

**WHITMAN COUNTY
BOARD OF ADJUSTMENT
PUBLIC HEARING – CU 23-08
12/14/2023
MINUTES**

Public Service Auditorium and broadcasted via ZOOM

IN-PERSON MEMBERS:

Larry Cochran – BOA Chair
Michael Cochran

IN-PERSON STAFF:

Grace Di Biase – Whitman County Assistant Planner
Brandon Johnson – Public Works
David Werner – Clerk

IN-PERSON PUBLIC:

NONE

ZOOM ATTENDEES:

Ryan Kile – BOA Member
Brian Davies – BOA Member
Rick Finch – BOA Member
Alan Thomson – Whitman County Planner
Eric Busch

7:04 p.m. – Larry Cochran opened Public Hearing CU 23-08.

Applicant: *UMONT, LLC*

Requests: *To lease Lot # 8 of the Palouse Producers' Subdivision to Disaster Response for the storage of emergency response materials and office space for approximately three to five employees.*

Location: *NW¼ of Section 5, Township 14N., Range 46E., W. M., Whitman County, Washington. The project site address is 7601 SR 270, Pullman, WA 99163.*

FINDINGS OF FACT

1. *On November 9, 2023, UMONT, LLC, applied for a conditional use permit to lease an existing building on their property to Disaster Response for the storage of emergency response materials and office space for approximately three to five employees. (See Exhibit 1, Conditional use application).*

2. *The storage site is located in the South-Pullman-Moscow Corridor District on Lot 8 of the Palouse Producers' Subdivision owned by UMONT, LLC. The site is located in the NW¼ 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 7601 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 Busch Distributers to the west and Coleman Oil to the east. The existing access point onto SR 270 shall also be utilized by Disaster Response. Approximately 11 vehicular trips are expected per day.*

7:07 p.m. – Larry Cochran – If it's just storage, what's the 11 trips they're going to be taking. We're going to have that many disasters?

7:07 p.m. – Grace Di Biase – My understanding is we want to gather as much information from the applicant as possible and we want to know the threshold that they expect when it comes to the employees' number of trips per day. So, I think 11 was probably a high-end guess just in case employees need to get to and from this site to bring in and/or deliver those emergency materials.

7:08 p.m. – Larry Cochran – So to me, we need to add a couple words. Approximately, at the most, 11 vehicular trips are expected per day.

7:08 p.m. – Grace Di Biase – Well if we say "at the most" then if the applicant exceeds 11, they would need to come back to the board of adjustment to increase that number. If you would like to make that decision, the other board members can pitch in. If Eric Busch is online, he can talk as well.

7:09 p.m. – Larry Cochran – Brian, Rick, Mike, what do you guys think?

7:09 p.m. – Ryan Kile – I'm open, I mean we could even, I mean I guess if it stays at "approximately", Grace does that limit them if they were ever to go above that? I mean, I guess who's counting?

7:09 p.m. – Grace Di Biase – So I would say within reason of approximately 11, maybe one or two over or under, but Eric now that you are present with us, I want to give you a moment to catch up.

7:09 p.m. – Eric Busch – Yeah, sorry about that Grace. I got caught in a little bit of stuff.

7:09 p.m. – Grace Di Biase – That's alright, so we are on **FINDINGS OF FACT Number 3**, and the board is deciding whether or not to change the language of "approximately 11 vehicular trips

are expected per day". I suspected that that was a high-end number just in case. Is there more justification to 11? Would you explain that—

7:10 p.m. – Eric Busch – You bet. So that is an average, there's likely going to be a majority of the time, its going to be significantly less than that and then—unless they have a major event. So, this facility is a—I guess I'll call it a "satellite property" to their Clarkston office, which is where the majority of their employees are. So, they would—they wanted a spot that was closer to the Moscow-Pullman area that if they had a home that had a fire or a flood and they were called in to help remediate that where their supplies were closer by. So, if people were being called in at night, you know they didn't have to drive to Clarkston and back, so it cuts their response time down. So, I don't expect it to be above that unless there's like a major-major event, but that should be on the low side. I did—just so the board's aware, I had a good meeting with "WSDOT" (Washington State Department of Transportation) just about our access permit and where we're at with it because the access permit is actually for that entire subdivision, the Palouse Producers subdivision. So, that would include all businesses that are accessing that subdivision, which right now is Ferrellgas, myself, Coleman Oil, and then Disaster Response. So, we're well under the permit which is 100 vehicles a day, especially since we've lost the, some of the—I think I've mentioned in a prior meeting that some of the volumes decreased as of recent, but I don't think we're in any jeopardy of hitting the upper limit of our access and then just as, for myself and future development, we wanted to understand what would be required if it got over that 100-car a day number. Which, I don't have anything planned, I just wanted to make sure I understood what it would take if I did. So, is that clear?

7:12 p.m. – Rick Finch – Yeah.

7:12 p.m. – Eric Busch – Yeah, OK.

7:12 p.m. – Rick Finch – And Larry, I don't have any problems with the language messages and the findings of fact, you know its approximate, and you know, as long as it, I think as long as it isn't 25 vehicles a day every day, its probably not going to become an issue.

7:12 p.m. – Ryan Kile – This is Ryan, I would agree based on how Eric... (inaudible). I don't think there's an issue with leaving it how it is.

7:13 p.m. – Brian Davies – This is Brian and I was aware that there were other businesses accessing SR 270 off that approach, and I think it's a totally appropriate the way its worded right now.

7:13 p.m. – Larry Cochran – OK, we'll leave it as it.

