH 89°59'41" WEST FOR 36.54 FEET TO INTERSECT AN EXISTING FENCE LINE; THENCE ALONG FENCE LINE AND FENCE LINE EXTENDED NORTH 00°50'38" EAST FOR 5308.48 FEET TO THE NORTH LINE OF SAID SECTION 22; THENCE ALONG THE NORTH LINE OF SAID SECTION 22 NORTH 89°47'38" EAST FOR 27.23 FEET TO THE TRUE POINT OF BEGINNING

109-220-013: THE EAST HALF OF THE EAST HALF OF SECTION 22, TOWNSHIP 13 NORTH, RANGE 31 EAST, W.M. IN FRANKLIN COUNTY, WASHINGTON. TOGETHER WITH THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 13 NORTH, RANGE 31 EAST, W.M. FRANKLIN COUNTY, WASHINGTON. DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 27, TOWNSHIP 13 NORTH, RANGE 31 EAST, W.M. FRANKLIN COUNTY, WASHINGTON WHICH IS A 5/8" REBAR MARKED WORLEY 41966; THENCE ALONG THE EAST LINE OF SAID SECTION 27 SOUTH 00°35'41" WEST FOR 54.03 FEET TO THE NORTHERLY RIGHT OF WAY MARGIN OF JOYCE ROAD, SAID POINT BEING 20.00 FEET NORTHERLY OF CENTERLINE OF JOYCE ROAD; THENCE ALONG THE NORTHERLY RIGHT OF WAY MARGIN THE FOLLOWING COURSES AND DISTANCES: NORTH 85°39'46" WEST FOR 63.25 FEET; THENCE NORTH 86°28'14" WEST FOR 70.39 FEET; THENCE NORTH 87°12'30" WEST FOR 74.70 FEET; THENCE NORTH 87°23'04" WEST FOR 51.06 FEET; THENCE NORTH 87°28' 17" WEST FOR 51.26 FEET; THENCE NORTH 88°22'42" WEST FOR 50.85 FEET; THENCE NORTH 89°00'58" WEST FOR 73.55 FEET; THENCE NORTH 88°54'44" WEST FOR 68.94 FEET; THENCE NORTH 85°55'00" WEST FOR 68.37 FEET; THENCE NORTH 83°41 '30" WEST FOR 61.25 FEET; THENCE NORTH 81°01 8'27" WEST FOR 54.91 FEET; THENCE NORTH 76°57'34" WEST FOR 56.32 FEET TO THE NORTH LINE OF SAID SECTION 27; THENCE ALONG THE NORTH LINE OF SAID SECTION 27

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NORTH 89°59'41" EAST FOR 742.24 FEET TO THE TRUE POINT OF BEGINNING. TOGETHER WITH THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 13 NORTH, RANGE 31 EAST, W.M. FRANKLIN COUNTY, WASHINGTON. DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 22, TOWNSHIP 13 NORTH, RANGE 31 EAST, W.M. FRANKLIN COUNTY, WASHINGTON WHICH IS A BUREAU OF RECLAMATION BRASS CAP; THENCE ALONG THE NORTH LINE OF SAID SECTION 22 SOUTH 89°47'38" WEST FOR 1303.43 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF SAID SECTION 22; THENCE ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF SOUTH 00°44'36" WEST FOR 5308.45 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE EAST HALF AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF SAID SECTION 22 AND THE NORTH LINE OF SAID SECTION 27, NORTH 89°59'41" EAST FOR 38.66 FEET TO THE NORTHERLY RIGHT OF WAY MARGIN OF JOYCE ROAD SAID POINT BEING 20 FEET NORTHERLY OF CENTERLINE OF JOYCE ROAD; THENCE ALONG THE NORTHERLY RIGHT OF WAY MARGIN SOUTH 80°45'21" WEST FOR 42.80 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY MARGIN, NORTH 89°52'35" WEST FOR 33.04 FEET TO INTERSECT AN EXISTING FENCE LINE; THENCE ALONG FENCE LINE NORTH 00°43'29" EAST FOR 6.80 FEET TO THE NORTH LINE OF SAID SECTION 27; THENCE ALONG THE NORTH LINE OF SAID SECTION 27 NORTH 89°59'41" EAST FOR 36.54 FEET TO THE TRUE POINT OF BEGINNING. AND TOGETHER WITH THAT PORTION OF THE WEST HALF OF THE EAST HALF OF SECTION 22, TOWNSHIP 13 NORTH, RANGE 31 EAST, W.M. FRANKLIN COUNTY, WASHINGTON. DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 22 WHICH IS A BUREAU OF RECLAMATION BRASS CAP; THENCE ALONG THE NORTH LINE OF SAID SECTION 22 SOUTH 89°47'38" WEST FOR 1303.43 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF SAID SECTION 22 AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF SOUTH 00°44'36" WEST FOR 5308.45 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE EAST HALF; THENCE ALONG THE SOUTH LINE OF SAID SECTION 22, SOUTH 89°59'41" WEST FOR 36.54 FEET TO INTERSECT AN EXISTING FENCE LINE; THENCE ALONG FENCE LINE AND FENCE LINE EXTENDED NORTH 00°50'38" EAST FOR 5308.48 FEET TO THE NORTH LINE OF SAID SECTION 22; THENCE ALONG THE NORTH LINE OF SAID SECTION 22 NORTH 89°47'38" EAST FOR 27.23 FEET TO THE TRUE POINT OF BEGINNING

NON-LEGAL DESCRIPTION: Parcel number(s) 109-220-022 (site address of 2270 Joyce Rd.) and 109-220-013

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SEPA REVIEW: A SEPA Checklist was submitted with the CUP application. Planning Staff [Lead Agency Responsible Official] reviewed the checklist and issued a Mitigated Determination of Non-Significance (MDNS) on August 25, 2022 under WAC 197-11-340(2) which was published on August 25, 2022. Comments on the Threshold Determination were due by September 8, 2022 and no SEPA specific comments or appeals were received.

CONDITIONAL USE DESCRIPTION: A Conditional Use Permit to allow for major amendment to previously approved feedlot (CUP 2020-04, SEPA 2020-11). Features of the proposal are similar to what was originally approved, with the primary changes consisting of site location and increased footprint of site. The allowed animal head count (up to 10,000 head) and other main characteristics of the proposal are the same as in the previously approved CUP.

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

- Area in which the proposal will be located.
- Existing feedlot.
- Existing nearby homes.
- Existing well house.

FINDINGS OF FACT AND CONDITIONS OF APPROVAL:

Findings of Fact:

1. The proposed use in the AP-20 Zoning District **IS** in accordance with goals and policies of the County Development Regulations (Zoning) and the applicable Comprehensive Plan.
 - a. The land is zoned Agricultural Production 20 (AP-20) and the Comprehensive Plan designation is Agricultural.
 - b. Pursuant to the Comprehensive Plan, the approval of a Conditional Use Permit is required for large scale confined animal feeding operations.
 - c. A dairy operation greater in size than 500 head count requires approval of a conditional use permit.
 - d. A feedlot operation greater in size than 1,000 requires the approval of a conditional use permit.
 - e. The comprehensive plan says that the county will encourage agricultural industries in agricultural areas (*Comprehensive Plan, Pg. 94*).
 - f. While there are critical areas mapped on the parcel and in the vicinity of the dairy operation, no critical areas or buffers will be impacted by this proposal due to the distances from the operation to the features.

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2. The proposal **WILL NOT** adversely affect public infrastructure.
 - a. The dairy's access is from Coordes Road and Joyce Road.
 - b. Public Works has determined that it is not anticipated that the use will have a significant impact on the County Road System.
 - c. Surface water runoff resulting from construction activities can potentially enter Project facilities and adversely affect water quality.
3. The proposal **WILL BE** constructed, maintained, and operated to be in harmony with the existing or intended character of the general vicinity.
 - a. The site location for the animal operation expansion is in an area zoned Agricultural Production 20 (AP-20);
 - b. The general area consists of farms, animal operations, and scattered single family homes;
 - c. The animal operation expansion is in harmony with and is compatible with the surrounding lands, including the existing and intended character of the agricultural area:
 - i. The animal operation and its expansion at this site is a compatible use with the Agricultural Production 20 (AP-20) Zoning District and the surrounding areas.
 - ii. The farm site is in an area zoned Agricultural Production 20 (AP-20).
 - iii. The farm site is not located near a Rural Settlement Area or a designated Urban Growth Boundary.
 - iv. Active farms and another animal operation is located near the proposed farm site.
 - v. The main dairy site is located over 3 miles from the nearest urban growth area.
 - i. This area has a minimum lot size of 20 acres and allows agriculture uses as a permitted use in this zoning classification.
 - ii. The residential area is designated in the County Comprehensive Plan as Agricultural.

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

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

Conditions of Approval:

1. The project shall comply with the requirements and recommendations of the **Franklin County Planning and Building Department**:
 - a. Obtain a letter from the Franklin Conservation District board to allow a deviation from the Dairy Separation (buffer) required under FCC 17.10.020(B)(1)(a).
 - b. Continued compliance with the Washington State Department of Agriculture's requirements for Dairy Nutrient Management Plans – including updating requirements of the existing and approved plan.
 - c. Comply with the Washington State Department of Ecology's applicable permit requirements, including air and water quality standards.

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- d. Establish and comply with an Odor and Fly Control Plan consistent with Franklin County Resolution 2001-238, to be approved by the Franklin Conservation District.
 - e. Should archaeological materials (e.g., bones, shell, 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 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.
 - f. A drainage system shall be designed to capture and dispose of stormwater runoff onsite.
 - g. New facilities such as barns, pen areas, and parlor expansion will need to be established as the headcount number increases. The applicant is required to comply with the requirements of the County Building Division regarding any new construction at the site. On Site Water for Fire Protection may be required upon completion of Building Department review of submittals and consultation with local Fire District in accordance with the International Fire Code (IFC).
2. The project shall comply with the requirements and recommendations of the **Franklin County Public Works Department**:
- 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).
3. Shall comply with **fire code** requirements as stated in Franklin County Chapter 8.40.
4. Per Franklin County Ordinance Number 5-2007, as amended, prohibits the **accumulation of irrigation water on County Roads** in Franklin County. Compliance with this Ordinance is required for this operation.
5. **Outdoor lighting** at the facility shall be shielded down. This will assist in ensuring that outdoor lighting will not become a nuisance to neighboring properties and will limit light pollution in the rural area.
6. Any **discontinuance or abandonment** of the approved use (dairy operation) for a period of one (1) year shall null and void this CUP approval.

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7. The 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.
8. Future expansions and improvements at the site shall comply with the submitted and approved site plans (and any building plans submitted and approved). To allow future flexibility, 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.
9. 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.
10. In accordance with the County's Zoning Code, any special permit may be reviewed for potential termination and revocation 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.
11. This permit applies to the described lands and shall be for the above named individual and/or his heirs and/or assigns. Any transferring of this permit will require that notice be granted to the Franklin County Planning Department or the permit will be cancelled. It cannot be transferred to another site.
12. By accepting the issuance of this permit, the Permit Holder(s) agree(s) to accept full responsibility for any and all operations conducted or negligence occurring at this location and any incidents that occur on surrounding properties caused by operations or negligence at this location; Permit Holder(s) further agree(s) to indemnify and hold the County harmless and agree that the County is in no way negligent in relation to granting this permit, or operations or negligence that occur at this location or on surrounding properties caused by operations or negligence on this property; Permit Holder(s) further agree(s) to accept full responsibility for any future cleanup needed due to activities conducted at this location that impact the surrounding properties, and obtaining and retaining appropriate insurance coverage.

This Conditional Use Permit is issued this 25th day of October, 2022.

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

**Attest: _____
Clerk of the Board**

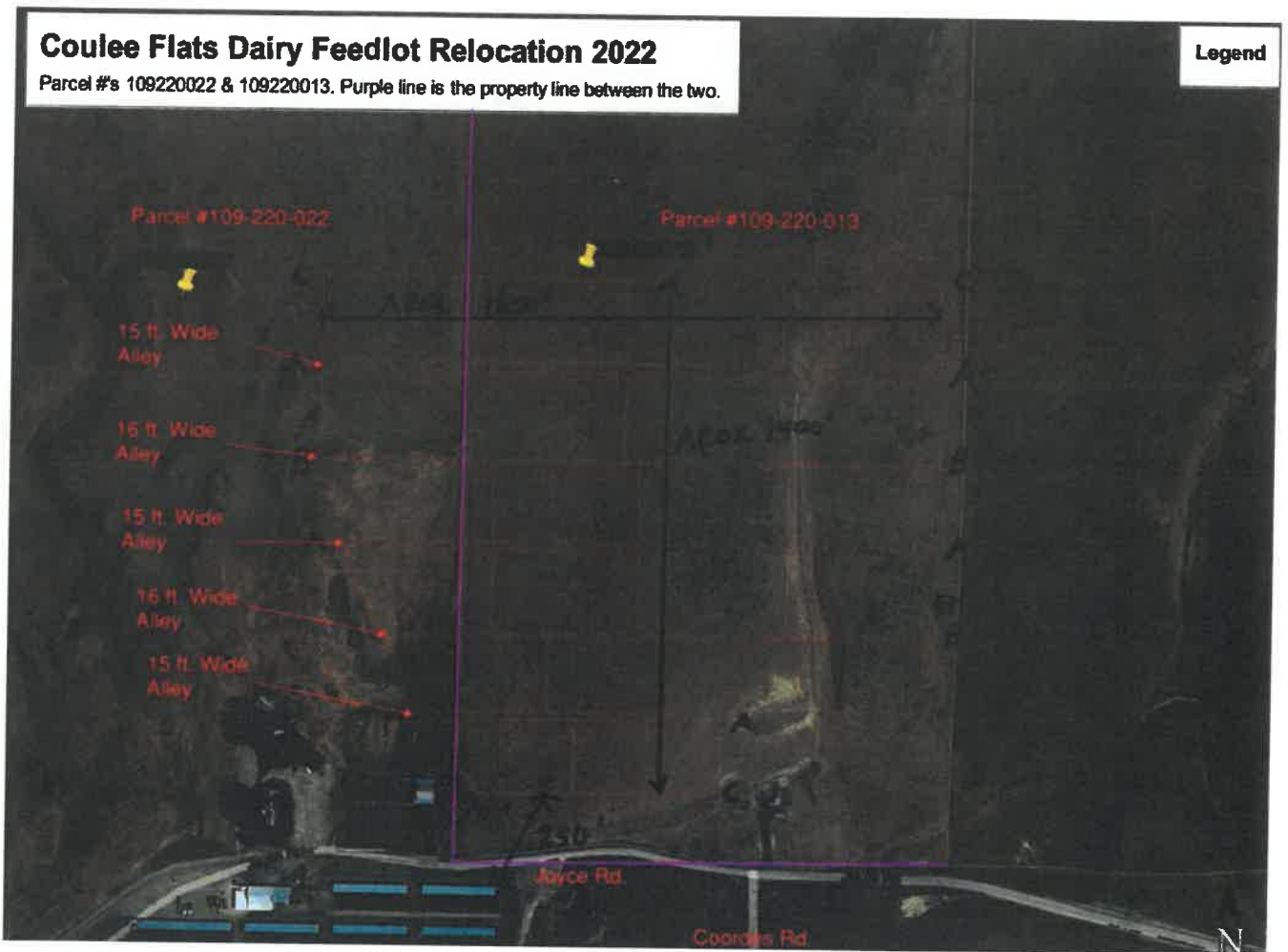
**_____
Chair**

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EXHIBIT A: PROPOSED SITE PLAN



PC SUMMARY

CUP 2022-07

Case VanderMeulen (Desert Acres Holdings, LLC) – Amended Feedlot Application

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 2022-07 (Conditional Use Permit) and SEPA 2022-22

PC Meeting Date: October 4, 2022

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

SUMMARY OF THE PUBLIC HEARING:

The proposal is for a major adjustment to a previously approved feedlot under file CUP 2022-07 was presented by Staff at an open record public hearing (regular Planning Commission meeting) on October 4, 2022. Planning Commission provided opportunity for the applicant to speak, to which they spoke in support of the project. There were no members of the public at the hearing to speak for or against the proposal.

