

FRANKLIN COUNTY ORDINANCE 01-2021

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF
FRANKLIN COUNTY, WASHINGTON

*Zone Change (ZC) 2020-03 to designate
approximately 34.57 acres in Section 36, Township 10 North,
Range 28 East W.M with RC-1 Zoning*

WHEREAS, on March 2 2021, the Board of Franklin County Commissioners, via public meeting, considered the positive recommendation of the Franklin County Planning Commission to change the zoning designation for approximately 33.92 acres of land (Parcel # 126-230-062) in regards to the application by Big Sky Developers LLC (Dave Greeno); File # ZC 2020-03, as described in Exhibit A; and

WHEREAS, at the public meeting the Board has found that the County Planning Commission, after an open record public hearing and consideration on **File ZC 2020-03** did recommend approval of the zoning designation change with five findings of fact and three conditions of approval listed in **Exhibit A**; and

WHEREAS, there were no appeals filed; and

WHEREAS, at the Planning Commission meeting there was discussion about the presence of "sliver" of land to the immediate west of the parcel for which the rezone was requested; and

WHEREAS, it appears that the zoning map does not align with parcel boundaries where the "sliver" has occurred; rather the zoning appears to align with the farm unit boundary; and

WHEREAS, Planning Staff contacted the owners of parcel Nos. 126-230-061 and 126-230-051 in writing regarding the pending application, to ask if the owners would agree to including the small portions of their parcels which adjoin the subject parcel in the request to rezone from AP-20 to RC-1 and the owners consented;

WHEREAS, the Board recognizes that the same findings of fact and conditions of approval apply to the additional "sliver" of land; and

WHEREAS, it appears to be in the public use and interest to approve said zoning designation change, augmented to include the additional land "sliver."

NOW, THEREFORE, BE IT ORDAINED that the 33.92 acres (approximate) of land be rezoned from AP-20 (Agricultural Production 20) to RC-1 (Rural Community-1) as described and depicted on **Exhibit B**.

BE IT FURTHER ORDAINED that the portions of parcel nos. 126-230-061 and 126-230-051 comprising approx. ± 0.65 acres not previously zoned RC-1 (Rural Community-1) are now changed to RC-1 (Rural Community-1) zoning as described and depicted on **Exhibit C**.

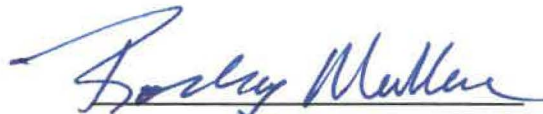
ordinance 01-2021


BE IT FURTHER ORDAINED that the Chair of the Board of Franklin County Commissions be authorized to sign ZC 2020-03 on behalf of Franklin County.

APPROVED THIS 2nd DAY OF MARCH 2021.

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


Chair


Chair Pro-Tem


Member

ATTEST:


Clerk to the Board

APPROVED AS TO FORM:


Jennifer Johnson, Franklin County Deputy Prosecuting Attorney

FRANKLIN COUNTY BOARD OF COMMISSIONERS

ZONING DESIGNATION CHANGE # 2020-03

ORDINANCE NUMBER 01-2021

EXHIBIT A

Findings of Fact:

