

**WHITMAN COUNTY  
BOARD OF ADJUSTMENT  
PUBLIC HEARING – CU 23-06  
10/26/2023  
MINUTES**

**Public Service Auditorium and broadcasted via ZOOM**

**IN-PERSON MEMBERS:**

Larry Cochran – BOA Chair  
Brian Davies – BOA Member  
Michael Cochran – BOA Member

**IN-PERSON STAFF:**

Alan Thomson – Whitman County Planner  
Brandon Johnson – Public Works  
David Werner – Clerk

**ZOOM ATTENDEES:**

Rick Finch – BOA Member  
Eric Busch – Ferrellgas  
Nick Jensen – Ferrellgas

**7:01 p.m.** – Larry Cochran opened Public Hearing **CU 23-06 Ferrellgas.**

**Applicant:** Ferrellgas, LP

**Requests:** Storage of propane tanks for Washington and Idaho customers for home heating and cooking.

**Location:** NW ¼ of Section 5, Township 14N., Range 46E., W. M., Whitman County, Washington. The project site is addressed as 7607 SR 270, Pullman, WA 99163.

**FINDINGS OF FACT**

1. On September 7, 2023, Ferrellgas, LP, applied for a Conditional Use Permit to store propane tanks for Washington and Idaho customers for home heating and cooking. (See **Exhibit 1**, Conditional Use Application).
2. The storage site is located in the South-Pullman-Moscow Corridor District on Lot 11 of the Palouse Producers' Subdivision owned by UMONT, LLC. The site is located in the NW ¼ of Section 5, Township 14 N., Range 46 E., W.M., Whitman County, WA. The site is approximately 7.6 miles east of the intersection between SR 270 and SR

195. The site address is 7607 SR 270, Pullman, WA 99163. (See **Exhibit 2**, vicinity map).

3. The site is surrounded by farmland to the south and east, with the Chipman Trail to the north and with Coleman Oil to the west. Ferrellgas, LP, shares the same access point onto SR 270 as Coleman Oil.
4. As per Chapter 19.16 - South-Pullman-Moscow Corridor District, Section 19.16.060(21) - Conditional uses, Wholesale Trade. (See **Exhibit 3**, aerial).
5. Section 19.16.080 - Site Requirements; the front setback shall be 35 feet south of the SR 270 right-of-way. The side and rear setbacks shall be 20 feet to property lines. (See **Exhibit 4**, site plan).

7:05 p.m. – **Larry Cochran** – So were those requirements met?

7:05 p.m. – **Alan Thomson** – Yes.

7:05 p.m. – **Brian Davies** – Substantially I would say.

7:05 p.m. – **Alan Thomson** – Initially they were not met and the applicant and the land owner did a good job of moving the chains. So yes, they are set.

7:05 p.m. – **Larry Cochran** continued **FINDINGS OF FACT**

6. The site is not within a flood plain nor is a wetland present. No water or septic will be required. (See **Exhibit 5**, flood plain map, and See **Exhibit 6**, wetland map.)
7. All landowners within 300' of the site were notified of the applicant's request by mail sent from Whitman County Planning on October 12, 2023. An affidavit of mailing is on file to confirm the recipient list. The comment period ended on October 26, 2023, and no comments were received. (See **Exhibit 7**, affidavit of mailing; **Exhibit 8**, notification letter).

7:06 p.m. – **Larry Cochran** – Is that still correct?

7:06 p.m. – **Alan Thomson** – Yes.

7:06 p.m. – **Larry Cochran** continued **FINDINGS OF FACT**

8. On September 21, 2023, a legal advertisement of the intent to issue a Conditional Use Permit and a Determination of Non-significance under SEPA 23-11 was published in the Whitman County Gazette. A copy of the legal advertisement was placed on the bulletin board at the front of the Public Works Department. The comment period

ended October 5, 2023, and no comments were received from the Dept. of Ecology or from the public. (See **Exhibit 9**, advertisement).

**7:07 p.m. – Larry Cochran** – Nothing from Ecology.

**7:07 p.m. – Alan Thomson** – Its unusual but yes. Nothing from them.

**7:07 p.m. – Larry Cochran** continued **FINDINGS OF FACT**

9. *A Site Plan Review Committee (SPRC) meeting was held on October 9, 2023. All attendees at that meeting gave their approval of the application. (See **Exhibit 10**, SPRC minutes).*

**7:08 p.m. – Larry Cochran** – OK. Any additions to the findings of fact? If not is there a motion to approve the findings of fact?

**7:08 p.m. – MOTION** by Rick Finch and seconded by Michael Cochran to approve the **FINDINGS OF FACT**.

**7:09 p.m. – MOTION CARRIES**

**7:09 p.m. – Larry Cochran** begins **CONCLUSIONS OF LAW**

#### **CONCLUSIONS OF LAW**

1. *The Board of Adjustment has been granted authority to render this decision.*
2. *As conditioned, the proposed use is consistent with the intent, purposes, and regulations of the Whitman County Code and Comprehensive Plan.*
3. *As conditioned, the proposal does conform to the standards specified in Whitman County Code.*
4. *As conditioned, the use will comply with all required performance standards as specified in Whitman County Code.*
5. *As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Whitman County Code or the Comprehensive Plan.*
6. *Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.*

**7:10 p.m. – Larry Cochran** – Based on the above **FINDINGS OF FACT** and **CONCLUSIONS OF LAW** on this permit and application **CU 23-06 Ferrellgas LP** is hereby approved subject to the following **CONDITIONS OF APPROVAL**.

#### **CONDITIONS OF APPROVAL**

1. *The applicant shall obtain necessary permits from Whitman County and other permitting agencies. This conditional use permit is not to be construed as approval for these other agencies. The applicant must obtain these necessary permits or approvals. Failure to obtain these permits is basis for revoking this conditional use permit.*
2. *This conditional use permit will be continuous with the ownership of the property. Should ownership change, the Whitman County Planning Department must be notified. The conditions apply to the land regardless of transfer of owners.*
3. *All outdoor lighting has to be full-cutoff so as to not allow light to escape the building site.*

**7:11 p.m. – Larry Cochran** – Any other conditions anybody wants to put forth?

**7:11 p.m. – Larry Cochran** – Seeing none is there a motion to approve the conditional use permit?

**7:11 p.m. – MOTION** by **Brian Davies** and seconded by **Rick Finch** to approve the **CU 23-06**.

**7:12 p.m. – Larry Cochran** – Any other discussion?

**7:12 p.m. – MOTION CARRIES**

**7:12 p.m. – Larry Cochran** – **CU 23-06** has been approved.

**7:12 p.m. – Alan Thomson** – Hey Eric, there does follow a 21 day appeal period from this date. You should be aware of that. Since nobody attended and nobody seemed to object it is unlikely that that's going to happen but technically speaking, you're supposed to wait for the 21 day period to be over with.

**7:13 p.m. – Eric Busch** – OK.

**7:13 p.m. – Alan Thomson** – Alright, thank you guys.

**7:13 p.m. – Eric Busch** – Thank you guys. Enjoy your night. I appreciate it.

**7:13 p.m. – Alan Thomson** – Thank you gentlemen.

**7:13 p.m. – Brian Davies** – That's a pretty clean location.

7:13 p.m. – Alan Thomson – Did you adjourn Larry?

7:13 p.m. – Larry Cochran – Unless you have anything else?

7:13 p.m. – Alan Thomson – No.

7:13 p.m. – Larry Cochran – OK, meeting of the board of adjustment is adjourned.

<u>Luca Di Giase</u>	<u>Assistant Planner</u>	<u>10.27.23</u>
Name	Title	Date