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 October 4th 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 2022-07, 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 use in the AP-20 Zoning District **IS** in accordance with goals and policies of the County Development Regulations (Zoning) and the applicable Comprehensive Plan.
 - a. The land is zoned Agricultural Production 20 (AP-20) and the Comprehensive Plan designation is Agricultural.
 - b. Pursuant to the Comprehensive Plan, the approval of a Conditional Use Permit is required for large scale confined animal feeding operations.
 - c. A dairy operation greater in size than 500 head count requires approval of a conditional use permit.
 - d. A feedlot operation greater in size than 1,000 requires the approval of a conditional use permit.
 - e. The comprehensive plan states that the County will encourage agricultural industries in agricultural areas (*Comprehensive Plan, Pg. 94*).
 - f. While there are critical areas mapped on the parcel and in the vicinity of the dairy operation, no critical areas or buffers will be impacted by this proposal due to the distances from the operation to the features.
2. The proposal **WILL NOT** adversely affect public infrastructure.
 - a. The dairy's access is from Coordes Road and Joyce Road.
 - b. Public Works has determined that it is not anticipated that the use will have a significant impact on the County Road System.
 - c. Surface water runoff resulting from construction activities can potentially enter Project facilities and adversely affect water quality.
3. The proposal **WILL BE** constructed, maintained, and operated to be in harmony with the existing or intended character of the general vicinity.
 - a. The site location for the animal operation expansion is in an area zoned Agricultural Production 20 (AP-20);
 - b. The general area consists of farms, animal operations, and scattered single family homes;
 - c. The animal operation expansion is in harmony with and is compatible with the surrounding lands, including the existing and intended character of the agricultural area:

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

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

Suggested Conditions of Approval:

1. The project shall comply with the requirements and recommendations of the **Franklin County Planning and Building Department**:
 - a. Obtain a letter from the Franklin Conservation District board to allow a deviation from the Dairy Separation (buffer) required under FCC 17.10.020(B)(1)(a).
 - b. Continued compliance with the Washington State Department of Agriculture's requirements for Dairy Nutrient Management Plans – including updating requirements of the existing and approved plan.
 - c. Comply with the Washington State Department of Ecology's applicable permit requirements, including air and water quality standards.
 - d. Establish and comply with an Odor and Fly Control Plan consistent with Franklin County Resolution 2001-238, to be approved by the Franklin Conservation District.
 - e. Should archaeological materials (e.g., bones, shell, 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 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.
 - f. A drainage system shall be designed to capture and dispose of stormwater runoff onsite.
 - g. New facilities such as barns, pen areas, and parlor expansion will need to be established as the headcount number increases. The applicant is required to comply with the requirements of the County Building Division regarding any new construction at the site. On Site Water for Fire Protection may be required upon completion of Building Department review of submittals and consultation with local Fire District in accordance with the International Fire Code (IFC).
2. The project shall comply with the requirements and recommendations of the **Franklin County Public Works Department**:
 - 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).

3. Shall comply with **fire code** requirements as stated in Franklin County Chapter 8.40.
4. Per Franklin County Ordinance Number 5-2007, as amended, prohibits the **accumulation of irrigation water on County Roads** in Franklin County. Compliance with this Ordinance is required for this operation.
5. **Outdoor lighting** at the facility shall be shielded down. This will assist in ensuring that outdoor lighting will not become a nuisance to neighboring properties and will limit light pollution in the rural area.
6. Any **discontinuance or abandonment** of the approved use (dairy operation) for a period of one (1) year shall null and void this CUP approval.
7. The 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.
8. Future expansions and improvements at the site shall comply with the submitted and approved site plans (and any building plans submitted and approved). To allow future flexibility, 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.
9. 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.
10. In accordance with the County's Zoning Code, any special permit may be reviewed for potential termination and revocation 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.
11. This permit applies to the described lands and shall be for the above named individual and/or his heirs and/or assigns. Any transferring of this permit will require that notice be granted to the Franklin County Planning Department or the permit will be cancelled. It cannot be transferred to another site.
12. 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 2022-07, based upon the written findings of fact and conditions of approval."

**PC MEETING MINUTES
POWERPOINT PRESENTATION**

CUP 2022-07

Case VanderMeulen (Desert Acres Holdings, LLC) – Amended Feedlot Application

ITEM UNDER REVIEW FROM OCTOBER 4TH PC MEETING

ITEM #1 – CUP 2022-07/SEPA 2022-23

Proposal is a major amendment to a previously approved Conditional Use Permit (CUP) 2020-04 (SEPA 2020-11). Reason for amendment and new CUP is the changing of project location. Features of the proposal are similar to what was originally approved in CUP 2020-04 (SEPA 2020-11), consisting of corrals with feed bunks, fences, and concrete slabs within an area consisting of approximately 53 acres.

REPRESENTATIVE: Case VanderMulen (Desert Acres Holdings, LLC)

OWNER/APPLICANT: Case VanderMulen (Desert Acres Holdings, LLC)

OPEN PUBLIC HEARING:

Commissioner Corrales opened the public hearing at 6:39 PM.

STAFF REPORT:

- Mr. Braaten presented the staff report at 6:39 PM. Presentation lasted approximately 13 minutes.

COMMISSIONER QUESTIONS FOR STAFF:

- No questions for Staff from the Planning Commission.

APPLICANT/REPRESENTATIVE PRESENTATION:

- Mr. VanderMulen gave a brief statement about the proposal.

COMMISSIONER QUESTIONS FOR APPLICANT:

- No questions from the Commissioners to the Applicant.

PUBLIC COMMENTS:

- No public, call-in, or email comments, for, against, or neutral about this agenda item.

STAFF FINAL COMMENTS:

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

CLARIFICATION OF STATEMENTS:

- No clarification of statements were needed from the public regarding this agenda item.

CLOSING PUBLIC HEARING ITEM:

- Commissioner Vincent closed the public hearing portion of this item at 6:55 PM.

PLANNING COMMISSION FURTHER DISCUSSION:

- No further discussion amongst the Planning Commission prior to a motion.

Commissioner Lowe made a motion to forward to the Board of County Commissioners a positive recommendation of CUP 2022-07/SEPA 2022-23 with the six (6) adopted findings of fact and the twelve (12) conditions of approval.

Commissioner Harpster seconded the motion.

PLANNING COMMISSION FURTHER DISCUSSION:

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

ITEM UNDER REVIEW FROM OCTOBER 4TH PC MEETING

ROLL CALL VOTE:

| | |
|------------------|--------|
| Mike Corrales: | Yes |
| Melinda Didier: | Absent |
| Mike Vincent: | Yes |
| Layton Lowe: | Yes |
| Peter Harpster: | Yes |
| Manny Gutierrez: | Yes |
| Stacy Kniveton: | Yes |

The motion has been approved for CUP 2022-07/SEPA 2022-23 at 6:57 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 2022-07

CONDITIONAL USE PERMIT CASE VANDERMEULEN



FRANKLIN COUNTY PLANNING COMMISSION
Tuesday, October 04, 2022

CUP 2022-07

DESCRIPTION



- ☐ **Address:** 2270 Joyce Road
- ☐ **Parcel Number:** 109-220-022 and 109-220-013
- ☐ **Zoning:** Agricultural Production 20 (AP-20)
- ☐ **Comp. Plan:** Agricultural
- ☐ **Property size:** Approximately 480.58 acres.

CUP 2022-07

DESCRIPTION

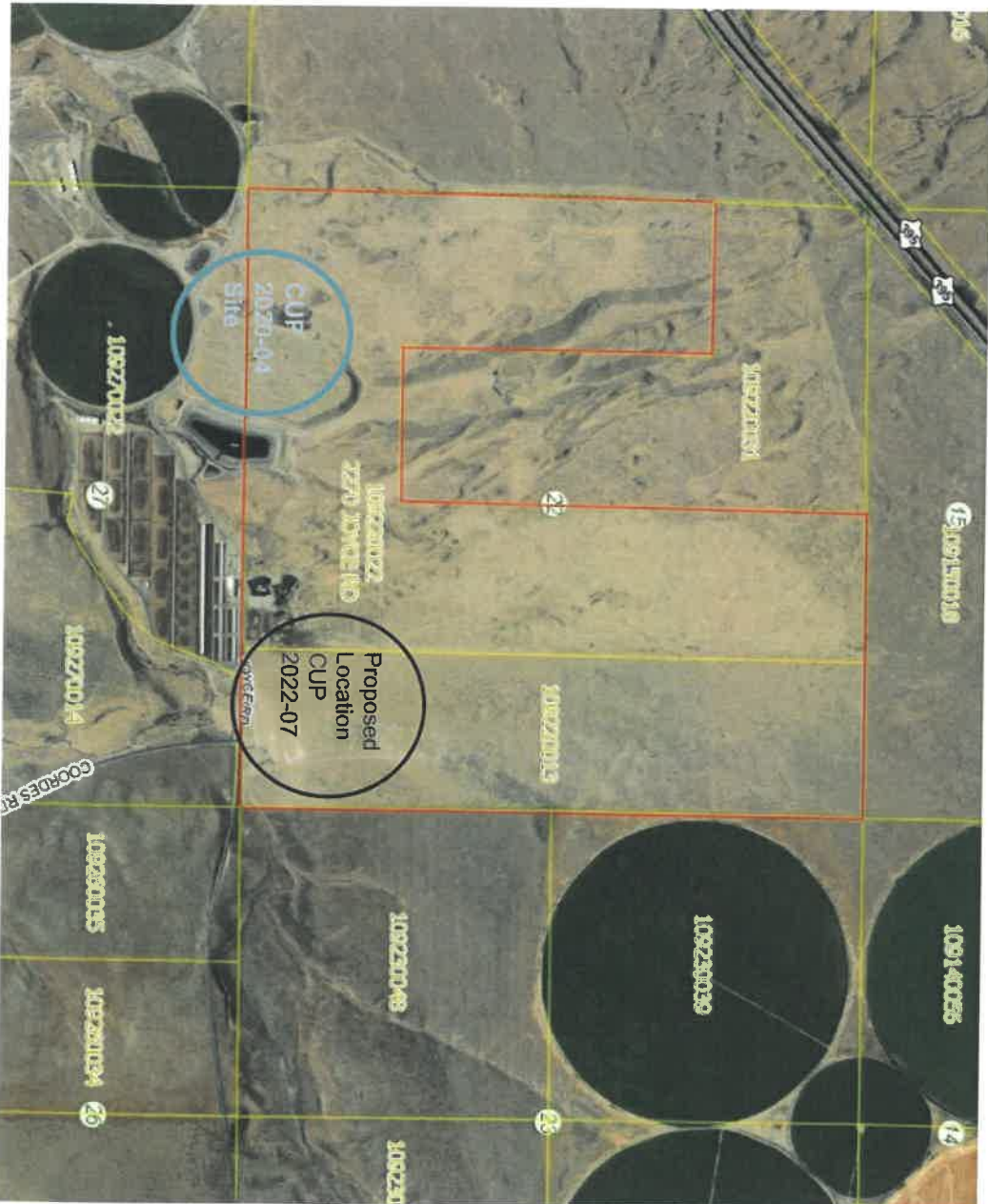
- **Location:** South of U.S. Highway 395, North of Joyce Road and North of Coordes Road.
- **Request:** A major amendment to CUP 2020-04/SEPA 2020-11. Reason for amendment and new CUP is the changing of project location
- **Area to be Used:** Approximately 53 acres
- **Features:** Site Plan included the area in which proposal will be located, photos depicting fencing type, feed bunks, and concrete slab features, the existing feed lot, existing homes, and the existing well house.

