

**2023 CPA Docket**

**Ordinance 02-2024 -B**

Approving CPA 2022-01, only

CPA 2022-01 (Olberding)

FRANKLIN COUNTY ORDINANCE 02-2024 -B

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF  
FRANKLIN COUNTY, WASHINGTON

*2023 Comprehensive Plan Amendment (CPA) Docket, CPA 2022-01 (Olberding)*

**WHEREAS**, on January 31, 2024, the Board of Franklin County Commissioners, via public meeting, considered the positive recommendation of the Franklin County Planning Commission to change the Comprehensive Plan Land Use designation for approximately 162.3 acres of land, comprising four (4) parcels, Parcel #114-330-055, legally described as LOT 1 OF RS-1964783, THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3 TOWNSHIP 9 NORTH, RANGE 29 EAST, WM FRANKLIN COUNTY WASHINGTON, EXCEPT THE NORTH 30 FEET THEREOF. Parcel # 114-330-056, legally described as LOT 2 OF RS-1964783, THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 9 NORTH, RANGE 29 EAST, WM FRANKLIN COUNTY WASHINGTON, EXCEPT THE NORTH 30 FEE THEREOF. Parcel #114-330-058, legally described as LOT 4 OF RS-1964783, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 9 NORTH, RANGE 29 EAST, WM, FRANKLIN COUNTY WASHINGTON, EXCEPT ANY PORTION THEREOF LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE; BEGINNING AT THE SOUTHEAST CORNER OF THE SAID NORTHEAST QUARTER; THENCE SOUTH 88°39'09"WEST ALONG THE SOUTH LINE THEREOF A DISTANCE OF 1127.57 FEET; THENCE SOUTH 89°56'39"WEST A DISTANCE OF 610.25 FEET; THENCE SOUTH 87°48'02"WEST A DISTANCE OF 925.05 FEET TO THE SOUTHWEST CORNER OF THE SAID NORTHEAST QUARTER AND THE END OF THE THIS LINE DESCRIPTION. Parcel #114-330-057, legally described as LOT 3 OF RS-1964783, THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 9 NORTH RANGE 29 EAST, WM FRANKLIN COUNTY WASHINGTON, EXCEPT ANY PORTION THEREOF LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE; BEGINNING AT THE SOUTHEAST CORNER OF THE SAID NORTHEAST QUARTER; THENCE SOUTH 88°39'09"WEST ALONG THE SOUTH LINE THEREOF A DISTANCE OF 1127.57 FEET; THENCE SOUTH 89°56'39"WEST A DISTANCE OF 610.25 FEET; THENCE SOUTH 87°48'02"WEST A DISTANCE OF 925.05 FEET TO THE SOUTHWEST CORNER OF THE SAID NORTHEAST QUARTER AND THE END OF THE THIS LINE DESCRIPTION., in regards to the application by Fred Olberding for ; File # CPA 2022-01;

**WHEREAS**, at the public meeting the Board has found that the County Planning Commission, after an open record public hearing and consideration on Files CPA 2022-01 did recommend approval of the comprehensive plan land use designation changes with six findings of fact for each item contained in Exhibit A; and

**WHEREAS**, there were no appeals filed; and

**WHEREAS**, it appears to have been substantial changes in the area since the original comprehensive plan land use designation creation and that the comprehensive plan land use designation change does bear a substantial relationship to the public health, safety, morals and welfare; and

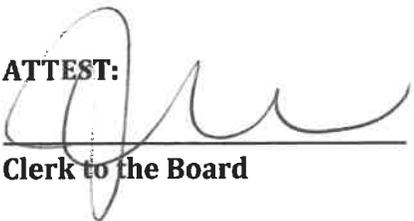
**NOW, THEREFORE, BE IT ORDAINED** that the comprehensive plan land use designation of 162.3 acres (approximate) of land change from Agricultural to Rural Residential (CPA 2022-01), as described and depicted on Exhibits B.

