

**FRANKLIN COUNTY
PLANNING COMMISSION
MINUTES
January 3, 2012**

MEMBERS PRESENT:

Brent Stenson, Melinda Didier, Claude Pierret, Lois Hanses, Gary Bosch, Layton Lowe, and David Piovesan.

MEMBERS ABSENT:

None.

The Franklin County Planning Commission was called to order at 7:00 p.m. by Planning Commission Chairman David Piovesan. A quorum was present.

APPROVAL OF MINUTES:

Claude Pierret made a motion to approve December 6, 2011 minutes as written.

Lois Hanses seconded the motion.

Motion carried

APPROVAL OF AGENDA:

Brent Stenson made a motion to approve the agenda as written.

Gary Bosch seconded the motion.

Motion carried

ITEM #1 – CUP 2011-07, an application by Jesus Sandoval, 8650 SR 170, Basin City, WA 99343 for a conditional use permit. Said application is to construct an apartment complex in the C-2 Zoning District. The proposal includes the construction of a new 5 unit apartment complex with 2 bedrooms in each unit. Chapter 23 (C-2 Rural Service Commercial) of the County Zoning Ordinance requires the approval of a Conditional Use/Special Use Permit for a multiple family dwelling (apartments). The land is located in Basin City, west of Canal Blvd, east of Loen Drive, along the south side of 1st Avenue and along the north side of R-170 (Parcel Number 121-235-155).

APPLICANT: Jesus Sandoval, 8650 SR 170, Basin City, WA 99343.

OWNER: Same as above.

APPLICATION DESCRIPTION:

Said conditional use permit application is to construct an apartment complex in the C-2 Zoning District. The proposal includes the construction of a new 5 unit apartment complex with 2 bedrooms in each unit.

Chapter 23 (C-2 Rural Service Commercial) of the County Zoning Ordinance requires the approval of a Conditional Use/Special Use Permit for a multiple family dwelling (apartment).

The land is located in Basin City, west of Canal Blvd, east of Loen Drive, along the south side of 1st Avenue and along the north side of R-170 (Parcel Number 121-235-155).

PUBLIC NOTICE:

1. A Public Notice was published in the Herald and Graphic on December 15, 2011.
2. Property Owners within 1 mile feet were mailed notice during the 2nd week of December, 2011.
3. The Planning Staff mailed out review packets to Technical Agencies on December 1, 2011.

APPLICABLE STANDARDS/ORDINANCES:

1. County Zoning--Chapter 23 Rural Service Commercial Zone
2. County Zoning--Chapter 41 Special Permits
3. County Comprehensive Plan

AGENCY COMMENTS/CRITERIA FOR FINDINGS OF FACT:

1. AGENCY COMMENTS

- a. **Public Works Department:** Public Works met with the applicant to discuss his approach onto R-170 and the county requirements. The applicant will be constructing a Type D Utilities and Special Use Approach that will be 30 to 40 feet in width. It will be paved to the right of way line from R-170. Applicant was informed of the 70 foot parking easement along R-170 and stated that all new structure will be north of this area.

- b. **Big Ben REA:** No Comments.

- c. **Health Department:**

This Department has reviewed the above mentioned Conditional Use Permit and has no objections provided the following: The apartments shall provide domestic drinking water by an approved public water supply in accordance with WAC 246-291; Mr. Sandoval has received a permit to install an onsite sewage disposal system for this apartment building (#20817). This system shall be inspected and approved by this office in accordance with BF District Board of Health Rules and

Regulations #2; and In accordance with the minimum land area requirements of this office, the proposed apartment building with five (5), two (2) bedroom units is the maximum allowable number of units allowed for this 60,000 square foot lot. No additional units shall be constructed until such time that a municipal sewage system becomes available.

d. **Fire Code Official:**

- i. Property shall remain free of all fire hazards, including but limited to weeds, debris, new or used tires, discarded vehicle parts, hazardous waste, fuel or oil storage.
- ii. The proposed new structure, its use and occupancy classification(s) shall meet the adopted 2009 Building Codes, 2009 Fire Codes and Fire Life Safety codes in effect and as adopted by Franklin County. This will include ADA handicap requirements for facility parking, access and egress requirements.
- iii. A new fire hydrant is required and is to be located at this site which will allow for fire fighting personnel to provide a water supply to all areas of the structure.

e. **Planning and Building Department:** Staff has determined the following findings and conditions for the application request.