CUP 2022-07

VICINITY MAP

SUBJECT AREA



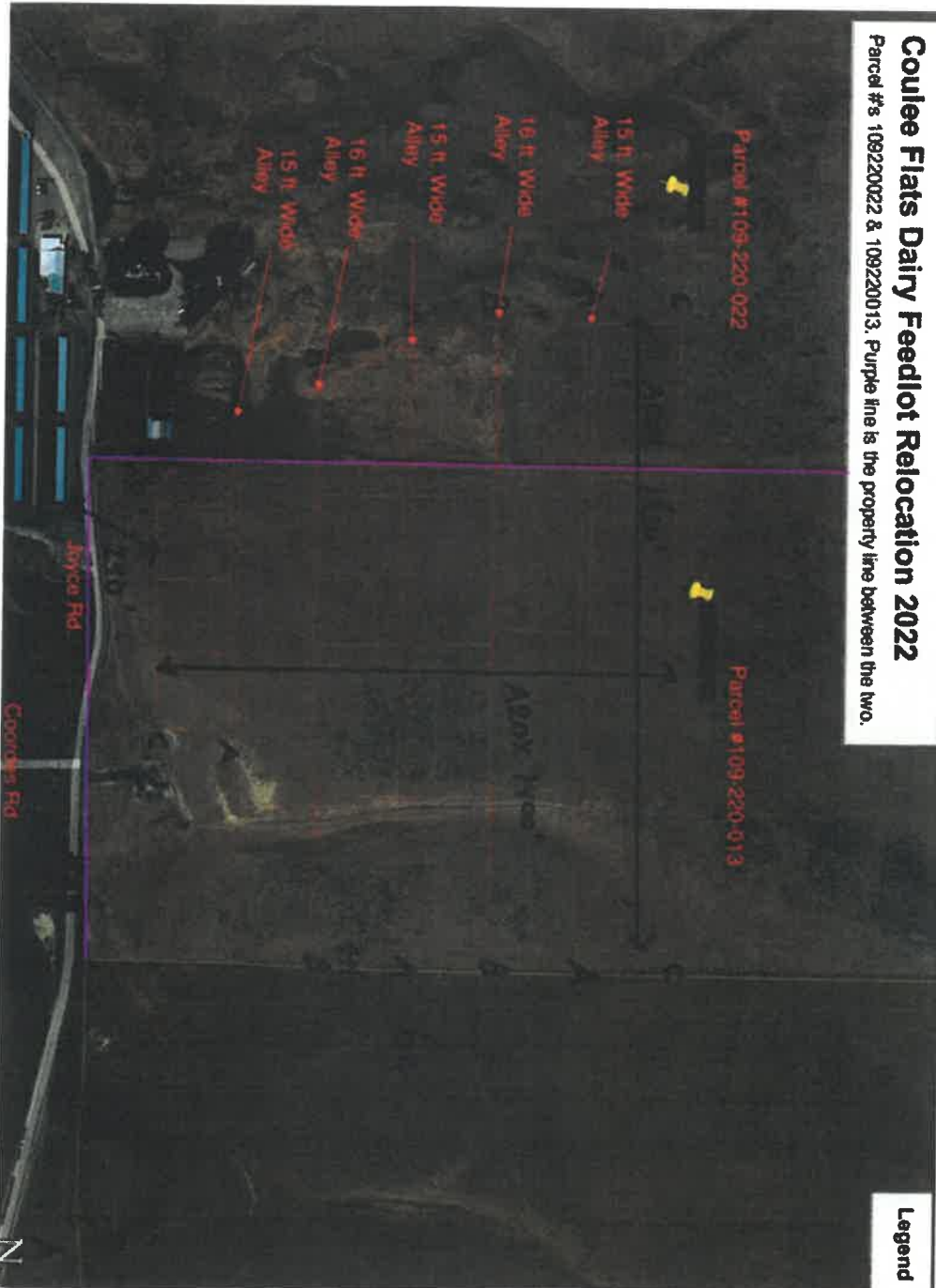


CUP 2022-07

RE-LOCATION SITE PLAN

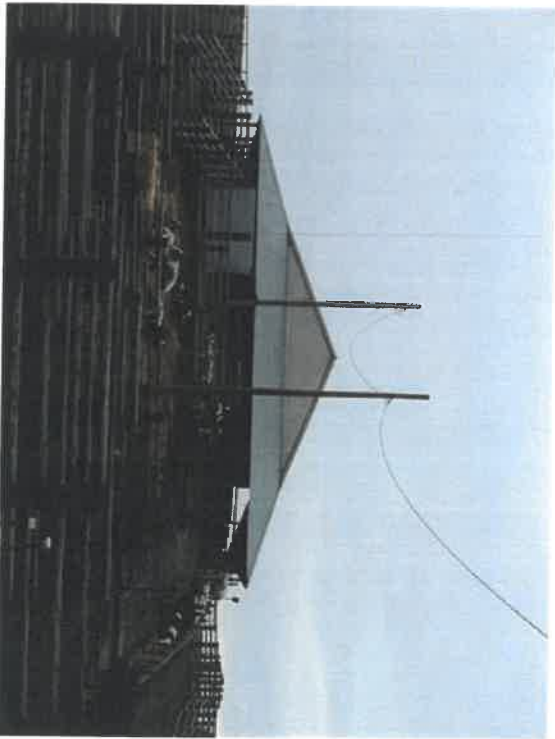
Coulee Flats Dairy Feedlot Relocation 2022

Parcel #'s 109220022 & 109220013. Purple line is the property line between the two.



CUP 2022-07

ASSESSOR'S PHOTOS



CUP 2022-07

SITE PHOTOS



CUP 2022-07

AGENCY / PUBLIC NOTICE

- ☐ On, or about, August 25, 2022, staff sent notices to:
 - ☐ Technical agencies
 - ☐ Property owners within 1 mile
 - ☐ The Franklin County Graphic
- ☐ Staff also:
 - ☐ Posted a “Pending Land Use Action” sign on the property
 - ☐ Made a SEPA Determination of Non-Significance (DNS)
 - ☐ SEPA Registry # 202204269
- ☐ No public comments were received during the comment period.

CUP 2022-07

AGENCY COMMENTS

☐ Franklin County Public Works:

- ☐ 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).
- ☐ Any utility extension crossing Franklin County roads will be addressed at the time of application. See Accommodation of Utilities on County Right-of-Way for more information (Resolution #2000-330).

CUP 2022-07

AGENCY COMMENTS

☐ Confederated Tribes of the Yakama Nation:

- ☐ The project is located within a high probability area for encountering archaeological resources. There is one previously recorded resource associated with Native American land use within/adjacent to the project area. We recommend an archaeological survey prior to any ground disturbing activities.

☐ WA Dept. of Archaeology and Historic Preservation

☐ U.S. Bureau of Reclamation

CUP 2022-07

STAFF ANALYSIS



- ☐ The proposal is for a major amendment of a previously approved feedlot expansion (CUP 2020-04).
- ☐ Major amendments to a previously approved CUP require the proposal to follow the same process as an original CUP.
- ☐ Changes are considered to be major amendments when the proposed changes are more intensive, such as changing the location or boundaries of a proposal.

CUP 2022-07

STAFF ANALYSIS



- The major amendment proposed is to change the location and increase the footprint of the site that was approved through CUP 2020-04.
- Moving the proposed feedlot site over a quarter mile to the east, with no overlap of the site area between the original and new proposals.
- The applicant indicated that the new location is a better site, due to higher elevation and associated slopes providing the ability to drain runoff to a storage lagoon instead of having to pump said runoff.

CUP 2022-07

STAFF ANALYSIS



- ☐ The head count will stay the same and will be located outside of a flood plain. The location previously approved encroached within a 100-year flood plain.
- ☐ Staff has determined the change, while significant in terms of site location and increased footprint proposed for the new location, does not change the originally approved headcount in CUP 2020-04, and is an improved location for such a use.

CUP 2022-07

RECOMMENDED FINDINGS OF FACT



1. The proposed use in the AP-20 Zoning District **IS** in accordance with goals and policies of the County Development Regulations (Zoning) and the applicable Comprehensive Plan.
2. The proposal **WILL NOT** adversely affect public infrastructure.

CUP 2022-07

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 2022-07

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 2022-07

CONDITIONS OF APPROVAL

In addition to “standard” CUP language:

1. Obtain a letter from the Franklin Conservation District board to allow a deviation from the Dairy Separation (buffer) required under Franklin County Code 17.10.020(B)(1)(a).
2. Continued compliance with the Washington State Department of Agriculture’s requirements for Dairy Nutrient Management Plans – including updating requirements of the existing and approved plan.
3. Comply with the Washington State Department of Ecology’s applicable permit requirements, including air and water quality standards.

CUP 2022-07

CONDITIONS OF APPROVAL

4. Establish and comply with an Odor and Fly Control Plan consistent with Franklin County Resolution 2001-238, to be approved by the Franklin Conservation District.
5. Should archaeological materials (e.g. bones, shell, 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 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.

CUP 2022-07

CONDITIONS OF APPROVAL

6. A drainage system shall be designed to capture and dispose of stormwater runoff onsite.
7. New facilities such as barns, pen areas, and parlor expansion will need to be established as the headcount number increases, over time, capped at 10,000 head, as approved in CUP 2020-04. The applicant is required to comply with the requirements of the County Building Division regarding any new construction at the site. On-Site Water for Fire Protection may be required upon completion of Building Department review of submittals and consultation with local Fire District in accordance with the International Fire Code (IFC).
8. Comply with the requirements of **Franklin County Public Works**.

The Staff Report incorrectly states that there are 11 conditions, due to there being two conditions numbered 7 in the Suggested Conditions section.

CUP 2022-07

SUGGESTED MOTION

- “I move that the Franklin County Planning Commission recommend that the Board of County Commissioners **adopt** the six (6) findings of fact and twelve (12) conditions of approval, detailed in the staff report, and **APPROVE** case-file CUP 2022-07 / SEPA 2022-22.”

Agenda Item #1

STAFF REPORT

CUP 2022-07

Case VanderMeulen (Desert Acres Holdings, LLC) – Amended Feedlot Application

FACT SHEET/STAFF REVIEW

Hearing before the Franklin County Planning Commission

NOTE TO PLANNING COMMISSIONERS:
THIS IS A QUASI-JUDICIAL PUBLIC HEARING
PLEASE AVOID, AND DISCLOSE, ANY EX-PARTE COMMUNICATIONS (CH 42.36 RCW)

Case file: CUP 2022-07 (Conditional Use Permit) and SEPA 2022-22

Hearing Date: October 4, 2022

Applicant: Case VanderMeulen
C/O Desert Acres Holdings, LLC
PO Box 228
Mesa, WA 99343

Owner: Case VanderMeulen
C/O Desert Acres Holdings, LLC
PO Box 228
Mesa, WA 99343

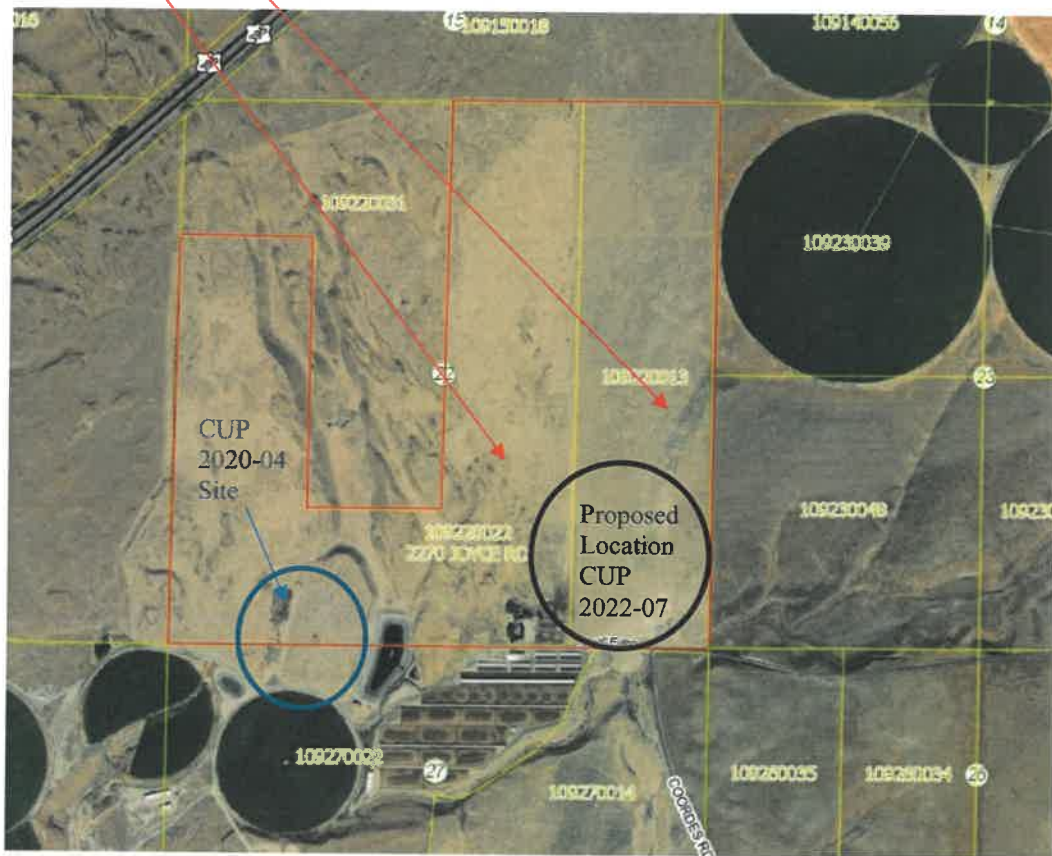
Location: The properties are located South of HWY 395 and North of Joyce and Coordes Rd.(Parcel Number(s): 109-220-022 and 109-220-013).