1. The application to rezone approximately 33.92 acres of land to RC-1 Rural Community **IS** in accordance with the goals and policies of the Comprehensive Plan.
 - a. The purpose of the RC-1 Rural Community Zoning District (per FCC 17.18) is *to provide a rural residential environment permitting one dwelling unit per acre. Lands within this district are normally located in rural areas that are outside designated urban growth area boundaries and contain residential development with large lots and expansive yards. Structures in this district are limited to single-family dwellings and customary accessory structures. Certain public facilities and institutions may also be permitted, provided their nature and location are not detrimental to the intended rural residential environment.*
 - b. Rezoning the property to RC-1 is supported by the Comprehensive Plan and would be considered a proper implementation of the Plan.
2. The effect of the proposal on the immediate vicinity **WILL NOT** be materially detrimental.
 - a. Consistency with surrounding area: The rezone request is consistent with the surrounding area.
 - i. Single-family residential uses exist or are planned for the general area.
 - ii. There are lands to the west, east, and south that are zoned RC-1 and approximately 1/3 of the north property boundary abuts RC-1 zoned properties. This rezone will be a logical extension of that designation.
3. There **IS** merit and value in the proposal for the community as a whole.
 - a. The rezone to RC-1 implements the Comprehensive Plan. The Comprehensive Plan designates the site for Rural Shoreline development. The proposed rezone to RC-1 is consistent with the Plan designation. The proposal is also consistent with the policies of the Plan that encourage the development of a full range of residential environments.
4. Conditions **ARE** required to be imposed in order to mitigate any significant adverse impacts from the proposal.
5. A concomitant agreement between the County and the petitioner **IS NOT** required for this application.

Conditions of Approval:

1. Future development at the site shall comply with the County Development Regulations (including, but not limited to Title 16 Subdivisions, Title 17 Zoning, and Title 18, Environment, of the Franklin County Code).
2. Future development at this site shall comply with local, state, and federal agency standards.
3. Roads and Access: Future development at the rezone site shall be evaluated for the following:
 - a. Any new lots that may be created, as a result of this proposed Zone Change, that will require access to a county road shall be subject to the County Road Approach Policy (Resolution No. 2014-123). Requirements include required permits, approach construction, minimum design standards, etc.
 - b. Any mitigation fees required will be determined upon development of the property and will go towards future road upgrades if development continues to grow in the area.

FRANKLIN COUNTY BOARD OF COMMISSIONERS

ZONING DESIGNATION CHANGE # 2020-03

ORDINANCE NUMBER 01-2021

EXHIBIT B

The following Zoning Designation Change 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 March 2, 2021.

APPLICANT: Big Sky Developers

LEGAL DESCRIPTION: *Parcel Number 126-230-062*: SHORT PLAT 2018-23 LOT 2

NON-LEGAL DESCRIPTION: The property is generally located east of the Columbia River and south of the south terminus of Terrace Drive and McDonald Drive, north of the Pelican Pointe Subdivision, and northwest of Dent Road, located in a portion of Farm Unit 1-67. The property is situated in Section 36, Township 10 North, Range 28 East W.M. Franklin County, Washington. There is no assigned site address. The parcel rezoned is approximately 33.92 acres. The County's Comprehensive Plan map designates the land use as "Rural Shoreline."

Vicinity Map:



FRANKLIN COUNTY BOARD OF COMMISSIONERS

ZONING DESIGNATION CHANGE # 2020-03

ORDINANCE NUMBER 01-2021

EXHIBIT C

The following Zoning Change 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 March 2, 2021.

APPLICANTS: N/A (Franklin County adjustment; owners have consented)

LEGAL DESCRIPTION:

Portion of Parcel Number 126-230-061: PORTION (APPROX. THE EASTERN 40 FEET) OF SHORT PLAT 2018-23 LOT 1; ***APPROX. 0.2 ACRES***