**APPROVED THIS 31<sup>st</sup> DAY OF JANUARY, 2024.**

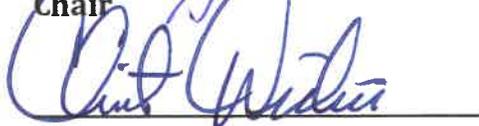
**BOARD OF COUNTY COMMISSIONERS**

**FRANKLIN COUNTY, WASHINGTON**

**ATTEST:**

  
\_\_\_\_\_  
Clerk to the Board

  
\_\_\_\_\_  
Chair

  
\_\_\_\_\_  
Chair Pro-Tem

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Franklin County Deputy

Prosecuting Attorney

  
\_\_\_\_\_  
Member

**FRANKLIN COUNTY BOARD OF COMMISSIONERS**

**2023 CPA DOCKET**

**CPA 2022-01**

**ORDINANCE NUMBER 02-2024 -B**

**EXHIBIT A**

CPA 2022-01:

**Findings of Fact:**

1. The proposal **IS IN** accord with the goals and policies of the comprehensive plan including the county-wide planning policies.
  - a. The 2018-2038 Franklin County Comprehensive Plan states as one of the policies governing Rural Residential areas is “Provide for the orderly transition between urban and agricultural land uses. (Pg. 42).” Planning Commission concurred with the applicant’s position that Clark Rd. should be the natural divider between agricultural and residential.
  - b. One of the County-Wide Planning Policies [Housing] encourages “...the availability of affordable housing to all economic segments of the Franklin County population... (Pg. 7).” Planning Commission concurred with the applicant’s position that allowing residential development to occur could lead to an increase in affordable housing due to the general increase of available housing stock.
2. The effect of the proposal on the immediate vicinity **WILL NOT** be materially detrimental to the land use that is the bases of the comprehensive plan or the zoning designation.
  - a. One of the policies for the Rural Residential Comprehensive Plan Land Use Designation calls for the “...orderly transition between urban and agricultural land uses (Pg. 42).” Planning Commission concurred with applicant that changing the Comprehensive Plan land use designation to Rural Residential, will provide for a clean break between residential and agricultural areas at Clark Rd.
  - b. Changing the Comprehensive Plan Land Use Designation to Rural Residential would meet parts of the purpose statement for Rural Residential 1 (RR-1) Zoning District. In that, it would “Provide a buffer area between urban and suburban areas and those reserved for continued agricultural production, to lessen potential conflicts between development and agriculture.” In addition, it would “Provide an opportunity for rural residential living close enough to cities and towns to permit commuting to work and in a manner that will not conflict with active agricultural production.”
3. The proposed amendment **WILL NOT** result in probable significant adverse impacts to the transportation network, capital facilities, utilities, parks, and environmental features which cannot be mitigated and will not place uncompensated burdens upon existing or planned services.
  - a. Both the City of Pasco’s 2022 Transportation Master Plan and BFCOG’s Transition 2045 have planned transportation improvement projects designated within the next coming years. Those transportation projects are not projected to occur for at least 7 years and could negatively affect said planned projects, depending upon development layout.
  - b. There are no planned projects listed in the 2018-2038 Franklin County Comprehensive Plan or in the 2022-2027 TIP within the area.