Legal Description(s): 109-220-022: W2E2 & S2SW4 & NW4SW4 & SW4NW4 22-13-31 EXCEPT THAT PORTION OF THE WEST HALF OF THE EAST HALF OF SECTION 22, TOWNSHIP 13 NORTH, RANGE 31 EAST, W.M. FRANKLIN COUNTY, WASHINGTON. DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 22 WHICH IS A BUREAU OF RECLAMATION BRASS CAP; THENCE ALONG THE NORTH LINE OF SAID SECTION 22 SOUTH 89°47'38" WEST FOR 1303.43 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF SAID SECTION 22 AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF SOUTH 00°44'36" WEST FOR 5308.45 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE EAST HALF; THENCE ALONG THE SOUTH LINE OF SAID SECTION 22, SOUTH 89°59'41" WEST FOR 36.54 FEET TO INTERSECT AN EXISTING FENCE LINE; THENCE ALONG FENCE LINE AND FENCE LINE EXTENDED NORTH 00°50'38' EAST FOR 5308.48 FEET TO THE NORTH LINE OF SAID SECTION 22; THENCE ALONG THE NORTH LINE OF SAID SECTION 22 NORTH 89°47'38' EAST FOR 27.23 FEET TO THE TRUE POINT OF BEGINNING

109-220-013: THE EAST HALF OF THE EAST HALF OF SECTION 22, TOWNSHIP 13 NORTH, RANGE 31 EAST, W.M. IN FRANKLIN COUNTY, WASHINGTON. TOGETHER WITH THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 13 NORTH, RANGE 31 EAST, W.M. FRANKLIN COUNTY, WASHINGTON. DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 27, TOWNSHIP 13 NORTH, RANGE 31 EAST, W.M. FRANKLIN COUNTY, WASHINGTON WHICH IS A 5/8" REBAR MARKED WORLEY 41966; THENCE ALONG THE EAST LINE OF SAID SECTION 27 SOUTH 00°35'41" WEST FOR 54.03 FEET TO THE NORTHERLY RIGHT OF WAY MARGIN OF JOYCE ROAD, SAID POINT BEING 20.00 FEET NORTHERLY OF CENTERLINE OF JOYCE ROAD; THENCE ALONG THE NORTHERLY RIGHT OF WAY MARGIN THE FOLLOWING COURSES AND DISTANCES: NORTH 85°39'46" WEST FOR 63.25 FEET; THENCE NORTH 86°28'14" WEST FOR 70.39 FEET; THENCE NORTH 87°12'30" WEST FOR 74.70 FEET; THENCE NORTH 87°23'04" WEST FOR 51.06 FEET; THENCE NORTH 87°28' 17" WEST FOR 51.26 FEET; THENCE NORTH 88°22'42" WEST FOR 50.85 FEET; THENCE NORTH 89°00'58" WEST FOR 73.55 FEET; THENCE NORTH 88°54'44' WEST FOR 68.94 FEET; THENCE NORTH 85°55'00' WEST FOR 68.37 FEET; THENCE NORTH 83°41 '30" WEST FOR 61.25 FEET; THENCE NORTH 81°01 8'27" WEST FOR

54.91 FEET; THENCE NORTH 76°57'34" WEST FOR 56.32 FEET TO THE NORTH LINE OF SAID SECTION 27; THENCE ALONG THE NORTH LINE OF SAID SECTION 27 NORTH 89°59'41" EAST FOR 742.24 FEET TO THE TRUE POINT OF BEGINNING. TOGETHER WITH THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 13 NORTH, RANGE 31 EAST, W.M. FRANKLIN COUNTY, WASHINGTON. DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 22, TOWNSHIP 13 NORTH, RANGE 31 EAST, W.M. FRANKLIN COUNTY, WASHINGTON WHICH IS A BUREAU OF RECLAMATION BRASS CAP; THENCE ALONG THE NORTH LINE OF SAID SECTION 22 SOUTH 89°47'38" WEST FOR 1303.43 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF SAID SECTION 22; THENCE ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF SOUTH 00°44'36" WEST FOR 5308.45 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE EAST HALF AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF SAID SECTION 22 AND THE NORTH LINE OF SAID SECTION 27, NORTH 89°59'41" EAST FOR 38.66 FEET TO THE NORTHERLY RIGHT OF WAY MARGIN OF JOYCE ROAD SAID POINT BEING 20 FEET NORTHERLY OF CENTERLINE OF JOYCE ROAD; THENCE ALONG THE NORTHERLY RIGHT OF WAY MARGIN SOUTH 80°45'21" WEST FOR 42.80 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY MARGIN, NORTH 89°52'35" WEST FOR 33.04 FEET TO INTERSECT AN EXISTING FENCE LINE; THENCE ALONG FENCE LINE NORTH 00°43'29" EAST FOR 6.80 FEET TO THE NORTH LINE OF SAID SECTION 27; THENCE ALONG THE NORTH LINE OF SAID SECTION 27 NORTH 89°59'41" EAST FOR 36.54 FEET TO THE TRUE POINT OF BEGINNING. AND TOGETHER WITH THAT PORTION OF THE WEST HALF OF THE EAST HALF OF SECTION 22, TOWNSHIP 13 NORTH, RANGE 31 EAST, W.M. FRANKLIN COUNTY, WASHINGTON. DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 22 WHICH IS A BUREAU OF RECLAMATION BRASS CAP; THENCE ALONG THE NORTH LINE OF SAID SECTION 22 SOUTH 89°47'38" WEST FOR 1303.43 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF SAID SECTION 22 AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF SOUTH 00°44'36" WEST FOR 5308.45 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE EAST HALF; THENCE ALONG THE SOUTH LINE OF SAID SECTION 22, SOUTH 89°59'41" WEST FOR 36.54 FEET TO INTERSECT AN EXISTING FENCE LINE; THENCE ALONG FENCE LINE AND FENCE LINE EXTENDED NORTH 00°50'38" EAST FOR 5308.48 FEET TO THE NORTH LINE OF SAID SECTION 22; THENCE ALONG THE NORTH LINE OF SAID SECTION 22 NORTH 89°47'38" EAST FOR 27.23 FEET TO THE TRUE POINT OF BEGINNING

SUBJECT PARCEL(S)



Legend

Coulee Flats Dairy Feedlot Relocation 2022

Parcel #s 109220022 & 109220013. Purple line is the property line between the two.

Parcel #109-220-022

Parcel #109-220-013

15 ft. Wide Alley

16 ft. Wide Alley

15 ft. Wide Alley

16 ft. Wide Alley

15 ft. Wide Alley

Joyce Rd.

Coombs Rd.

Legend

Property size: The current combined properties (parcel(s)) size is approximately 480.58 acres.

Property to be used: Approximately 53 acres.

Comp. Plan: Agricultural

Zoning: Agricultural Production 20 (AP-20)

Suggested

Recommendation: Positive recommendation with six (6) suggested findings of fact and eleven (11) suggested conditions of approval

Suggested Motion: I move to forward CUP 2022-07 to the Board of County Commissioners with a positive recommendation based on the six (6) findings of fact and eleven (11) suggested conditions of approval.

APPLICATION DESCRIPTION:

Application is a major amendment to previously approved Conditional Use Permit (CUP) 2020-04 (SEPA 2020-11). Reason for amendment and new CUP is the changing of project location. Other than the location change, no major changes are proposed as part of this amendment, maintaining the originally approved head count of up to 10,000 animals, consisting of corrals with feed bunks, fences and concrete slabs within an area consisting of approximately 53 acres. Current land use is rangeland, with a retention pond located nearby.

The applicant provided a **site plan** and accompanying photos that show the following features:

- Area in which the proposal will be located.
- Photos visually presenting fencing type, feed bunks and concrete slab features
- Existing feed lot
- Existing homes
- Existing well house

PUBLIC NOTICE:

- The Planning Staff emailed technical review requests to Technical Agencies on August 25, 2022.
- The Planning staff mailed notices to Property Owners within **one mile** on August 25, 2022.
- A Public Notice was published in the *Franklin County Graphic* on August 25, 2022.
- A sign was posted on the property on August 25, 2022.

SEPA:

- A SEPA Checklist was included in the application. Planning Staff [Lead Agency Responsible Official] reviewed the checklist and issued a Mitigated Determination of Non-Significance (MDNS) on August 25, 2022 under WAC 197-11-340(2) which was published on August 25, 2022.
- The Washington State Department of Ecology filed the notice under **SEPA #202204269** in the statewide SEPA register.
- Comments on the MDNS Threshold Determination were due by September 8, 2022. As of the date of this staff report, no SEPA specific comments or appeals have been received.

APPLICABLE STANDARDS/CODES:

1. County Code, Title 6, Animals
 - a. Chapter 6.08 Livestock Management
2. County Zoning-- County Code:
 - a. Chapter 17.10 AP-20 Agricultural Production Zone
 - b. Chapter 17.82 Special Permits
3. County Environmental Code
 - a. Chapter 18.04 State Environmental Policy Act Guidelines
 - b. Chapter 18.08 Critical Area / Resource Area Protection Standards
3. Franklin County Comprehensive Plan
4. Benton Franklin District Board of Health Rules and Regulations No. 2.
5. Franklin County Ordinance 8-2008 "Right to Farm"
6. Franklin County Resolution 2001-238, Odor and Fly Control Guidelines

PUBLIC COMMENT:

No public comments have been received as of September 22, 2022.

STAFF ANALYSIS:

The Conditional Use Permit (CUP) proposal is a major amendment of a previously approved feedlot expansion (CUP 2020-04). Major amendments to a previously approved CUP require the proposal to follow the same process as an original CUP, with regard to public notice, holding a public hearing before the Planning Commission, and final action by the BoCC. Minor amendments involve small, generally non-material, changes to the proposal, and are processed administratively. Changes are considered to be major amendments when the proposed changes are more intensive, such as changing the location or boundaries of a proposal. In this case, the major amendment proposed is to change the location, and increase the footprint, of the site that was approved through CUP 2020-04, moving the proposed feedlot site over a quarter of a mile to the east, with no overlap of site area between the original and new proposals.

The applicant indicated in the application that the new location is a better site, due to its higher elevation and associated slopes providing the ability to drain runoff to a storage lagoon instead of having to pump said runoff. Additionally, the head count will stay the same and will be located outside of a flood plain. The location of the previously approved proposal did minimally encroach within a 100 year flood plain. Staff has determined the changes while significant in terms of site location and the increased footprint proposed for the new location, do not change the originally approved headcount in CUP 202-04, and is actually an improved location for such a use.

SEPA ENVIRONMENTAL REVIEW

The proposal was not exempt from SEPA and Mitigated Determination of Non-Significance was made. Based on findings, the SEPA responsible official determined the following mitigation measures for the proposal and are in addition to any conditions determined by the County Board of Commissioners:

1. Apply for and obtain a Franklin County Conditional Use Permit for land use approval.
2. Obtain a letter from the Franklin Conservation District board to allow a deviation from the Dairy Separation (buffer) required under FCC 17.10.020 (B)(1)(a).

3. If land use approval is granted by Franklin County, the applicant shall:
 - a) Comply with all conditions of the Franklin County Conditional Use Permit.
 - b) Continued compliance with the Washington State Department of Agriculture's requirements for Dairy Nutrient Management Plans – including update requirements of the existing and approved plan.
 - c) Comply with the Washington State Department of Ecology's applicable permit requirements, including air and water quality standards.
 - d) Establish and comply with an Odor and Fly Control Plan consistent with Franklin County Resolution 2001-238, to be approved by the Franklin Conservation District.
4. Compliance with the existing water rights and/or stock watering exemption is required at all times for this operation.
5. Based upon comments received by Department of Archaeology and Historic Preservation (DAHP) dated September 8, 2022. Applicant may be required to conduct an archeological survey prior to ground disturbance activity.
6. Nothing in the MDNS shall excuse the applicant from complying with all other local, state and Federal regulations relating to dairy operations, etc.

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. Public Works has the following comments:
 - 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).
 - 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. **Benton-Franklin Health District:** *No comments received.*
3. **Franklin County Conservation District:** *No comments received.*
4. **Big Bend Electric Cooperative (BBEC):** *No comments received.*
5. **Franklin County Assessor's Office:** *No comments received.*
6. **DAHP:** *Comments received September 8, 2022. Please see agency comment section for more information.*
7. **Confederated Tribes of the Colville Reservation:** *No comments received.*
8. **Confederated Tribes of Umatilla Indian Reservation:** *No comments received.*
9. **Nez Pearce Tribes:** *No comments received.*

10. **Confederated Tribes of the Yakama Nation:** *Comments received on August 29, 2022.*
 - Thank you for contacting us regarding the proposed undertaking located within the Ceded Lands of the Yakama Nation. The project is located within a high probability area for encountering archaeological resources. There is one previously recorded resource associated with Native American land use within/adjacent to the project area. We recommend an archaeological survey prior to any ground disturbing activities. Please send us a copy of the report to our office for review/concurrence.
11. **Fire District #1:** *No comments received.*
12. **South Columbia Basin Irrigation District:** *No comments received.*
13. **US Bureau of Reclamation:** *Comments received September 7, 2022. Please see agency comment section for more information.*
14. **Department of Ecology:** *No comments received.*
15. **Washington Department of Fish and Wildlife:** *No comments received.*
16. **Franklin County GIS/E-911 Addressing:** *No comments received.*
17. **Planning and Building Department:** The Planning Department has determined the following suggested findings and provided comments for this application:
 - a. **WHAT IS A SPECIAL USE/CONDITIONAL USE PERMIT (CUP):** A CUP allows the County to consider special uses which may be essential or desirable to Franklin County, but which are not allowed as a matter of right within a zoning district, through a public hearing process. A conditional use permit can provide flexibility within a zoning ordinance. Another traditional purpose of the conditional use permit is to enable a County to control certain uses that could have detrimental effects on the community and examine the compatibility of the proposed use.
 - b. **ZONING:** The property is located in the AP-20 Zone. A conditional use permit is required for milking cow dairy operations that exceed a headcount of 500 and for feedlot (young stock) operations that exceed a headcount of 1,000.

Further, the County Zoning Ordinance states that no more than two (2) operations, greater in size than 1,300 milking cows, shall be located within an operation's two (2) mile buffer.
 - c. **COMPREHENSIVE PLAN:** The Comprehensive Plan designation for the property is Agricultural. The Comprehensive Plan encourages agricultural industries in agricultural areas.
 - d. **HEADCOUNT NUMBER:** Currently, the applicant with current feedlot has a maximum rating of 3,500 head on the property. Applicant is requesting the ability to increase the total headcount number to a maximum of 10,000 head.
 - e. **STOCK WATERING:** The applicant has stated the dairy facility utilizes an existing well for stock watering purposes. A private irrigation source is also provided to the farm.
 - f. **PROPOSAL LOCATION/COMPATIBILITY TO SURROUNDING LANDS:**
 1. The animal operation and its expansion at this site is a compatible use with the Agricultural Production 20 Zoning District and the surrounding areas.
 2. The proposal is located in an area zoned Agricultural Production 20 (AP-20).