Portion of Parcel Number 126-230-051: PORTION (APPROX. THE EASTERN 40 FEET) OF "THAT PORTION OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 10 NORTH, RANGE 28 EAST, W.M., FRANKLIN COUNTY, WASHINGTON, DESCRIBED MORE PARTICULARLY AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION; THENCE SOUTH 89°48'47" WEST ALONG THE SOUTH LINE OF SAID SECTION 1257.03 FEET; THENCE NORTH 00°11'13" WEST 309.17 FEET; THENCE SOUTH 89°48'47" WEST 281.78 FEET; THENCE SOUTH 00°11'13" EAST 309.17 FEET TO THE SAID SOUTH LINE; THENCE SOUTH 89°48'47" WEST 1379.02 FEET TO THE MEANDER LINE OF THE COLUMBIA RIVER; THENCE NORTHEASTERLY THE FOLLOWING COURSES ALONG SAID MEANDER LINE AS DEPICTED ON RECORD SURVEY NO. 2-679 RECORDS OF SAID COUNTY; THENCE NORTH 22°11'24" EAST 254.59 FEET; THENCE NORTH 24°53'21" EAST 187.05 FEET; THENCE NORTH 10°16'24" EAST 260.77 FEET; THENCE NORTH 12°41'00" EAST 167.17 FEET; THENCE NORTH 27°28'39" EAST 372.50 FEET; THENCE NORTH 23°27'50" EAST 190.86 FEET; THENCE NORTH 21°10'01" EAST 511.83 FEET; THENCE NORTH 10°28'20" EAST 186.15 FEET; THENCE NORTH 10°45'39" EAST 671.04 FEET TO THE NORTH LINE OF SAID SOUTH HALF AND THE END OF SAID COURSES; THENCE NORTH 89°54'34" EAST ALONG SAID NORTH LINE 2074.49 FEET TO THE SAID EAST QUARTER CORNER; THENCE SOUTH 00°08'32" WEST ALONG THE SAID EAST SECTION LINE 2643.99 FEET TO THE POINT OF BEGINNING EXCEPT: THAT PORTION OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 10 NORTH AND THAT PORTION OF SECTION 1, TOWNSHIP 9 NORTH ALL IN RANGE 28 EAST, W.M. FRANKLIN COUNTY WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE SOUTH 89°48'47" WEST ALONG THE SOUTH LINE OF SAID SECTION 1257.03 FEET; THENCE NORTH 00°11'13" WEST, 309.17 FEET; THENCE SOUTH 89°48'47" WEST, 281.78 FEET; THENCE SOUTH 00°11'13" EAST, 309.17 FEET TO THE SAID SOUTH LINE; THENCE SOUTH 89°48'47" WEST ALONG THE SAID SOUTH LINE 1379.02 FEET TO THE MEANDER LINE OF THE COLUMBIA RIVER; THENCE NORTHEASTERLY THE FOLLOWING COURSES ALONG SAID MEANDER LINE; NORTH 22°11'24" EAST, 254.59 FEET; NORTH 24°53'21" EAST, 187.05 FEET; NORTH 10°16'24"

EAST, 31.27 FEET; THENCE LEAVING SAID MEANDER LINE NORTH 89°47'06" EAST, 2073.80 FEET; THENCE NORTH 00°08'32" EAST, 2208.50 FEET TO THE NORTH LINE OF SAID SOUTH HALF; THENCE NORTH 89°54'34" EAST ALONG SAID LINE 664.66 FEET TO THE EAST QUARTER CORNER OF SAID SECTION; THENCE SOUTH 00°08'32" WEST ALONG THE EASTERLY LINE OF SAID SECTION 2643.99 FEET TO THE SAID POINT OF BEGINNING. EXCEPT: THAT PORTION OF THE TRACT 1 OF THE RECORD OF SURVEY RECORDED IN VOLUME 3 OF SURVEYS AT PAGE 464, LYING IN THE SOUTH HALF OF SECTION 36, TOWNSHIP 10 NORTH, RANGE 28 EAST, W.M., FRANKLIN COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT THENCE SOUTH 00°08'32" WEST 2208.50 FEET TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE SOUTH 89°47'06" WEST ALONG THE SOUTHERLY LINE OF SAID TRACT 2073.80 FEET TO THE MEANDER LINE OF THE COLUMBIA RIVER; THENCE NORTHEASTERLY THE FOLLOWING COURSES ALONG SAID MEANDER LINE NORTH 10°16'24" EAST 229.50 FEET; NORTH 12°41'00" EAST 167.17 FEET; NORTH 27°28'39" EAST 179.58 FEET TO THE END OF SAID COURSES; THENCE NORTH 89°47'06" EAST 1207.91 FEET; THENCE NORTH 00°12'54" WEST 126.86 FEET; THENCE NORTH 08°37'32" WEST 331.41 FEET; THENCE NORTH 89°47'06" EAST 62.84 FEET; THENCE NORTH 00°08'32" EAST 471.02 FEET; THENCE NORTH 89°47'06" EAST 80.22 FEET; THENCE NORTH 00°08'32" EAST 490.94 FEET; THENCE SOUTH 89°47'06" WEST 841.25 FEET TO THE SAID MEANDER LINE; THENCE NORTH 10°45'39" EAST ALONG SAID LINE 251.86 FEET TO THE NORTH LINE OF SAID SOUTH HALF; THENCE NORTH 89°54'34" EAST ALONG THE NORTHERLY LINE OF SAID TRACT 1409.83 FEET TO THE SAID POINT OF BEGINNING."