**FRANKLIN COUNTY BOARD OF COMMISSIONERS**

**2023 CPA DOCKET**

**CPA 2022-01**

**ORDINANCE NUMBER 02-2024 -B**

**EXHIBIT A**

- c. Franklin County Public Works in their agency comments concluded that the re-designation could have an effect on the county's road system. However, their comments were mostly general requirements for construction permits on road Right-of-Ways, Approach permits for access to county roads, and determination of mitigation fees at the time of property development.
- 4. In the case of an amendment to the comprehensive plan land use map, that the subject parcels being re-designated **ARE** physically suitable for the allowed land uses in the designation being requested, including compatibility with existing and planned surrounding land uses and the zoning district locational criteria contained within the comprehensive plan and zoning code.
  - a. Changing the Comprehensive Plan Land Use Designation to Rural Residential, would bring the properties into greater compliance with nearby residential zoned areas to the west, east, and south. There is also a school slated to be built adjacent to those properties, within the City of Pasco boundaries.
  - b. One of the County-Wide Planning Policies [Housing] encourages "...the availability of affordable housing to all economic segments of the Franklin County population... (Pg. 7)." Planning Commission concurred with the applicant's point that allowing residential development to occur could lead to the increase in affordable housing due to the general increase of available housing stock.
- 5. The proposed amendment **IS** consistent with the Growth Management Act, and other applicable inter-jurisdictional policies and agreements, and/or other state or local laws.
  - a. Planning Commission concurred with the applicant that this was not an expansion of the Clark's Addition LAMIRD, but the creation of a new LAMIRD. Planning Commission also concurred with the applicant's conclusion that Franklin County is able to create new LAMIRDS.
- 6. The amendment **ADVANCES** the public health, safety, or welfare and is in the best interest of the residents of Franklin County.
  - a. Planning Commission concurred with the applicant that the proposal would advance the housing county-wide planning policy by allowing for more housing stock, which over time would allow for more types of affordable housing types to become available.

**This Zoning Designation Change is issued this 14<sup>th</sup> day of Feb., 2024.**

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

Attest:   
Clerk of the Board

  
Chair

Original to County Commissioners

Duplicate to File

Duplicate to Applicant

Duplicate to be Filed with Auditor

**FRANKLIN COUNTY BOARD OF COMMISSIONERS**

**2023 CPA DOCKET**

**CPA 2022-01**

**ORDINANCE NUMBER OR-2024 -B**

**EXHIBIT B**

The following Comprehensive Plan Amendment 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 January 31, 2024.

**APPLICANT(S)**: Fred Olberding

**LEGAL DESCRIPTION**: (Parcel #114-330-055), legally described as LOT 1 OF RS-1964783, THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3 TOWNSHIP 9 NORTH, RANGE 29 EAST, WM FRANKLIN COUNTY WASHINGTON, EXCEPT THE NORTH 30 FEET THEREOF. (Parcel #114-330-056), legally described as LOT 2 OF RS-1964783, THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 9 NORTH, RANGE 29 EAST, WM FRANKLIN COUNTY WASHINGTON, EXCEPT THE NORTH 30 FEE THEREOF. (Parcel #114-330-058), legally described as LOT 4 OF RS-1964783, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 9 NORTH, RANGE 29 EAST, WM, FRANKLIN COUNTY WASHINGTON, EXCEPT ANY PORTION THEREOF LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE; BEGINNING AT THE SOUTHEAST CORNER OF THE SAID NORTHEAST QUARTER; THENCE SOUTH 88°39'09"WEST ALONG THE SOUTH LINE THEREOF A DISTANCE OF 1127.57 FEET; THENCE SOUTH 89°56'39"WEST A DISTANCE OF 610.25 FEET; THENCE SOUTH 87°48'02"WEST A DISTANCE OF 925.05 FEET TO THE SOUTHWEST CORNER OF THE SAID NORTHEAST QUARTER AND THE END OF THE THIS LINE DESCRIPTION. (Parcel #114-330-057), legally described as LOT 3 OF RS-1964783, THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 9 NORTH RANGE 29 EAST, WM FRANKLIN COUNTY WASHINGTON, EXCEPT ANY PORTION THEREOF LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE; BEGINNING AT THE SOUTHEAST CORNER OF THE SAID NORTHEAST QUARTER; THENCE SOUTH 88°39'09"WEST ALONG THE SOUTH LINE THEREOF A DISTANCE OF 1127.57 FEET; THENCE SOUTH 89°56'39"WEST A DISTANCE OF 610.25 FEET; THENCE SOUTH 87°48'02"WEST A DISTANCE OF 925.05 FEET TO THE SOUTHWEST CORNER OF THE SAID NORTHEAST QUARTER AND THE END OF THE THIS LINE DESCRIPTION.