3. The proposal is located approximately 3.81 miles outside Mesa City Limits and 1 mile from HWY 395.
 4. Active farms and other animal operations are located near the proposed farm site.
- g. **ODOR AND FLY CONTROL PLAN:** In 2001, the Franklin County Board of Commissioners adopted County Resolution 2001-238 identified as the Franklin County Odor and Fly Control Guidelines for Livestock and Poultry Operations. These guidelines were adopted for use by the County Planning Commission in reviewing new operations and existing operations wishing to expand that require a special/conditional use permit. The guidelines were developed by a task force consisting of the Franklin Conservation District, County Planning Department, County Planning Commission, USDA Natural Resource Conservation Service, Benton Franklin Health Department, the local Poultry Industry and the local Dairy Industry.
1. The Odor and Fly Control Guidelines state that an Odor and Fly Control Plan may be required as part of a Conditional Use Permit for animal operations.
 2. An Odor and Fly Control Plan shall focus on Odor Production (Sources and Controls) and Implementation (Timelines, Maintenance and Monitoring).
- h. **ODOR AND FLY CONTROL PLAN GUIDELINES:** Odor and Fly Control Guidelines adopted by the Board of County Commissioners (County Resolution 2001-238) are applicable to this dairy expansion. The following are important guidelines to follow when reviewing this application:
1. County Resolution 2001-238 identified as the Franklin County Odor and Fly Control Guidelines for Livestock and Poultry Operations states: "Franklin County understands the importance of managing odor and nuisance issues to a reasonable extent as they relate to Livestock and Poultry Operations" (County Resolution 2001-238);
 2. A Conditional Use Permit is required for dairy operations greater in size than 500 (headcount).
 3. General Philosophy: "No Livestock operation can be 100% odor free". "Zoning should be used to avoid conflict where possible";
 4. Introduction: "Elimination of odor from livestock and associated facilities is not realistic. Odors of some sort will always be produced and are usually released to the environment"; "What can be evaluated and possibly changed is the frequency of odor occurrences, the duration of the odor, the intensity of the odor and negative perceptions by some neighbors";
 5. Selection of a Site: "Many operations are already situated close to neighbors and major roads. Such farms should be examined to identify potential problems and ways to avoid them by modifying the collection, processing, storage, and disposal of manure. This is especially important when considering the upgrading or expansion of an existing site. Sometimes it is better to abandon the site and invest remodeling or expansion money in new facilities at a better location".
- i. **NUTRIENT MANAGEMENT PLANS:** Nutrient Management Plans (NMP) are designed to satisfy the requirements of Washington State's Dairy Nutrient Management Act. The Department of Agriculture approves the plans, has the following objectives as it relates to Nutrient Management Plans: "Preventing discharge of contaminated waste water to streams, drainage ditches, or other surface waters from the facility; Preventing migration of contaminants from the facility to the underlying aquifer; Using facility nutrients to supply crop nutrient needs at rates and times tailored to reach realistic yield goals; Meeting the requirements of the Dairy Nutrient Management Act of

1998, the Clean Water Act and compliance with Federal, State And local laws regarding water quality standards" (*Dept. of Agriculture-Livestock Nutrient Management Program Website*).

1. Nutrient management plans focus on water quality related issues as described above. Enforcement of approved Nutrient Management Plans is the responsibility of the Washington State Department of Agriculture.
2. The applicant's current Nutrient Management Plan for the dairy operation was completed in 2012. With the proposed expansion, an updated NMP is required.
3. Requirements of a Dairy Nutrient Management Plan will help address the potential for buildup of nitrates and nutrients in the soil.

j. **CRITICAL AREAS AND ENVIRONMENT:**

- There is a storage lagoon located approximately 1,300 feet from proposed feedlot expansion.
- Domestic sewage is via an existing septic tank, used by residents and employees.
- *WETLANDS*: None.
- *CRITICAL AQUIFER RECHARGE AREAS*: None.
- *FREQUENTLY FLOODED AREAS*: None
- *GEOLOGICALLY HAZARARDOUS AREAS*: There are some areas within the project site have slopes of less than 15 percent.
- *FISH AND WILDLIFE HABITAT AREAS*: Is located in an area listed by Washington Department of Fish and Wildlife as habitat for Ferruginous Hawk, which is considered threatened by Washington State.

RECOMMENDATION:

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 County 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 2022-07.

Recommendation: The Franklin County Planning Department recommends that the Planning Commission forward a **POSITIVE** recommendation to the Franklin County Board of County Commissioners for application CUP 2022-07/SEPA 2022-22, with the following suggested findings of fact and suggested conditions of approval:

Suggested Findings of Fact:

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

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

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

Suggested Conditions of Approval:

- 1. The project shall comply with the requirements and recommendations of the **Franklin County Planning and Building Department**:
 - a. Obtain a letter from the Franklin Conservation District board to allow a deviation from the Dairy Separation (buffer) required under FCC 17.10.020(B)(1)(a).
 - b. Continued compliance with the Washington State Department of Agriculture's requirements for Dairy Nutrient Management Plans – including updating requirements of the existing and approved plan.
 - c. Comply with the Washington State Department of Ecology's applicable permit requirements, including air and water quality standards.
 - d. Establish and comply with an Odor and Fly Control Plan consistent with Franklin County Resolution 2001-238, to be approved by the Franklin Conservation District.

- e. Should archaeological materials (e.g., bones, shell, 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 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.
 - f. A drainage system shall be designed to capture and dispose of stormwater runoff onsite.
 - g. New facilities such as barns, pen areas, and parlor expansion will need to be established as the headcount number increases. The applicant is required to comply with the requirements of the County Building Division regarding any new construction at the site. On Site Water for Fire Protection may be required upon completion of Building Department review of submittals and consultation with local Fire District in accordance with the International Fire Code (IFC).
2. The project shall comply with the requirements and recommendations of the **Franklin County Public Works Department**:
- 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).
3. Shall comply with **fire code** requirements as stated in Franklin County Chapter 8.40.
4. Per Franklin County Ordinance Number 5-2007, as amended, prohibits the **accumulation of irrigation water on County Roads** in Franklin County. Compliance with this Ordinance is required for this operation.
5. **Outdoor lighting** at the facility shall be shielded down. This will assist in ensuring that outdoor lighting will not become a nuisance to neighboring properties and will limit light pollution in the rural area.
6. Any **discontinuance or abandonment** of the approved use (dairy operation) for a period of one (1) year shall null and void this CUP approval.
7. The 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.
7. Future expansions and improvements at the site shall comply with the submitted and approved site plans (and any building plans submitted and approved). To allow future flexibility, 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.
8. 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.

9. In accordance with the County's Zoning Code, any special permit may be reviewed for potential termination and revocation 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.
10. This permit applies to the described lands and shall be for the above named individual and/or his heirs and/or assigns. Any transferring of this permit will require that notice be granted to the Franklin County Planning Department or the permit will be cancelled. It cannot be transferred to another site.
11. 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 2022-07

Case VanderMeulen (Desert Acres Holdings, LLC) – Amended Feedlot Application



FRANKLIN COUNTY

PLANNING AND BUILDING DEPARTMENT

NOTICE OF OPEN RECORD PUBLIC HEARING/SEPA DETERMINATION

NOTICE IS HEREBY GIVEN that there has been proposed to the Franklin County Planning Commission an application by **Case VanderMeulen**, P.O. Box 228, Mesa, WA, 99343, is seeking to expand an existing feedlot, file # **CUP 2022-07** and **SEPA 2022-22**.

Said application is a major amendment to previously approved Conditional Use Permit (CUP) 2020-04 (SEPA 2020-11). Reason for amendment and new CUP is the changing of project location. Features of the proposal are similar to what was originally approved in CUP 2020-04 (SEPA 2020-11), consisting of corrals with feed bunks, fences and concrete slabs within an area consisting of approximately 53 acres. Current land use is rangeland, with retention pond located nearby.

The subject parcel is described as follows:

LOCATION:

Parcels are generally South of HWY 395 and North of Joyce and Coordes Rd. (Parcel #109-220-022 and #109-220-013). One of the parcels has a building addressed as 2270 Joyce Road, Mesa, WA 99343.

NOTICE IS FURTHER GIVEN that said application will be considered by the Franklin County Planning Commission. A public hearing will be held on **October 4, 2022 at 6:30 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. Written comments will need to be submitted by **4:00 PM, September 16, 2022**, in order to be included in the agenda packet. Further information on how to participate in the meeting is provided below.

NOTICE IS FURTHER GIVEN that said proposal has been reviewed under the requirements of the State Environmental Policy Act, as amended, along with the Environmental Checklist and other information. A determination has been made as to the environmental impacts of the proposal and a **Mitigated Determination of Non-Significance (MDNS)** has been issued. Accordingly, an Environmental Impact Statement **is not** required. This determination was made on **August 25, 2022** and comment period for determination and environmental impacts of proposal will close on **September 8, 2022**.

HOW TO WATCH/PARTICIPATE ONLINE: 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 online, more information will be posted to the agenda page, 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 25th DAY OF AUGUST 2022.

PUBLISH:

Franklin County Graphic: August 25, 2022



FRANKLIN COUNTY

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FRANKLIN COUNTY

PLANNING AND BUILDING DEPARTMENT

AGENCY COMMENTS (CUP 2022-07/SEPA 2022-23)

DATE: August 25, 2022

RE: CUP 2022-07

TO: County Engineer
Benton-Franklin Health Dist.
Fire Code Official
Assessor/GIS
County E-911
Franklin County Conservation District
Washington State Department of Agriculture
Washington State Department of Ecology
Conf. Tribes of Umatilla Indian Res.
Yakama Valley Nation
Nez Pearce Tribes

Irr. Dist.(FCID__SCBID__X__)
Fire Dist. # 1
Elec.Utility (PUD__BBEC__X__)
County Building Official
US Bureau of Reclamation
City of Mesa
WDFW
DAHP
Colville Conf. Tribes

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. This CUP is major revision of previously approved feedlot (CUP 2020-04) to grow dairy heifer replacements and offspring.

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: _____

Aaron Gunderson

From: DAHP SEPA (DAHP) <sepa@dahp.wa.gov>
Sent: Thursday, September 8, 2022 12:00 PM
To: Aaron Gunderson
Cc: Carey Miller (CareyMiller@ctuir.org); Ashley Morton; keithb@nezperce.org; guy.moura@colvilletribes.com; 'arrow.coyote@colvilletribes.com'; Casey Barney; Corrine Camuso; Gregg Kiona; Jessica Lally; Kate Valdez; Noah Oliver
Subject: [EXTERNAL] RE: Request for Review and Comment & Notice of DNS (CUP 2022-07) (DAHP Project Tracking # 2020-12-07554)
Attachments: 2020-12-07554_121120_Survey Requested.pdf

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

Hi Aaron,

Please consider this email DAHP's 3rd request for an archaeological survey for this project. We first requested a survey in December 2020 (see attached letter), and reiterated our request in March 2021. We feel that encountering an archaeological site or sites on this property is likely, based on the landform type and our predictive model. We ask that Franklin County makes an archaeological survey a condition of the construction permit.

Please let me know if you have any questions.

All the best,

Sydney Hanson, MA (she/her) | Local Government Archaeologist
Eastern Washington & Columbia River Counties
360.280.7563 | sydney.hanson@dahp.wa.gov

Department of Archaeology & Historic Preservation | www.dahp.wa.gov
1110 Capitol Way S, Suite 30 | Olympia WA 98501
PO Box 48343 | Olympia WA 98504-8343

 Please consider the environment before printing this email

From: Aaron Gunderson <agunderson@franklincountywa.gov>
Sent: Thursday, August 25, 2022 9:07 AM
To: Craig Erdman <cerdman@franklincountywa.gov>; John Christensen <jchristensen@franklincountywa.gov>; Dawson, Rick (DOHi) <rickd@bfhd.wa.gov>; Deana Chiodo <deanac@bfhd.wa.gov>; ericmauseth@gmail.com; dkurtz@usbr.gov; Bates, Gregory D <gbates@usbr.gov>; bor-efo-mailroom@usbr.gov; Porter, Michele E <mporter@usbr.gov>; cnelson@usbr.gov; ocallaghan@scbid.org; Eric Dixon <edixon@scbid.org>; bscott@scbid.org; tpoe@scbid.org; mark-nielson@franklincd.org; heather-wendt@franklincd.org; Gibson, Kristina-Nina (AGR) <KGibson@agr.wa.gov>; Monaghan, Jera (AGR) <Jera.Monaghan@agr.wa.gov>; DAHP SEPA (DAHP) <sepa@dahp.wa.gov>; Manuela Barragan <cityclerkmesa@yahoo.com>; zunderhill@bbec.org; mmyers@bbec.org; mhay@bbec.org; Robin Moug <rmoug@franklincountywa.gov>; Michael Morgan <mmorgan@franklincountywa.gov>; guy.moura@colvilletribes.com; robert.sloma@colvilletribes.com; AshleyMorton@ctuir.org; careymiller@ctuir.org; bambirodriguez@ctuir.org; jenniferkarson@ctuir.org; Casey Barney <Casey_Barney@Yakama.com>; tearafarrowferman@ctuir.org; Corrine Camuso <Corrine_Camuso@Yakama.com>; jerry_meninick@yakama.com; barh@yakamafish-nsn.gov; 2moon@nezperce.org; keithb@nezperce.org
Cc: Derrick Braaten <dbraaten@franklincountywa.gov>; Rebeca Gilley <rgilley@franklincountywa.gov>; Ryan Nelson

<ryann@franklincountywa.gov>

Subject: Request for Review and Comment & Notice of DNS (CUP 2022-07)

External Email

NOTICE OF APPLICATION / REQUEST FOR REVIEW AND COMMENTS

Below is a link to the SEPA Record page on a Conditional Use Permit (CUP 2022-07).

[SEPA record number 202204269, "Feedlot for Dairy Replacement Heifers and Offspring"](#)

NOTICE OF SEPA MDNS

A SEPA MDNS has been issued for the proposal. (Franklin County File # SEPA 2022-23)

The Public Notice, Application, MDNS and SEPA Environmental Checklist are located on the SEPA record page. Comments on the MDNS are due by September 8, 2022.

Thank you,

Aaron Gunderson

Planner I

Franklin County, WA | Planning & Building Dept.

509-545-3521

agunderson@franklincountywa.gov





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

December 11, 2020

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

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

Dear Aaron Gunderson:

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

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

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

Sincerely,

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



Memo



Public Works Department

To: Derrick Braaten, Planning & Building Director
From: John Christensen
cc: Craig Erdman, PE, Director / County Engineer
Date: August 29, 2022
Re: CUP 2022-07 – Desert Acres Feedlot

Derrick,

We have reviewed the application for a Conditional Use Permit along with SEPA 2022-23 to expand an existing feedlot. This application is a major amendment to previously approved Conditional Use Permit (CUP) 2020-04 (SEPA 2020-11). Reason for amendment and new CUP is the changing of project location. Features of the proposal are similar to what was originally approved in CUP 2020-04 (SEPA 2020-11), consisting of corrals with feed bunks, fences and concrete slabs within an area consisting of approximately 53 acres. Parcels are generally South of HWY 395 and North of Joyce and Coordes Rd. (Parcel #109-220-022 and #109-220-013).