APPROX. 0.45 ACRES

Vicinity Map:

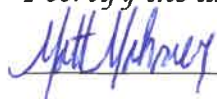


ORDINANCE
01-2021

Agenda Summary Report (ASR) Franklin County Board of Commissioners

DATE SUBMITTED: February 23, 2021	PREPARED BY: Nicole Stickney (AHBL)
Meeting Date Requested: March 2, 2021	PRESENTED BY: Nicole Stickney
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 zoning change for a 33.92-acre parcel acres <u>plus an additional \pm 0.65 acres in adjacent parcels to the immediate west</u> from AP-20 to RC-1.	
FISCAL IMPACT: None	
BACKGROUND: (File # ZC 2020-02 and SEPA 2020-04): The applicant requested a rezone for approx. 33.92 acres from AP-20 (Agricultural Production 20) to RC-1 (Rural Community-1). (Parcel number 126-230-062). The parcel to be rezoned is located within the "Columbia River West Area" as identified in the Comprehensive Plan; the land use designation is "Rural Shoreline." The site is generally located east of the Columbia River, south of the southern terminus of Terrace Drive and McDonald Drive, north of the Pelican Pointe Subdivision, and northwest of Dent Rd. The Building & Planning Dept. processed the application, coordinated for agency comments, and reviewed the application in accordance with FCC Chapter 17.84.	
RECOMMENDATION: Building and Planning Department staff provided the Planning Commission with a recommendation of approval for the application. Subsequently, at their meeting on December 1, 2020, the Planning Commission held a duly advertised open-record public hearing. <i>At the Planning Commission meeting, it was discussed that there a small "sliver" of land, on two parcels to the immediate west, which also carries the AP-20 zoning designation (the majority of parcels are zoned RC-1 and the comp. plan land use map designates 100 percent of the parcels as "Rural Shoreline" lands, not Agricultural).</i> The Planning Commission unanimously (6-0) passed a motion to forward the BOCC a recommendation of approval, based on 5 findings of fact and with 3 conditions of approval. There were <u>no appeals</u> . <i>Following the meeting, staff contacted the property owners of parcels to the west (nos. 126-230-061 and 126-230-051) by mail regarding the discrepancy and asked for a reply to indicate if they agreed to be included in the rezone. Both replied affirmatively. Staff Recommends adding the additional \pm 0.65 acres to the rezone.</i> Per FCC 17.82.110, the board can pass a resolution to take action without further review (a draft proposed ordinance is attached) or the board can schedule a future closed record appeal hearing for further review. <u>Suggested Motion:</u> Pass Ordinance #____, granting approval of ZC 2020-02 based on 5 findings of fact and subject to 3 conditions of approval, and additionally rezoning portions of the parcels to the west.	
COORDINATION: The re-zoning application was advertised to the public via adopted public notice procedures, and agencies were contacted for review and comment; a SEPA DNS was issued. The Planning Commission, after an open record public hearing and consideration on ZC 2020-02, recommended approval of the application. J. Johnson, Civil Prosecuting Attorney, reviewed the ordinance and approved as to form.	
ATTACHMENTS: (Documents you are submitting to the Board) (1) Draft Ord., (2) P.C. Packet, (3) P.C. mtg. minutes-draft, (4) communication with adjoining parcel owners	
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) To the Clerk of the Board: 1 Original Ordinance; To Planning: 1 Copy Ordinance	

I certify the above information is accurate and complete.



Derrick Braaten