

**WHITMAN COUNTY
PLANNING
COMMISSION**

**Public Hearing
ZC-18-06**

February 6, 2019

MEMBERS:

Chad Whetzel – Chairman
Bob Hill
Keith Paulson

Dave Gibney
Brian Davies
Russell Jamison

Staff: Alan Thomson, Whitman County Planner; Katrin Kunz, Whitman County Assistant Planner; Elinor Huber, Clerk.

Audience: Ben Moehrle, Uniontown; Sandra Castle del Conte, Pullman; Gwen Anderson, Pullman; Shelley Chambers Fox, League of Women Voters; Della Hill, Rosalia

7:01 p.m. – Chad Whetzel opened the hearing. Introductions were held around the room.

Applicant: Agrow Solutions, LLC

Requests: Zone change from the Agricultural District to a Limited Heavy Commercial District.

FINDINGS OF FACT

1. *An approximately 8-acre area is proposed to be taken out of the Agricultural District and rezoned to a Limited Heavy Commercial District.*
2. *The parcel is located on the north east side of the intersection of SR 195 and Old Wawawai Road, approximately 0.4 miles west of Pullman, in Section 1, Township 14 N., Range 44 E., W.M., Whitman County, Washington. (See **Exhibit 1**, Vicinity map.)*
3. *The applicant has requested a zone change from the Agricultural District to a District to a Limited Heavy Commercial District for a storage warehouse for the purpose of selling agricultural chemicals to farmers pursuant to Chapter 19.48 – Limited Zone Overlay and Chapter 19.04 – Amendments. (See **Exhibit 2**, Zone change application.)*
4. *The approximately 8-acre area is owned by David Harlow and is the south western part of a 20-acre parcel. (See **Exhibit 3**, Whitman County Assessor’s parcel map.)*

5. *The purpose of this request is to allow for building and operating a storage warehouse for the purpose of selling agricultural chemicals, mostly herbicides and fungicides to farmers. A chemical spill plan is required for this business. (See **Exhibit 4**, Site plan.)*
6. *This Limited Heavy Commercial District will exclude the permitted uses listed in Chapter 19.20.020 (A), (B), (C), (E), (H), (I), (J), (K). All other listed permitted uses will be allowed and are listed as follows:*
 - D. *Sales of services to the agricultural sector, such as agriculture supply cooperatives, custom fertilizer application services, and similar uses.*
 - F. *Seed packaging, storage and sales.*
 - G. *Other similar uses that provide retail sales and which, because of noise, dust, traffic or the nature of materials stored should be located outside of an urbanized area.*
 - L. *Unclassified Uses.*
 1. *It is recognized that all possible uses and variations of uses that might arise cannot reasonably be listed or categorized. In the event a use is proposed which is not listed in this chapter as permitted, the County Planner may determine whether the use should or should not be treated as one of the listed uses. Such determination shall be based on it being similar in intensity and character to the list of permitted uses and consistent with the intent of the district, and with the concurrence of the Public Works Director.*
7. *The proposed re-zone is consistent with the Whitman County Comprehensive Plan per the Commercial Land Use Element which encourages activities that serve agricultural operators through preparation and delivery of commodities such as fertilizer and seed. The parcel also has easy traffic access.*
8. *The site is accessed off Old Wawawai Road 9011. Whitman County Road Department has no objections regarding the use of the existing access point of for the purposed business.*
9. *Portions of the proposed zone change area were designated for the Wawawai Road Interchange and were brought by WSDOT in 1973. There is also an area in the very west of the parcel that is still designated county road right-of-way and never was formally vacated. The area in the center of the site provides sufficient space for the proponent's building and parking lot including the required setbacks to the right-of-way. (See **Exhibit 5**, WSDOT Interchange map, and **Exhibit 9**, Aerial map.)*
10. *The land to the north and immediately to the east is farm land and zoned Agricultural District. Hinrichs Trading Company is located south of the site. The land there in the south east corner of Old Wawawai Road and SR 195 and in the south west corner of the intersection of SR 194 and SR 195 is zoned Heavy Commercial District. The area in the north west corner of SR 194 and SR 195 is also owned by WSDOT and part of the old interchange plans. North of that area west of SR 195 are three residential parcels. The closest house is in approximately 900' distance to the proposed*