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.



IN REPLY REFER TO:

United States Department of the Interior
BUREAU OF RECLAMATION
Ephrata Field Office
32 C Street NW
Ephrata, WA 98823-0815



Sep 7, 2022

EPH-2324
2.2.3.18

VIA ELECTRONIC MAIL ONLY

Aaron Gunderson, Planner I
Franklin County Planning and Building Department
502 W Boeing St
Pasco, WA 99301
agunderson@franklincountywa.gov

Subject: SEPA 2022-23 Desert Acres Holdings, LLC Feedlot

Dear Mr. Gunderson:

We appreciate the opportunity to review and comment on the subject proposal located in South Columbia Basin Irrigation District (SCBID) in Section 22, Township 13 North, Range 31 East, Willamette Meridian, Columbia Basin Project (Project), Franklin County, Washington. This letter is in response to your request for comments due September 8, 2022.

Reclamation requests the permit issued to the proponent by Franklin County includes all appropriate and necessary Best Management Practices for environmental protection of the open surface irrigation facilities that ultimately return irrigation flows to the Columbia River. This request pertains to activities that would occur before, during, and after construction. Examples of Best Management Practices include but are not limited to plans for spill prevention, dust abatement, stormwater control, and air emissions. Reclamation's request is to ensure the subject proposal does not adversely affect lands, operations, waters, facilities, and/or resources of the Project.

Stormwater runoff of any type, including runoff from a construction site or developed property should not enter any of Reclamation's lands or facilities at any time due to potential adverse effects on water quality. A Construction Stormwater General Permit from the Washington State Department of Ecology may be required for any construction project one acre or greater in size. Construction activities should cause no adverse effects to the lands, operations, waters, facilities, and resources of the Project.

Landowners should be aware of existing Reclamation and SCBID rights to construct, reconstruct, operate, and maintain Project facilities as necessary. Reclamation and SCBID must review and approve any work that would involve these facilities or the existing rights-of-way prior to commencing such work. Structures are prohibited from encroaching upon existing

rights-of-way corridors without prior approval from Reclamation and SCBID. This includes, but is not limited to, temporary improvements such as on-site sewage disposal systems, drain fields, domestic wells, paving, fencing, and landscaping. It is important to note that Reclamation's concurrence to this proposal is conditioned upon the assurance that there would be no encroachments upon Project facilities or rights-of-way.

Reclamation lands are open to the public for dispersed recreational uses including camping, hunting, fishing, and other recreational activities. The proposed site plan is located approximately ¼ mile from adjacent Reclamation land. Reclamation requests the proponent implements measures to reduce or control potential impacts that could affect recreation opportunities on Reclamation land.

Thank you for your assistance and cooperation. If you have any questions, please contact Ms. Chloe Nelson, Ephrata Field Office, Natural Resource Specialist, at cnelson@usbr.gov or Mr. Clyde Lay, Ephrata Field Office, Deputy Field Office Manager, at clay@usbr.gov or (509) 754-0216. For the hearing impaired, please call the Federal Relay System at (800) 877-8339.

Sincerely,

CLYDE LAY Digitally signed by CLYDE LAY
Date: 2022.09.07 11:41:30 -07'00'

Clyde Lay
Deputy Field Office Manager

cc: John O'Callaghan
South Columbia Basin Irrigation District
P.O.Box 1006
Pasco, WA 99301
jocallaghan@scbid.org

Case VanderMeulen
Desert Acres Holdings, LLC
P.O. Box 228
Mesa, WA 99343
casevdm@cfdairy.com

Aaron Gunderson

From: Corrine Camuso <Corrine_Camuso@Yakama.com>
Sent: Monday, August 29, 2022 3:55 PM
To: Aaron Gunderson
Cc: Casey Barney; Jessica Lally
Subject: [EXTERNAL] Re: Request for Review and Comment & Notice of DNS (CUP 2022-07)

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

Thank you for contacting the Yakama Nation Cultural Resources Program regarding the proposed undertaking located within the Ceded Lands of the Yakama Nation. The project is located within a high probability area for encountering archaeological resources. There is one previously recorded resource associated with Native American landuse within/adjacent to the project area. We recommend an archaeological survey prior to ground disturbing activities. Please provide a copy of the report to our office for review/concurrence.

Regards,

Corrine Camuso
Yakama Nation
Cultural Resources Program Archaeologist
Office 509-865-5121 ext. 4776

From: Aaron Gunderson <agunderson@franklincountywa.gov>
Sent: Thursday, August 25, 2022 9:06 AM
To: Craig Erdman; John Christensen; Rick Dawson; Deana Chiodo; ericmauseth@gmail.com; dkurtz@usbr.gov; Bates, Gregory D; bor-efo-mailroom@usbr.gov; Porter, Michele E; cnelson@usbr.gov; ocallaghan@scbid.org; Eric Dixon; bscott@scbid.org; tpoe@scbid.org; mark-nielson@franklincd.org; heather-wendt@franklincd.org; kgibson@agr.wa.gov; jera.monaghan@agr.wa.gov; sepa@dahp.wa.gov; cityclerkmesa@yahoo.com; zunderhill@bbec.org; mmyers@bbec.org; mhay@bbec.org; Robin Moug; Michael Morgan; guy.moura@colvilletribes.com; robert.sloma@colvilletribes.com; AshleyMorton@ctuir.org; careymiller@ctuir.org; bambirodriguez@ctuir.org; jenniferkarson@ctuir.org; Casey Barney; tearafarrowferman@ctuir.org; Corrine Camuso; Jerry Meninick; Holly Barrick; 2moon@nezperce.org; keithb@nezperce.org
Cc: Derrick Braaten; Rebeca Gilley; Ryan Nelson
Subject: Request for Review and Comment & Notice of DNS (CUP 2022-07)

NOTICE OF APPLICATION / REQUEST FOR REVIEW AND COMMENTS

Below is a link to the SEPA Record page on a Conditional Use Permit (CUP 2022-07).

[SEPA record number 202204269, "Feedlot for Dairy Replacement Heifers and Offspring"](#)

NOTICE OF SEPA MDNS

A SEPA MDNS has been issued for the proposal. (Franklin County File # SEPA 2022-23)

The Public Notice, Application, MDNS and SEPA Environmental Checklist are located on the SEPA record page. Comments on the MDNS are due by September 8, 2022.

Thank you,

Aaron Gunderson

Planner I

Franklin County, WA | Planning & Building Dept.

509-545-3521

agunderson@franklincountywa.gov



Agenda Item #1

APPLICATION, SEPA DETERMINATION & SEPA CHECKLIST

CUP 2022-07

Case VanderMeulen (Desert Acres Holdings, LLC) – Amended Feedlot Application



FRANKLIN COUNTY

PLANNING AND BUILDING DEPARTMENT

GENERAL LAND DEVELOPMENT APPLICATION

| | | | |
|--------------------------------|---------------------------------|---|--|
| FOR STAFF USE ONLY: | FILE #: CUP 2022-07 | Reviewed by: Hearing Date: | RECEIVED Jul 22 2022 FRANKLIN COUNTY PLANNING DEPARTMENT |
| | Total Fees: \$400.00 | | |
| | Receipt #: PL 22-00832 | | |
| | Date of Pre-App meeting: | | |
| | Date deemed complete: | | |

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

| | |
|---|---|
| <input checked="" type="checkbox"/> for contact person: | CONTACT INFORMATION |
| <input checked="" type="checkbox"/> | Property Owner Name: Case VanderMeulen Mailing Address: P.O. Box 228 Mesa, WA 99343 Phone: 509-840-0141 Email: casevdm@cf dairy.com FCP: Registered agent for Desert Acres Holdings, LLC |
| <input type="checkbox"/> | Applicant / Agent / Contractor (if different) Company: _____ Name: _____ Address: _____ Phone: _____ Email: _____ |
| <input type="checkbox"/> | Surveyor / Engineer Company: _____ Name: _____ Address: _____ Phone: _____ Email: _____ |

BRIEF DESCRIPTION OF PROJECT OR REQUEST:

This request is not for additional cow numbers, it is merely a relocation of the 2020 Feedlot conditional use permit that was approved in 2021. I would like to move this facility about 1/2 mile east of original permit. Luckily we haven't started construction due to Covid and the associated shortages of building materials and labor. This new location is a much better place to build this facility, because it has appropriate slopes to the west and is at a bit higher elevation so any runoff will drain to the existing storage lagoon instead of having to pump it. Also, there is a lot more top soil so it will be much better suited to create the needed slopes for drainage.

PROPERTY INFORMATION:

FCP: Major amendment to CUP 2020-04 (SEPA 2020-11), due to moving of project site. 8/3/2022

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

109220022 & 109220013

Legal Description of Property:

Site Address (describe location if no address is assigned):
Directly North West of 2270 Joyce Rd. Mesa, WA.

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

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

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

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

Owner

Date

Applicant/Representative

Date

Print Name: SAJIL VANDANMAHAN Print Name: _____

CONDITIONAL USE PERMIT INFORMATION

ZONING:
AP20

PROJECT NAME:

Coulee Flats Dairy 2022 Feedlot - Relocation

CUP: Major Amendment to CUP
2020-04 (SEPA 2020-11). 8/3/2022

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

Feedlot for dairy replacement heifers and offspring

LOT/PARCEL SIZE:

109220022 - 316.12 Acres & 109220013 - 164.46 Acres

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

30-50 Acres

PRESENT USE OF THE LAND AND STRUCTURES, IF ANY:

Range ground and retention pond

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

Construction of a feedlot to grow dairy deifer replacements and offspring, consisting out of corrals with feed bunks, fences and concrete slabs.

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

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

Feeding and growing of dairy replacements and offspring.

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

FCP: 6,500 additional head count has already been approved with CUP 2020-04 6500 head (SEPA 2020-11). This is a major amendment of prior CUP due to moving of project site. 8/3/2022

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

Noises from general agriculture and livestock equipment such as tractors and trucks.

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

24 hours a day, 365 days a year.

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

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

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

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

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

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

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

The site is already very hidden by natural landscapes and topography. No other measures proposed.

DESCRIBE ANY EXISTING ZONING ORDINANCE VIOLATION:

None

IRRIGATION SOURCE:

☐ NONE ☒ PRIVATE ☐ SCBID ☐ FCID

DOMESTIC WATER SUPPLY:

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

☐ OTHER (SPECIFY):

SEWAGE DISPOSAL:

☐ ON-SITE SEPTIC ☐ OTHER (SPECIFY):

LIST UTILITY PROVIDERS:

Power – BBEC

Telephone – AT&T

Natural Gas – N/A

Cable / Broadband – Xytel

Sanitary waste disposal - Basin Disposal

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

☐

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


Owner _____ Date 7/21/22

Applicant/Representative _____ Date _____

Print Name: CASIE VANDERMEULEN

Print Name: _____

Rev. Jan 2019

FRANKLIN COUNTY, WASHINGTON
STATE ENVIRONMENTAL POLICY ACT (SEPA)
MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

Description of proposal:

This is a major amendment to previously approved Conditional Use Permit (CUP) 2020-04 (SEPA 2020-11). Reason for amendment and new CUP is the changing of project location. Features of the proposal are similar to what was originally approved in CUP 2020-04 (SEPA 2020-11), consisting of corrals with feed bunks, fences and concrete slabs within an area consisting of approximately 53 acres. Current land use is rangeland, with retention pond located nearby.

File Number: SEPA 2022-23 (CUP 2022-07)

Proponent: Desert Acres Holdings, LLC - Case VanderMeulen, Registered Agent

Location: Parcels are generally located South of HWY 395 and North of Joyce and Coordes Rd. (Parcel #109-220-022 and #109-220-013). One of the parcels has a building addressed as 2270 Joyce Road, Mesa, WA 99343.

Legal Description: Please contact department for complete legal description.

Lead Agency: Franklin County, Washington

Findings:

1. Earth (grading) impacts:
 - a. Soil Erosion: There is minimal potential of soil erosion due to slopes being less than 5%.
 - b. Dust : Topsoil will be removed, which could result in a nuisance and result in impacts due to fugitive dust if not properly managed.
2. Air quality impacts:
 - a. Short-term: There will be impacts to air quality from construction.
 - b. Long-term: There will be impacts to air quality from cattle, vehicles and equipment.
3. Transportation impacts: Impacts will be minimal due to operation being mostly contained onsite. Might be some truck traffic in bringing cattle to the site and/or moving them to main dairy facility.
4. Impacts to surrounding land uses: There are potential impacts to surrounding land uses by increased traffic, noise and dust on a short-term basis from construction activities and on a long basis from cattle odor.
5. Aesthetic impacts: There are no impacts on aesthetics.
6. Public service impacts: Development will result in minimal increase to public services. Mostly due to increase in work traffic to and from site.
7. Stormwater impacts: There will be impacts due to cattle manure reducing the porosity of the soil.

Mitigation Measures:

1. Apply for and obtain a Franklin County Conditional Use Permit for land use approval.

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

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 MDNS is issued under WAC 197-11-350; the lead agency will not act on this proposal for 14 days from the date of publication (August 25, 2022). Comment must be submitted by: **September 8, 2022.**

Responsible Official: *Derrick Braaten*

Position/Title/Phone: *Planning and Building, Director – (509) 545-3521*

Address: *502 W. Boeing St., Pasco, WA 99301*

Date/Signature: *8/25/2022 -*



Any agency or person may appeal this SEPA determination by filing a written appeal to the responsible official no later than **September 8, 2022**. Contact the responsible official to read or ask about the procedure for SEPA appeals.