- i. Property is zoned Rural Service Commercial C-2.
- ii. Multiple Family Dwellings (3 or more families living independently of each other- apartments) require the approval of a Conditional Use Permit in the C-2 Zoning District.
- iii. Plans for the site include and improvement requirements include:
 1. **Complex:** Construct a new 5 unit apartment complex with 2 bedrooms in each unit.
 2. **Future Conditional Use Permit:** The site plan identifies additional locations for future apartment complexes. If sewer is provided to the property in the future, a new CUP application for the additional apartment complexes shown on the site plan would need to be applied for.
 3. **Access to the site is from R-170.** A 70' wide parking only easement exists between the proposed apartment complex building and R-170. Applicant plans to place a fence along the northern property line to ensure no vehicle access to the site occurs from

First Avenue. This shall be completed prior to final occupancy on the building.

4. **Parking Area:** The parking area shall at a minimum be graveled. It is required that there be a minimum two (2) parking spots per residential unit provided. This 5 unit complex is required a minimum total of 10 parking spaces. All vehicle parking shall occur in the designated parking area, including guest-visitor-overflow parking. The parking area shall be curbed. Parking requirements shall be completed prior to final occupancy on the building.
 5. **ADA Parking:** Required ADA parking space(s) with signage shall be provided.
 6. **Landscaping:** 1,031 sf of landscaping (front and back yard) is being proposed.
 7. **Trash Can/Service:** Exterior trash cans shall be screened from public view. This may be done with fencing, fencing with slats, or landscaping plants approved by the Planning Department.
 8. **Undeveloped land:** The undeveloped areas of the property shall be:
 - a. Landscaped with irrigation being provided; or
 - b. Remain in a natural state. Dust control shall be provided as necessary. Property shall be maintained free of debris and fire hazards.
 9. The storage of non-operable vehicles, junk, debris, weeds, and fire hazards are not allowed on the property.
 10. Applicant shall comply with the site plan submitted with the CUP application.
 11. The site is proposed to be connected to the Basin City water system and the applicant plans to utilize a septic system for the units.
- iv. The County Building Division requests the following, at a minimum, for new structures at the site:
1. A completed permit application;
 2. Two (2) complete architecturally stamped plans are required;

3. Fire Suppression system plans (sprinkler) designed by appropriate personnel are required;
4. Provide copy of potable water availability notification approvals;
5. Provide sewage system permits and or approvals; and
6. Provide access permit approval from County Public Works Department.

RECOMMENDATION : (CUP-2011-07)

According to **Chapter 41 (Special/Conditional Use)** of the Franklin County Development Regulations, the Planning Commission shall:

1. Make and enter findings of fact from the record and conclusions thereof;
2. Shall render a recommendation to the Board of Commissioners as to whether the proposal be denied, approved, or approved with modifications and/or conditions.

Findings of Fact Criteria by Planning Commission: The planning commission shall make and enter findings from the record and conclusions thereof as to whether or not:

- (1) The proposal is in accordance with the goals, policies, objectives, maps and or narrative text of the comprehensive plan;
- (2) The proposal will adversely affect public infrastructure;
- (3) The proposal will be constructed, maintained and operated to be in harmony with the existing or intended character of the general vicinity;
- (4) The location and height of proposed structures and the site design will discourage the development of permitted uses on property in the general vicinity or impair the value thereof;
- (5) The operation in connection with the proposal will be more objectionable to nearby properties by reason of noise, fumes, vibrations, dust, traffic, or flashing lights than would be the operation of any permitted uses within the district;
- (6) The proposal will endanger the public health or safety if located and developed where proposed, or in anyway will become a nuisance to uses permitted in the district.

Staff: Planning Staff will assist the Planning Commission with the determination of findings and conditions for CUP-2011-07.

RECOMMENDATION:

The Franklin County Planning Department recommends that the Planning Commission forward a **POSITIVE** recommendation to the Franklin County Board of Commissioners for Application #CUP-2011-07, with the following suggested findings of fact and suggested conditions of approval:

Suggested Findings of Fact:

1. The construction of an apartment complex in the C-2 Zoning District **IS** in accordance with goals and policies of the County Development Regulations (Zoning) and the County Comprehensive Plan.
 - a. The siting of an apartment complex in the Basin City C-2 Zoning District furthers the implementation of the County Comprehensive Plan by encouraging the availability of housing in the County and promoting a variety of residential densities.
 - b. The property is zoned C-2 and is located in the Basin City Rural Settlement Area. The approval of a conditional use permit is required for multiple family dwellings in the C-2 Rural Service Commercial Zoning District.
2. The proposal **WILL NOT** adversely affect public infrastructure.
 - a. The site has frontage on R-170. A 70' wide parking only easement exists between the proposed apartment complex building and R-170.
3. The proposal **WILL BE** constructed, maintained and operated to be in harmony with the existing or intended character of the general vicinity.
 - a. The proposed use is consistent with the surrounding activities and uses. This area of Basin City consists of a wide range of uses, including apartments, commercial businesses, multi use structures, schools/daycare, offices, a mobile home park, and residential uses.
4. The location and height of proposed structures and site design **WILL NOT** discourage the development of permitted uses on property in the general vicinity or impair the value thereof.
 - a. Access to the site will be from R-170. The site design, with building location and parking, will not discourage the development of other uses on adjoining properties in the Rural Settlement Area.
5. The operation in connection with the proposal **WILL NOT** be more objectionable to nearby properties by reason of noise, fumes, vibrations, dust, traffic, or flashing lights than would be the operation of any permitted uses within the district.
 - a. The C-2 Zone allows a wide range of activities that may produce noise, fumes, vibrations, dust, traffic and flashing lights. The proposed use is consistent with the activities allowed as a permitted use in the C-2 Zoning District and current uses in the general area. These uses include apartments, commercial businesses, multi use structures, schools/daycare, offices, a mobile home park, and residential uses.

6. The proposal **WILL NOT** endanger the public health, safety, or general welfare if located where proposed.
 - a. Operations at the site are to be in compliance with the standards and requirements of the Benton Franklin Health Department at all times.

Suggested Conditions of Approval:

1. This is a conditional use permit application is to construct an apartment complex in the C-2 Zoning District. The proposal includes the construction of a new 5 unit apartment complex with 2 bedrooms in each unit.
2. **Public Works/Access:** Public Works met with the applicant to discuss his approach onto R-170 and the county requirements. The applicant will be constructing a Type D Utilities and Special Use Approach that will be 30 to 40 feet in width. It will be paved to the right of way line from R-170. Applicant was informed of the 70 foot parking easement along R-170 and stated that all new structure will be north of this area.
3. **Health Department:** This Department has reviewed the above mentioned Conditional Use Permit and has no objections provided the following: The apartments shall provide domestic drinking water by an approved public water supply in accordance with WAC 246-291; Mr. Sandoval has received a permit to install an onsite sewage disposal system for this apartment building (#20817). This system shall be inspected and approved by this office in accordance with BF District Board of Health Rules and Regulations #2; and in accordance with the minimum land area requirements of this office, the proposed apartment building with five (5), two (2) bedroom units is the maximum allowable number of units allowed for this 60,000 square foot lot. No additional units shall be constructed until such time that a municipal sewage system becomes available.
4. **Fire Code Official:**
 - a. The property shall remain free of all fire hazards, including but limited to weeds, debris, new or used tires, discarded vehicle parts, hazardous waste, fuel or oil storage.
 - b. The proposed new structure, its use and occupancy classification(s) shall meet the adopted 2009 Building Codes, 2009 Fire Codes and Fire Life Safety codes in effect and as adopted by Franklin County. This will include ADA handicap requirements for facility parking, access and egress requirements.
 - c. A new fire hydrant is required and is to be located at this site which will allow for fire fighting personnel to provide a water supply to all areas of the structure.
5. **Planning and Building Department:** Staff has determined the following findings and conditions for the application request.
 - a. Property is zoned Rural Service Commercial C-2.

- b. Multiple Family Dwellings (3 or more families living independently of each other- apartments) require the approval of a conditional use permit in the C-2 Zoning District.
- c. **Complex:** Construct a new 5 unit apartment complex with 2 bedrooms in each unit.
- d. **Future Conditional Use Permit:** The site plan identifies additional locations for future apartment complexes. If sewer is provided to the property in the future, a new CUP application for the additional apartment complexes shown on the site plan would need to be applied for.
- e. **Access to the site is from R-170.** A 70' wide parking only easement exists between the proposed apartment complex building and R-170. The applicant plans to place a fence along the northern property line to ensure no vehicle access to the site occurs from First Avenue. This shall be completed prior to final occupancy on the building.
- f. **Parking Area:** The parking area shall at a minimum be graveled. It is required that there be a minimum two (2) parking spots per residential unit provided. This 5 unit complex is required a minimum total of 10 parking spaces. All vehicle parking shall occur in the designated parking area, including guest-visitor-overflow parking. The parking area shall be curbed. Parking requirements shall be completed prior to final occupancy on the building.
- g. **ADA Parking:** Required ADA parking space(s) with signage shall be provided.
- h. **Landscaping:** 1,031 sf of landscaping (front and back yard) is being proposed.
- i. **Trash Can/Service:** Exterior trash cans shall be screened from public view. This may be done with fencing, fencing with slats, or landscaping plants approved by the Planning Department.
- j. **Undeveloped land:** The undeveloped areas of the property shall be:
 - i. Landscaped with irrigation being provided; or
 - ii. Remain in a natural state. Dust control shall be provided as necessary. Property shall be maintained free of debris and fire hazards.
- k. The storage of non-operable vehicles, junk, debris, weeds, and fire hazards are not allowed on the property.
- l. Applicant shall comply with the site plan submitted with the CUP application.
- m. Site is proposed to be connected to the Basin City water system and the applicant plans to utilize a septic for the units.