*building. Three more residential parcels are located to east of the site in approximately 1600' distance between proposed building and nearest house. (See **Exhibit 6**, Aerial photo.)*

11. *All adjacent landowners within 300 feet of the project were informed of this request and hearing by U.S. mail. At the time of this hearing, no comments were received by Whitman County Planning concerning this notification.*

12. *A SEPA checklist was submitted with this Zone Change application, and a Mitigated Determination of Nonsignificance (M-DNS) was issued on January 17, 2019. The comment period ended January 31, 2019. As of the date of this hearing two SEPA comments were received. (See **Exhibit 7**, Comment from Department of Ecology, and **Exhibit 8**, Comment from Whitman County Department of Environmental Health.)*

RECOMMENDATIONS

This request is consistent with both the County's Comprehensive Plan and the Zoning Ordinance.

At this time, unless there is substantial new evidence introduced which would change the Findings of Fact, it is recommended that this zoning code amendment be accepted with the following conditions: that all outdoor lighting will be full cut-off and that a storm water and erosion control plan and a chemical spill plan will be submitted before any construction.

Katrin Kunz – The plan is to build a warehouse and operate a storage facility for the purpose of selling agricultural chemicals, mostly herbicides and fungicides to farmers. This commercial district will be limited and the following uses shall be permitted: sales of services to the agricultural sector, such as agriculture supplies cooperatives, custom fertilizer application services, and similar uses, seed packaging, storage and sales, other similar uses that provide retail sales and which, because of noise, dust, traffic or the nature of materials stored should be located outside of an urbanized area. Unclassified Uses. All other uses shall not be allowed.

Bob Hill – Is that farm chemicals?

Katrin Kunz – Yes.

Brian Davies – How much excavation is going to take place to level the area?

Ben Moehrle – I am the owner of Agrow Solutions. The proposal would have to level the current site. I talked with a couple of construction companies in the area and they thought there is enough material on site to just move it around to be able to fill in the valley where the spot is. It wouldn't take a whole lot to get that done. It is fairly flat.

There are a couple little knolls or little hills and a gentle slope that would have to be more leveled out. I would say that the bottom of the depression, if you will, the lowest part would only be raised a foot or two. From my rough guess, the level of the site would then be at or just slightly above the road level,

which is kind of deceiving when you look at the property there are big hills, and it looks kind of goofy. The leveling wouldn't change the elevation over the road level.

Brian Davies – Are you going to need a large parking area? Are you going to have applicators and equipment?

Ben Moehrle – There will be no equipment. The parking lot area or the access area needs to be large enough to get semi-trucks in there and get them turned around and not have too much of a cluster. But that is about as far as it goes. There is no applicator equipment. That is not my business.

Brian Davies – You are just on the chemical end of it and the warehouse.

Ben Moehrle – Any of the fertilizer stuff would come off-site and stay off-site.

Brian Davies – Right, thank you.

Bob Hill – How large a building is it?

Ben Moehrle – Right now, I'm looking at a 10,000 square foot building. So, it would be roughly 80' X 120' roughly. Then part of the storage space would have an office in one end. So, my office would be on-site and the rest would be storage area.

Chad Whetzel – Any other questions from the Board right now? We will start off with the proponents. Is there anything else you'd like to say about the application?

Ben Moehrle – The facility is a storage site for agricultural chemicals essentially and fungicides and whatever is applied. For the most part, they are not hazardous products. They carry very low signal warnings. So, they are not the really dangerous nasty stuff. A lot of the products are fairly benign. They will all be pre-packaged elsewhere and then we will just bring in and store the products that are packaged. There won't be any mixing or blending of the products.