SEPA 2022-23

SEPA ENVIRONMENTAL CHECKLIST FRANKLIN COUNTY, WASHINGTON

Purpose of checklist:

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

Instructions for applicants:

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

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

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

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

Use of checklist for nonproject proposals:

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

A. Background

1. Name of proposed project, if applicable:
Coulee Flats Dairy 2022 Feedlot - Relocation

CUP: Major Amendment to CUP
2020-04 (SEPA 2020-11). 8/3/2022

2. Name of applicant:
Coulee Flats Dairy, Attn: Case VanderMeulen

FCP: Desert Acres Holdings, LLC - Case
VanderMeulen is the registered agent. 8/3/2022

3. Address and phone number of applicant and contact person:
Coulee Flats Dairy
1321 Pepiot Rd.
Mesa, WA 99343 Attn: Case VanderMeulen

4. Date checklist prepared: 07/07/2022

5. Agency requesting checklist:
Franklin County

6. Proposed timing or schedule (including phasing, if applicable): Start construction the Winter of 2022-2023
It may take a few years to complete the project.

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

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
None known

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

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

FCP: Conditional Use Permit and building permit
8/3/2022

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

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

FCP: 6,500 additional head count has already been approved with CUP 2020-04 (SEPA 2020-11). This is a major amendment of prior CUP due to moving of project site. 8/3/2022

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.

The proposed project is located directly north west of 2270 Joyce Rd. Mesa WA. Franklin County, Township 13, Range 31, Section 22, parcel 109220022 and parcel 109220013.

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)?

Less than 5% slope on site.

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

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

FCP: Sagehill-Quincy-Neppel
8/3/2022

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

None

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

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

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

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

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

Less than 5%.

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

The use of water trucks during construction and grading.

2. Air

To Be Completed by Applicant:

**Evaluation for
Agency Use Only:**

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

None known except exhaust from tractors feedtrucks etc.

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

None known

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

None

3. Water

a. Surface Water:

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

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

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

No

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

None

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

None

To Be Completed by Applicant:

**Evaluation for
Agency Use Only:**

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

No

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

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

b. Ground Water:

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

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

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

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

c. Water runoff (including stormwater):

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

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

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

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

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

No

To Be Completed by Applicant:

**Evaluation for
Agency Use Only:**

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

See above.

4. Plants

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

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

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

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

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

None

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

None

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

None known

5. Animals

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

Examples include:

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

To Be Completed by Applicant:

**Evaluation for
Agency Use Only:**

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

- b. List any threatened and endangered species known to be on or near the site.

None known

FCP: According to Washington State Department of Fish and Wildlife GIS portal, Ferruginous Hawk is listed as threatened by Washington State. 8/3/2022

- c. Is the site part of a migration route? If so, explain.

None known

FCP: Pacific Flyway 8/3/2022

- d. Proposed measures to preserve or enhance wildlife, if any:

None

- e. List any invasive animal species known to be on or near the site.

None known

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

None

- b. Would your project affect the potential use of solar energy by adjacent properties?

If so, generally describe.

No

- c. What kinds of energy conservation features are included in the plans of this proposal?

List other proposed measures to reduce or control energy impacts, if any:

None

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?

If so, describe.

None

- 1) Describe any known or possible contamination at the site from present or past uses.

None known

To Be Completed by Applicant:

**Evaluation for
Agency Use Only:**

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

None known

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

None

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

None

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

None

b. Noise

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

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

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

A little bit more of the same noises already existing.

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

None

8. Land and Shoreline Use

To Be Completed by Applicant:

**Evaluation for
Agency Use Only:**

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

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

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

The site is currently and will remain working farmlands.

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

No impacts will occur.

- c. Describe any structures on the site.

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

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

No

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

AP-20

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

Primary Agriculture FCP: Agricultural 8/3/2022

- 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.

None

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

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

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

None

To Be Completed by Applicant:

**Evaluation for
Agency Use Only:**

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

N/A

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

None

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

N/A

9. Housing

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

None

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

None

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

N/A

10. Aesthetics

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

Corral fences 6' or 7' in height Max

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

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

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

None

11. Light and Glare

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

None

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

N/A

To Be Completed by Applicant:

**Evaluation for
Agency Use Only:**

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

N/A

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

None FCP: Applicant shall comply with dark sky standards to reduce/control light and glare impacts. 8/3/2022

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.

None

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

None

13. Historic and cultural preservation

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

None

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

None known.

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

N/A FCP: The "Washington Information System for Architectural and Archaeological Records Data" was consulted. 8/3/2022

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.

None known

FCP: Any inadvertent discovery must be reported to the Yakama Nation, Nez Pearce, Colville Confederated Tribes, and Confederated Tribes of the Umatilla Reservation.

8/3/2022

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.

Only farm roads will be used to access the site.

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

N/A

FCP: Approximately 25 miles to the nearest transit stop according to Ben Franklin Transit System Map. 8/3/2022

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

N/A

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

None

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

No

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

None

FCP: This is a major amendment to CUP 2020-04 (SEPA 2020-11). Only thing being amended is location of project site. 8/3/2022

To Be Completed by Applicant:

**Evaluation for
Agency Use Only:**

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

No

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

None

15. Public Services

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

No

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

None

16. Utilities

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

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

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

None

C. Signature

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

Signature: 

Name of signee CASS VANDERGRAFFEN

Position and Agency/Organization MANAGING PARTNER

Date Submitted: 7/21/22

Agenda Item #1

MAPS & SITE PHOTOS

CUP 2022-07

Case VanderMeulen (Desert Acres Holdings, LLC) – Amended Feedlot Application

Coulee Flats Dairy Feedlot Relocation 2022

Parcel #'s 109220022 & 109220013. Purple line is the property line between the two.

Legend

Parcel #109-220-022

Parcel #109-220-013

15 ft. Wide
Alley

16 ft. Wide
Alley

15 ft. Wide
Alley

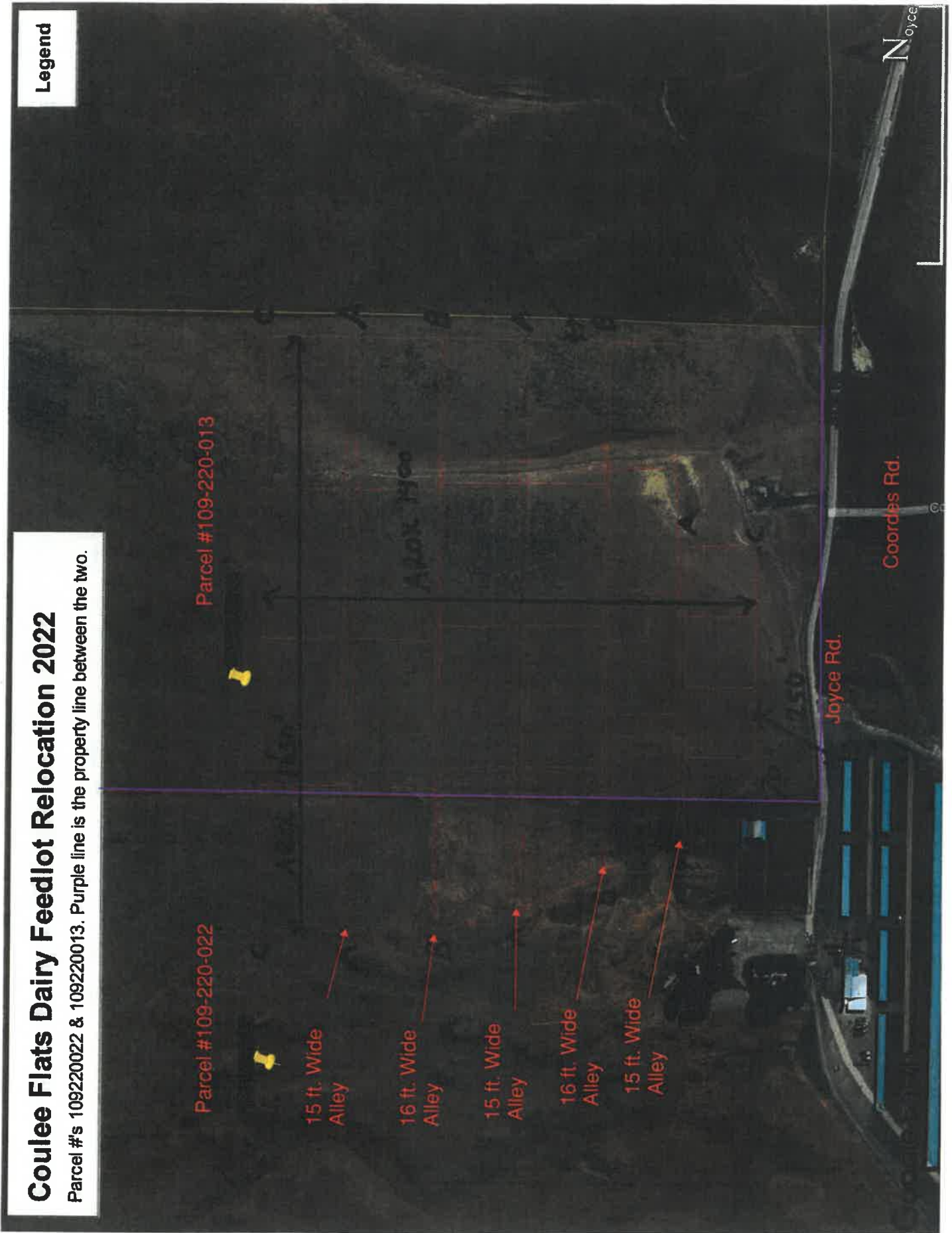
16 ft. Wide
Alley

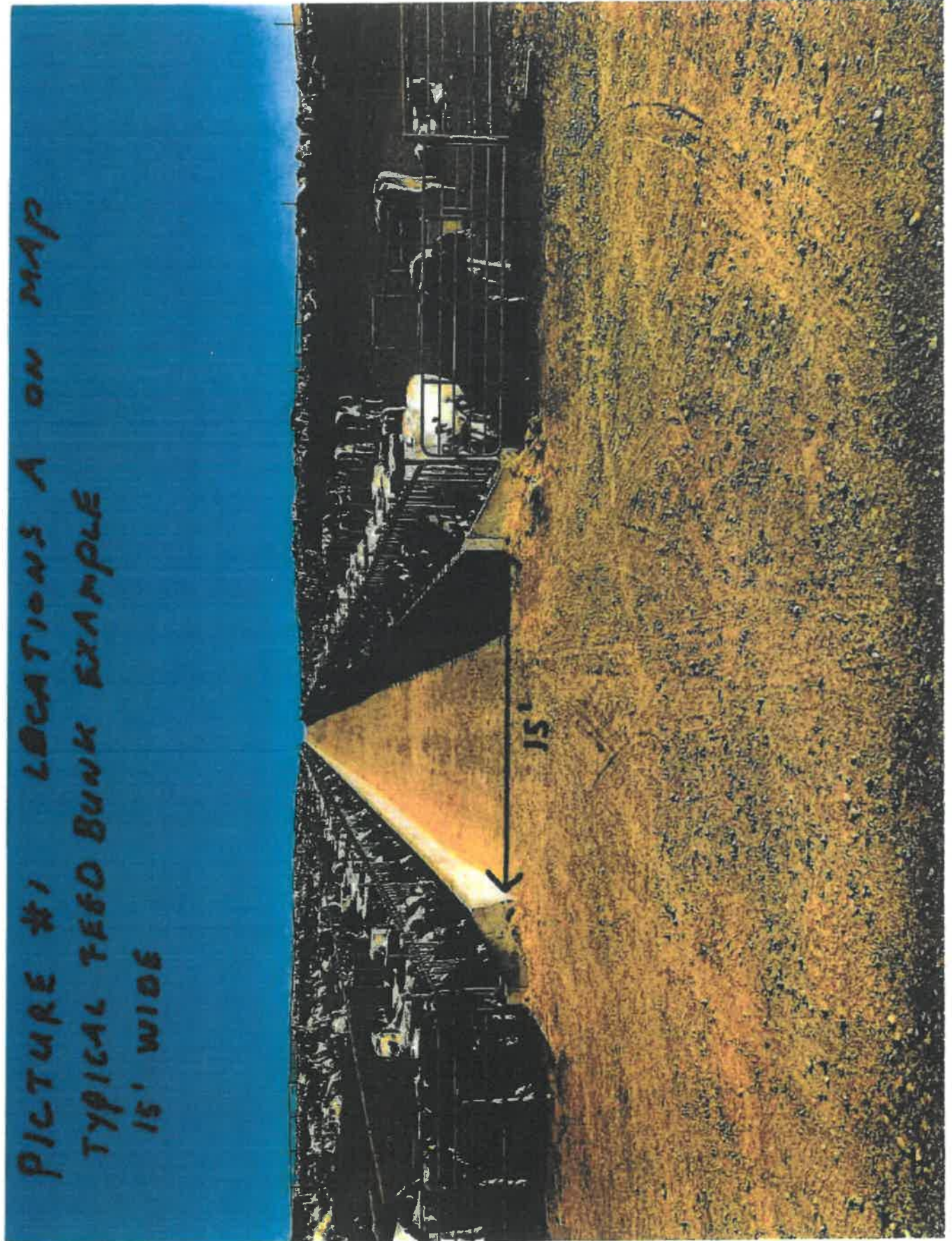
15 ft. Wide
Alley

Joyce Rd.