**NON-LEGAL DESCRIPTION**: The properties do not currently have an address. The properties are located South of Clark Rd., North of Burns Rd., West of Road 52 N, and East of Road 68 N. Approximately 162.3 acres (gross).

**FRANKLIN COUNTY BOARD OF COMMISSIONERS**

**2023 CPA DOCKET**

**CPA 2022-01**

**ORDINANCE NUMBER 02-2024 -B**

**EXHIBIT B**

**Vicinity Map:**



**2023 CPA Docket**

**Ordinance** 02-2024 -C

Approving CPA 2022-02

CPA 2022-02 (Underwood)

**FRANKLIN COUNTY ORDINANCE 02-2024 -C**  
**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF**  
**FRANKLIN COUNTY, WASHINGTON**

***2023 Comprehensive Plan Amendment (CPA) Docket, CPA 2022-02 (Underwood)***

**WHEREAS**, on January 31, 2024, the Board of Franklin County Commissioners, via public meeting, considered the positive recommendation of the Franklin County Planning Commission to change the Comprehensive Plan Land Use designation for approximately 44.58 acres of land, comprising one (1) parcel, Parcel #124-190-232, legally described as SHORT PLAT 90-13 LOT 2, in regards to the application by Levi Underwood for; File # CPA 2022-02, and

**WHEREAS**, at the public meeting the Board has found that the County Planning Commission, after an open record public hearing and consideration on Files CPA 2022-02 did recommend approval of the comprehensive plan land use designation changes with six findings of fact for each item contained in Exhibit A; and

**WHEREAS**, there were no appeals filed; and

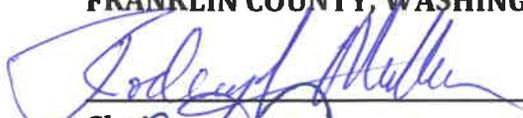
**WHEREAS**, it appears to have been substantial changes in the area since the original comprehensive plan land use designation creation and that the comprehensive plan land use designation change does bear a substantial relationship to the public health, safety, morals and welfare; and

**NOW, THEREFORE, BE IT ORDAINED** that the comprehensive plan land use designation of 44.58 acres (approximate) of land change from Agricultural to Rural Shoreline Development (CPA 2022-02) as described and depicted on Exhibits A and B.

**APPROVED THIS** <sup>7<sup>th</sup></sup> **DAY OF** Feb. , 2024.

**BOARD OF COUNTY COMMISSIONERS**

**FRANKLIN COUNTY, WASHINGTON**

  
\_\_\_\_\_

**Chair**

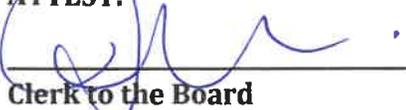
  
\_\_\_\_\_

**Chair Pro-Tem**

  
\_\_\_\_\_

**Member**

**ATTEST:**

  
\_\_\_\_\_

**Clerk to the Board**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_

**Franklin County Deputy**

**Prosecuting Attorney**

**FRANKLIN COUNTY BOARD OF COMMISSIONERS**

**2023 CPA DOCKET**

**CPA 2022-02**

**ORDINANCE NUMBER 02-2024 -C**

**EXHIBIT A**

CPA 2022-02:

**Findings of fact:**

1. The proposal **IS IN** in accord with the goals and policies of the comprehensive plan including the county-wide planning policies.
  - a. One of the County-Wide Planning Policies [Housing] encourages "...the availability of affordable housing to all economic segments of the Franklin County population... (Pg. 7)." Planning Commission concurred with the applicant's argument that allowing residential development to occur could lead to the increase in affordable housing due to the general increase of available housing stock.
2. The effect of the proposal on the immediate vicinity **WILL NOT** be materially detrimental to the land use that is the bases of the comprehensive plan or the zoning designation.
  - a. Planning Commission concurred with the applicant that the ALLTCS designation of the property was not congruent with two nearby LAMIRDS located on both the west and east sides of the property. Planning Commission agreed that changing the Comprehensive Plan Land Use Designation to Rural Shoreline Development would provide greater congruency between the two LAMIRDS.
3. The proposed amendment **will NOT** result in probable significant adverse impacts to the transportation network, capital facilities, utilities, parks, and environmental features which cannot be mitigated and will not place uncompensated burdens upon existing or planned services.
  - a. There are no planned projects listed in the 2018-2038 Franklin County Comprehensive Plan, Benton-Franklin Council of Governments Transition 2045, or in the 2022-2027 Franklin County TIP within the area. However, there is an engineering report from Franklin County Public Works calling for roadway improvements on Fraser Road that is dependent upon the creation of new developments.
  - b. There was inclusion of Columbia River Road on a list to received updated traffic data, but an update has not yet occurred.
  - c. Franklin County Public Works in their agency comments concluded that the re-designation could have an effect on the county's road system. However, their comments were mostly general requirements for construction permits on road Right-of-Ways, Approach permits for access to county roads, and determination of mitigation fees at the time of property development.
4. In the case of an amendment to the comprehensive plan land use map, that the subject parcels being re-designated **ARE** physically suitable for the allowed land uses in the designation being requested, including compatibility with existing and planned surrounding land uses and the zoning district locational criteria contained within the comprehensive plan and zoning code.

**FRANKLIN COUNTY BOARD OF COMMISSIONERS**

**2023 CPA DOCKET**

**CPA 2022-02**

**ORDINANCE NUMBER 02-2024 -C**

**EXHIBIT A**

- a. The 2018-2038 Franklin County Comprehensive Plan lists as one of the policies in achieving the goal of “maximum degree of compatibility between adjacent land uses,” a policy of “Achieve[ing] the maximum degree of compatibility between adjacent land uses (Pg. 37).” Planning Commission concurred with the applicant that changing the Comprehensive Plan Land Use Designation to Rural Shoreline Development will “Achieve the maximum degree of compatibility between adjacent land uses...” of Rural Shoreline Development and neighboring Rural Remote.”
  - b. One of the County-Wide Planning Policies [Housing] encourages “...the availability of affordable housing to all economic segments of the Franklin County population... (Pg. 7).” Planning Commission concurred with the applicant’s argument that allowing residential development to occur could lead to the increase in affordable housing due to the general increase of available housing stock.
5. The proposed amendment **IS** consistent with the Growth Management Act, and other applicable inter-jurisdictional policies and agreements, and/or other state or local laws.
- a. Planning Commission concurred with the applicant that this was not an expansion of the Columbia River West LAMIRD, but the creation of a new LAMIRD. Planning Commission also concurred with the applicant’s argument that Franklin County is able to create new LAMIRDS.
  - b. Planning Commission concurred with the applicant that ALLTCS designations are eligible to be withdrawn during the yearly Comprehensive Plan Amendment process and not just during periodic Comprehensive Plan updates.
6. The amendment **ADVANCES** the public health, safety, or welfare and is in the best interest of the residents of Franklin County.
- a. Planning Commission concurred with the applicant that the proposal would advance the housing county-wide planning policy by allowing for more housing stock, which over time would allow for more types of affordable housing types to become available.

**This Zoning Designation Change is issued this 7<sup>th</sup> day of February 2024.**

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

**Attest:**   
**Clerk of the Board**

  
**Chair**

Original to County Commissioners

Duplicate to File

Duplicate to Applicant

Duplicate to be Filed with Auditor

**FRANKLIN COUNTY BOARD OF COMMISSIONERS**

**2023 CPA DOCKET**

**ORDINANCE NUMBER** 02-2024 -C

**EXHIBIT B**

The following Comprehensive Plan Amendment 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 Commissioners on January 31, 2024.

**APPLICANT(S):** Levi Underwood

**LEGAL DESCRIPTION:** (Parcel #124-190-232), legally described as SHORT PLAT 90-13 LOT 2.

**NON-LEGAL DESCRIPTION:** The property currently does not have an address. Property is located South and West of Columbia River Rd., East of Fraser Dr. and North of Selph Landing Rd. Approximately 44.58 acres (gross).

**Vicinity Map:**