Brian Davies – No outdoor storage and tanks that would require skirting and all the other infrastructure that goes along with protecting that?

Ben Moehrle – Correct. I can't say never but at this time I don't have any plans.

Brian Davies – At this point it is just the warehouse and the main building site?

Ben Moehrle – Correct.

Dave Gibney – You do have a pretty limited footprint to actually build anything on. There is not a lot of room for you to expand.

Ben Moehrle – My goal is to build for the future already, so I don't see a huge need so far to expand. If expansion happens I think I would expand in another location. The facility is large enough to support the sales that I have in the area for future sales. I think that everything should be set up appropriately.

Chad Whetzel – Is this retail or wholesale type business?

Ben Moehrle – A majority is retail to the farmers.

Chad Whetzel – Do we have any other proponents in the audience? Are there any against this application in the audience? Neutral? Okay. So, there are no more proponents and no opponents, just neutral. Please state your name.

Sandra Castle del Conte – I live across on the northwest corner of this intersection. I talked to you on the phone a little earlier. Now that I see the full map, I have a few more questions which I am confused that this 8-acre area is owned by David Harlow. According to the map it is not, a large portion is owned by the State. I am confused about how that 8-acre area is designated as (inaudible). I don't know who to ask about that.

Chad Whetzel – We prefer to be just us but if we don't know the answer, we can find it out or it may be something that Staff knows more about. I have looked at these maps a little bit and there are some confusing things so we might have more answers for you.

Sandra Castle del Conte – My understanding is that the land is owned by the State and could be leased by someone, I don't know, it may be leased by David Harlow. In that case it would make a little more sense to me that the whole area is designated (inaudible) that the land is not owned by the petitioner or (inaudible). I don't understand where the lines are being drawn here.

Chad Whetzel – Do you have any information on that, Alan? Or, Katrin, excuse me.

Katrin Kunz – So, that is correct. So this interchange area is owned by the DOT and there is this other roadway that is County right-of-way. The proposal is to change this whole triangle to light industrial for any future plans. In case the DOT would at some point give the land back to the owner that would give the applicant more room to do an extension sometime in the future. So, once this is changed to light industrial it cannot be farmed. It would be a conditional use permit to farm it, but there is no intention to farm it as far as we know. That is why this whole 8-acre is changed to be proposed.

Dave Gibney – Isn't it a complication that the state isn't part of the zone request for that right-of-way that they own?

Katrin Kunz – No, I don't think so.

Alan Thomson – We know that you can't use that part. It is just a paper exercise here that it does include that right-of-way but there is no way he is going to be able to use it because the DOT would not allow that and there is also a 35-foot setback to it as well, which has to be honored. That setback is all shown in there.

Sandra Castle del Conte – My next question is I don't see anywhere on the map a place for a well and water source for the property.

Katrin Kunz – There is one letter from the Environmental Health Department and that goes into detail what the water situation has to look like. So, what they have to establish is a community, a public well.

Dave Gibney – The change in the zone doesn't require a water supply.

Katrin Kunz - No.

Dave Gibney – The site plan will require a water supply.

Alan Thomson – That is controlled by the building permit and they will have to have a building permit which Environmental Health will sign off on. So, if water is not established at that time, they will not get a building permit.

Sandra Castle del Conte – My concerns are about chemicals that will be stored there and my well is very close to the property so my well water might get contaminated. I see that there is a chemical spill plan here but don't know if there is anything else, I don't know how that works.

Katrin Kunz – Also, the building inspector is responsible for that, too. He has a big book about all the requirements they have to fulfill once they store chemicals there. So, at the time of the building permit application the applicant has to make sure they have done all the guidelines regarding storage, and handling chemicals. The building inspector makes sure to check on these regulations.