7:13 p.m. – Larry Cochran continued FINDINGS OF FACT

4. *As per Chapter 19.16 - South-Pullman-Moscow Corridor District, Section 19.16.060(20) - Conditional uses, Warehousing and distribution. (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).*
6. *The site is not within a flood plain nor is a wetland present. The landowner has gone through the approval process for a public water system for the entire subdivision. (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 November 16, 2023. An affidavit of mailing is on file to confirm the recipient list. The comment period ended on December 14, 2023, and no comments were received. (See Exhibit 7, affidavit of mailing; Exhibit 8, notification letter).*

7:14 p.m. – Larry Cochran – Is that still true at this time?

7:15 p.m. – Grace Di Biase – Yes.

7:15 p.m. – Larry Cochran continued FINDINGS OF FACT

8. *On November 16, 2023, a legal advertisement of the intent to issue a Conditional Use Permit and a Determination of Nonsignificance under SEPA 23-14 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 November 30, 2023, and no comments were received from the Dept. of Ecology or from the public. (See Exhibit 9, advertisement).*
9. *The Site Plan Review Committee met on November 28, 2023, to discuss any concerns with the proposal. (See Exhibit 10, minutes).*

7:16 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.*

7:16 p.m. – Rick Finch – Excuse me Larry, are we supposed to approve the FINDINGS OF FACT?

7:16 p.m. – Larry Cochran – Well I was kind of thinking this was part of the—

7:16 p.m. – Rick Finch – OK.

7:16 p.m. – Larry Cochran – We can either do it now or after these but it seems like these **CONCLUSIONS OF LAW** should be part of the **FINDINGS OF FACT** as far as I can see.

7:16 p.m. – Rick Finch – Well I'm fine with that if that's what staff says. So, OK.

7:17 p.m. – Grace Di Biase – I would say, you can finish reading the **CONCLUSIONS OF LAW**, and ask for approval by your fellow board members.

7:17 p.m. – Larry Cochran – Yeah, I mean, we've got to have a—before the decision we have to have a vote on the **FINDINGS OF FACT**. So, I'll finish 3-6 and then we'll ask for a vote.

7:17 p.m. – Larry Cochran continues CONCLUSIONS OF LAW

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.*

7:18 p.m. – Larry Cochran – Is there a motion to approve the **FINDINGS OF FACT**?

7:18 p.m. – MOTION by Rick Finch and seconded by Brian Davies to approve the FINDINGS OF FACT.

7:18 p.m. – Larry Cochran – It has been moved and seconded to approve the **FINDINGS OF FACT**. Any other comments?

7:18 p.m. – MOTION CARRIES

7:18 p.m. – Larry Cochran – Based on the above **FINDINGS OF FACT** and **CONCLUSIONS OF LAW**, conditional use permit application **CUP 23-08** for **UMONT, LLC** is hereby approved subject to the following **CONDITIONS OF APPROVAL**.

7:19 p.m. – Larry Cochran begins CONDITIONS OF APPROVAL

CONDITIONS OF APPROVAL

The Board of Adjustment concludes that this proposal is consistent with the Whitman County Comprehensive Plan and Zoning Ordinances. This conditional use permit is contingent upon the following conditions:

- 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.*

7:20 p.m. – Larry Cochran – Is there any other conditions the board wishes to put on this?

7:20 p.m. – Rick Finch – I have none.

7:20 p.m. – Larry Cochran – Is there a motion to approve the conditional use permit?

7:20 p.m. – MOTION by **Brian Davies** and seconded by **Michael Cochran (Ryan Kile** also seconded) to approve the **CONDITIONS OF APPROVAL**.

7:21 p.m. – MOTION CARRIES

7:21 p.m. – Larry Cochran – **CU 23-08** has been approved.

7:21 p.m. – Eric Busch – Thank you guys. I apologize again for my uh, tardiness.

7:21 p.m. – Grace Di Biase – Eric that's totally OK, thank you for attending. As soon as I'm able to retrieve the minutes and approve of them, I can issue the conditional use permit. There is a 21-day appeal period. However, that may be unlikely because of the lack of audience. Did we have any questions?

7:21 p.m. – Eric Busch – None for me.

7:21 p.m. – Brian Davies – I had a couple curious questions for Eric. So that looks like a pretty good size building; are they just going to take up part of it?

7:22 p.m. – Eric Busch – That building actually has two—or there’s a third and two-thirds, the way that building is setup. They are taking two-thirds of it.

7:22 p.m. – Brian Davies – Oh, well good.

7:22 p.m. – Eric Busch – So, there’s one bay that is, its—I mean there’s nothing in it, its literally just a garage bay that’s about a third of that building. So that, that one I’m currently using for my business still.

7:22 p.m. – Brian Davies – Well it’s good to see a tenant in a building.

7:22 p.m. – Eric Busch – Yeah, yeah, we would love to—and I’m sure at some point, we’d, you know, we’ll sit down with the Planning Department and try to figure out best use for that whole property that’s kind of been underutilized for years, but, something that would make sense for all parties.

7:22 p.m. – Brian Davies – They gave you your own—you have your own water system?

7:23 p.m. – Eric Busch – Correct, yeah that, when that—I don’t know how much history you guys want to hear on that, that old piece of ground, but yeah that subdivision was done early, or early 80s, late 70s. It actually goes back to Ron Walker when that was done, but yeah there’s actually 16 lots on that piece of property, only 4 are really actually being used. A couple of them are borderline flood plain, the stuff closer to the highway, so that’s a little, that’s a little restrictive unless there’s some major investment but—

7:23 p.m. – Larry Cochran – So let me break in here a minute, is there anything else to come before the Board of Adjustment? OK, so the hearing is concluded so now you can go ahead and visit.

7:23 p.m. – Larry Cochran – MEETING IS ADJOURNED.

These minutes have been proofed and approved by Planning Staff:

Grace Di Biase
Name

Assistant Planner
Title

12.21.23
Date

File: CU 23-08