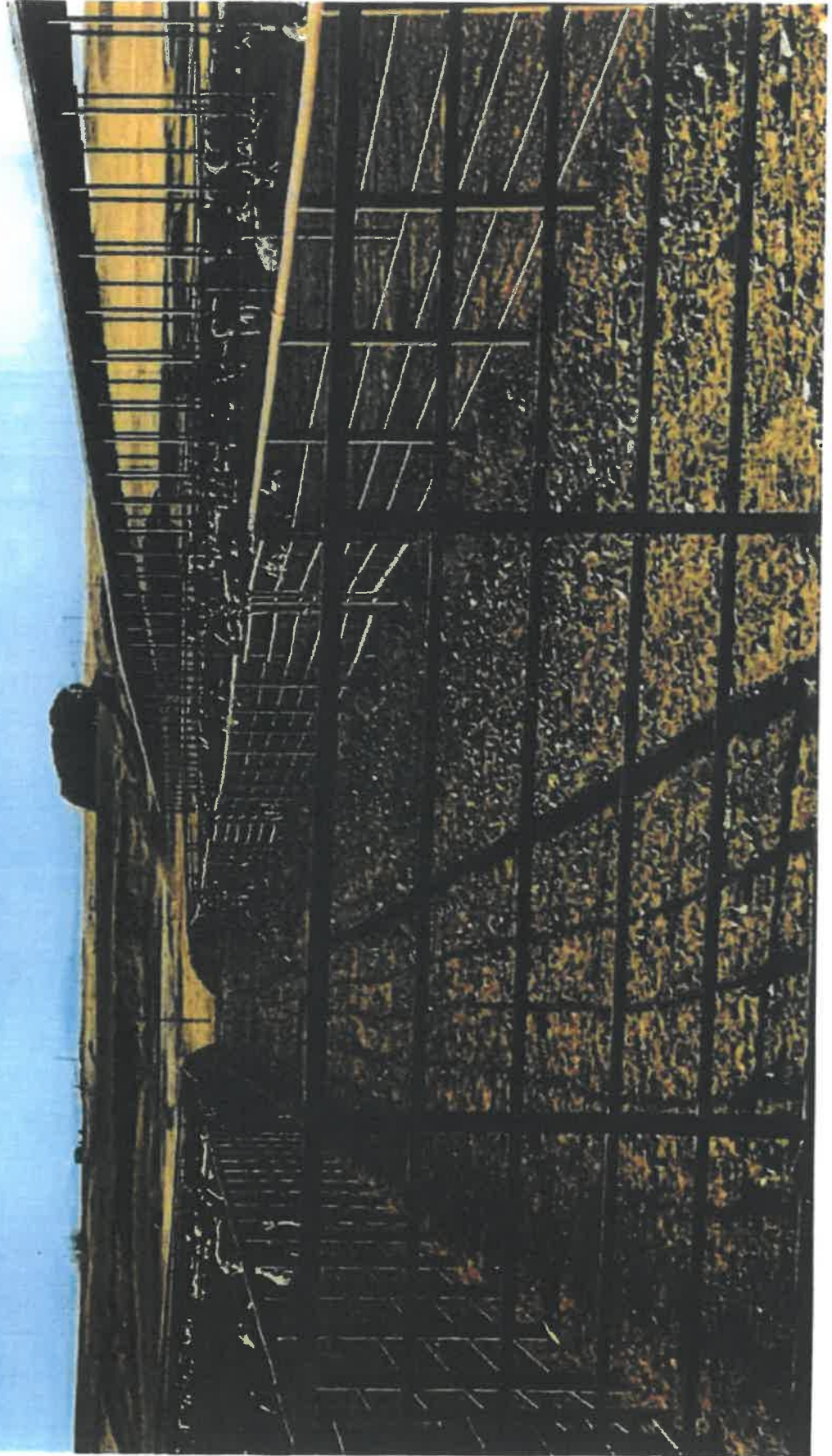
Coordes Rd.

N
oyce





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

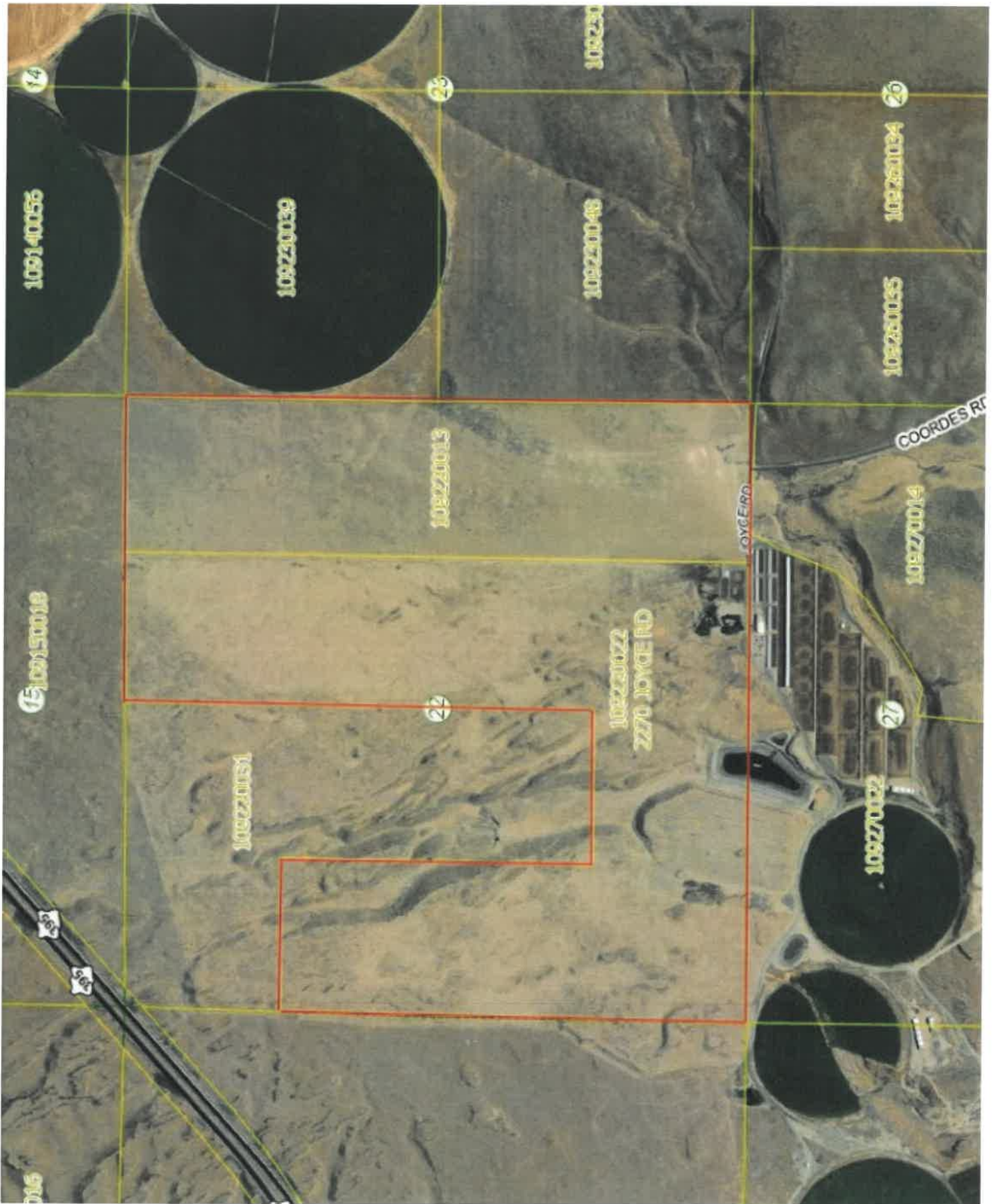


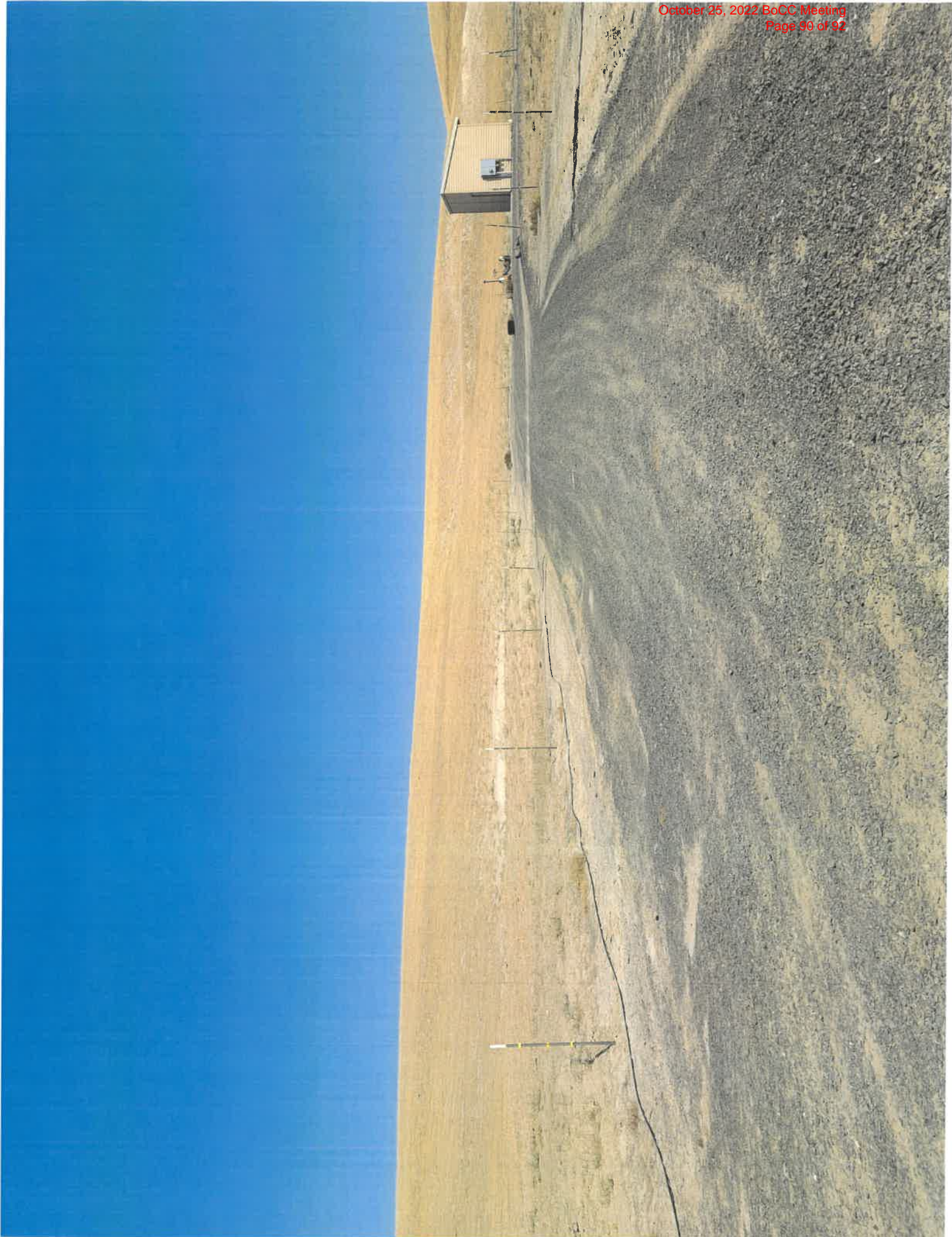
PICTURE #3 LOCATIONS C ON MAP
BACK FENCE W/0 ALLEY

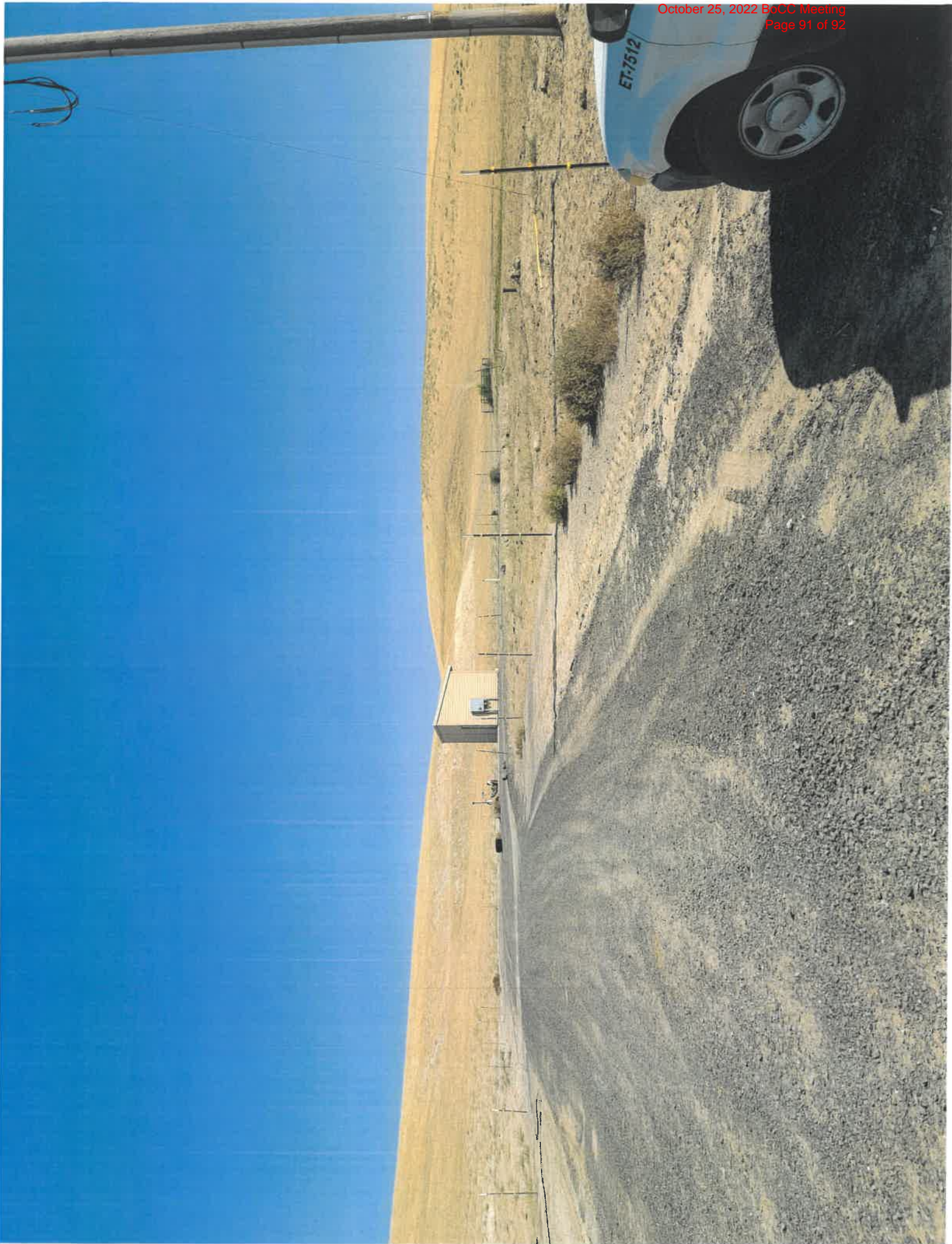


PICTURE #4
TYPICAL FENCE CONSTRUCTION STEEL PIPE
WITH STEEL CABLE 5' TALL.











**Land Use
Action Pending**

For information please contact the
Franklin County Planning Dept.
(509) 545-3521

Project # 7