Alan Thomson – They will be contained within an impervious surface area inside the building.

Chad Whetzel – The Department of Ag checks up on those things at least once a year to make sure, not in this particular instance, but if you have fertilizers and you added tanks that will exceed your containments, they are always checking to make sure that you are following the rules.

Brian Davies – I'm sure there will be MSDS sheets available after you are up and going for business with all the chemicals they have on the premise. There will be documentation that can be given for all those chemicals, too.

Sandra Castle del Conte – The other concern I have is the area has three homes but that is not me, but my neighbors. I really love my home and I would like to see the area continue to be a residential area in the neighborhood where I live, and I am concerned about the encroachment of the commercial properties in respect to where my neighbors are. I learned recently that the City, their future plan is to turn my neighborhood into a commercial area and I am planning to petition that. I don't know what the County's plans are or how it all gets done.

Chad Whetzel – As far as the City and the County is concerned, the City doesn't own it yet, so we don't care what their plans are. Everything around you is zoned agriculture until somebody brings forth a petition. With Hinrichs right there across from the proposed site, as far as what would happen on the other side until somebody brings something to us, we have no reason to consider it.

Dave Gibney – In the City of Pullman the urban growth boundary and plan the four corners around the intersection are pre-designated as a commercial area in the current plan. That is also the 50-year plan but it is all outside the City still so the County is the one who has the jurisdiction.

Sandra Castle del Conte – There is the trail that comes out from downtown all the way out to about where the Hinrichs property is and then separately coming from downtown out Davis Way. What I see on the highway is people who are biking, running and walking to come up one end of that trail, get on the highway, come along the highway on the bypass and then turn to go into town and go back down the

other way. So, I hope that, I realize it is all city property, but I hope the City can come together to possibly connect those trails up the highway property so there would be a safer trail for everyone.

Chad Whetzel – That would be a whole separate issue. I don't even know where we would go with that.

Alan Thomson – I would love to see that, too, because I bike that whole area and crossing 195 at night, that section is a nightmare for a car, let alone a bike. So, that would be something entirely up to the City for the most part. If they annexed this land in the future that could be something that you could petition the City about to extend the trail. I'd be right behind you on that one.

Chad Whetzel – More trails. Anything else?

Gwen Anderson – I live kitty corner across from Hinrich Trading Company on the other side of Wawawai from her. I didn't get the letter. I didn't live close enough but she told me what was going on. My concern is in regards to the traffic at that intersection. Right now, Hinrichs their trucks have to come up the empty lot across 195 to wait to get into their operations. I know there are plans, Hinrichs has plans to expand and make it so the trucks don't have to go back and forth. How are you going to handle the traffic? This is obviously going to increase truck traffic in that intersection.

Chad Whetzel – It is whoever has the jurisdiction on that. In this case, it would be the County because that is a county road, not the state. But it has to deal with traffic counts and that would be Mark Storey, correct?

Alan Thomson – It would be the County Road Department and they already have an access permit for an approach. We have also done something with the DOT because it is really close to the intersection and they looked into it and we got something from them.

Katrin Kunz – Ben provided them with the traffic counts. The amount of traffic that is going to be there is below the threshold they would ask for litigation there. So, it was up to 30 vehicles per day during the peak season which is March through May. Then the rest of the year would be up to 10 or even less vehicles per day. .

Chad Whetzel – The other thing based on past experience was actually more traffic is better because as they start counting the traffic when they hit a certain threshold then they start to make changes. That is a terrible intersection. It is brutal. It is nobody's fault necessarily. It is just the way that intersection sits. I'm on the fire department and we respond out there all the time. Again, that is between the State and the County Road Department.

Gwen Anderson – How tall is the warehouse going to be? One story, two story?

Ben Moehrle – The proposal right now is roughly 18 feet across. The new shed that Hinrichs built? It is similar to that.

Gwen Anderson – Okay, but the triangle it looks like it is high but it must go up and over and dip back down to the lower level. I'm just concerned with my view. I can see Kamiak now. I was trying to envision how tall it was going to be. That's all I have. Thanks.

Chad Whetzel – Thank you. Any other questions? Do you have anything in closing?

Keith Paulson – I have a question. You're going to level it out a little bit and I don't really see anything that looks it has water on it or maybe it said in there if there was or not, but if you make it flat is there any allowance for storm water runoff and chemical if you dump something off a truck? How does that get contained out in the lot? I guess I am more concerned about storm water runoff.

Ben Moehrle – One of the provisions in the packet was proper drainage and flow to control storm water runoff and being able control that. It wouldn't be a perfectly flat slide when we grade.

Keith Paulson – It runs to somewhere or is it all contained on your lot?

Ben Moehrle – I'm not sure what the regulations for that are. I'm not the best one to answer that one.

Alan Thomson – It is in the SEPA decision. A condition was put on that to have an engineered stormwater plan for the whole facility. That will be up to a licensed engineer in the State of Washington to come up with that.

Dave Gibney – If it was to be inside the City of Pullman it would be subject to what they call special (inaudible) specifications. It is a little stronger than (inaudible).

Chad Whetzel – Any more discussion?

Katrin Kunz – There is one change on Finding of Fact # 12. There was an Exhibit 8 added which was the comment from the Department of Environmental Health. So, Exhibit 8 should be added under #12, comment from the Environmental Health Department. (Holds up an aerial map) is exhibit, doesn't have a number yet. It probably makes sense under #10, 6a maybe? Exhibit 6a.

Dave Gibney – Perhaps under #9. It talks about the right-of-ways and the fact that there is sufficient space. So, what I am hearing correctly is we are talking about amending Fact #12 to include this Exhibit 8, which is this letter from Department of Public Health, and Fact #9 to also include the Exhibit 9. In the package it's in the order so let's call it Exhibit 9.

MOTION by Dave Gibney and seconded by Brian Davies that we adopt Findings of Fact 1-8, 10 and 11 as prepared by Staff and #9 and #12 as amended. Motion passed.

MOTION by Dave Gibney and seconded by Brian Davies that this request is consistent with both the County Comprehensive Plan and the Zoning Ordinance and unless there is substantial new evidence introduced which would the Findings of Fact, it is recommended that this zoning code be accepted with the following conditions: that all outdoor lighting will be full cut-off and that a storm water and erosion control plan and chemical spill plan will be submitted before any construction; and that we pass this recommendation on to the Board of County Commissioners.

Roll call vote. Dave Gibney, yes; Russel Jamison, yes; Bob Hill, yes; Brian Davies, yes; Chad Whetzel, yes; Keith Paulson, yes. Motion passed.

7:32 p.m. – Adjourn the Public Hearing.

**WHITMAN COUNTY
PLANNING
COMMISSION**

McCoy Land Company

February 6, 2019

MEMBERS:

Chad Whetzel – Chairman
Bob Hill
Keith Paulson

Dave Gibney
Brian Davies
Russell Jamison

Staff: Alan Thomson, Whitman County Planner; Katrin Kunz, Whitman County Assistant Planner; Elinor Huber, Clerk.

Audience: Ben Moehrle, Uniontown; Sandra Castle del Conte, Pullman; Gwen Anderson, Pullman; Shelley Chambers Fox, League of Women Voters; Della Hill, Rosalia

7:31 p.m. – Chad Whetzel opened the hearing for McCoy Land Company in Dusty. The zone change hearing for the McCoy Land Co. located south of Dusty that was postponed until February 6, 2019, will not occur. The application has been withdrawn. We will not have anything else to do on that.

MOTION by Dave Gibney and seconded by Keith Paulson to ending the matter for McCoy Land Company with no decision made by this Commission. Motion passed.

7:33 p.m. - Adjourned