- n. The **County Building Division** requests the following, at a minimum, for new structures at the site:
- i. A completed permit application;
 - ii. Two (2) complete architecturally stamped plans are required;
 - iii. Fire Suppression system plans (sprinkler) designed by appropriate personnel are required;
 - iv. Provide copy of potable water availability notification approvals;
 - v. Provide sewage system permits and or approvals; and
 - vi. Provide access permit approval from County Public Works Department.
6. The applicant shall commence the use authorized in the Conditional Use Permit within 1 year after the effective date of the permit issuance date, or the permit shall expire.
7. Any discontinuance or abandonment of the approved use for a period of (1) year shall null and void this CUP approval.
8. If land owner chooses in the future to transfer this approval to any other corporation or entity, the Planning Department shall be notified of this change. All conditions and requirements will continue for the new applicant.
9. Nothing in this CUP approval shall be construed as excusing the applicant from compliance with any federal, state, or local statutes, ordinances, or regulations applicable to this project.
10. This permit applies to the described lands and shall be for the above named individual and/or his heirs and or assigns. Any transferring of this permit will require that notice be granted to the Franklin County Planning Department or the permit will be cancelled. It cannot be transferred to another site.

PROPONENTS:

None.

OPPONENTS:

None.

CLARIFICATION OF PUBLIC STATEMENTS:

None.

PLANNING COMMISSION DISCUSSION:

There was discussion amongst the planning commission, and staff in regards to the access point onto R-170, would like to see the access from the other side of the property, the 70' parking easement location dictating the placement of the drain field along with the placement of the

access, fire suppression was discussed regarding the individual units having to be sprinklered, along with the placement of one fire hydrant for the project, also discussed was the current status of the water and sewer project – that once completed will aid in supplying more reliable water to the residents as well as to the fire hydrants, trying to preserve the commercial frontage along R-170 for retail – but have been waiting 20 years with nothing happening, seems like a reasonable project, etc.

MOTION:

Brent Stenson made a motion for the *approval* of the conditional use permit application (CUP 2011-07) with the findings of fact and conditions of approval as specified in the staff report.

Lois Hanses seconded the motion.

ROLL CALL:

Lois Hanses	Yes	David Piovesan	Yes
Melinda Didier	Abstain	Claude Pierret	Yes
Gary Bosch	Yes	Brent Stenson	Yes
Layton Lowe	Yes		

Motion carried (6 – 0, with 1 abstain) for the *approval* of this application – CUP 2011-07.

ITEM #2 – CUP 2011-08, an application by Percheron Power LLC (Jerry Straalsund), 6855 W Clearwater, A101-260, Kennewick, WA 99336 for a conditional use permit. Said application is to construct and operation a small conduit hydroelectric project adjacent to the Potholes East Canal (PEC) two miles west of the City of Mesa. As proposed, the project will use the energy in water falling through an existing check/drop structure at the PEC Station 1973 and will generate enough energy to potentially power more than 500 homes in the Pacific Northwest. The land is located approximately 2 miles west of the City of Mesa, east of Baart Lane, west of Langford Road, north of Sheffield Road along the south side of R-170 (Parcel Number 121-235-155).

APPLICANT: Percheron Power LLC (Jerry Straalsund), 6855 W Clearwater, A101-260, Kennewick, WA 99336.

OWNER: Jay Wood, 2531 Buffalo Road, Othello, WA 99344.

APPLICATION DESCRIPTION:

A conditional use permit application to construct and operate a Small Conduit Hydroelectric Project adjacent to the Potholes East Canal (PEC) two miles west of the City of Mesa.

As proposed, the project will use the energy in water falling through an existing check/drop structure at the PEC Station 1973 (canal system in the Columbia Basin Project) and will generate enough energy to potentially power more than 500 homes in the Pacific Northwest.

The project will involve a metal or concrete flume intake, intake grate, trash rack, bypass weir or overshot gate, powerhouse, and appurtenant facilities. Additionally, the applicant plans to have a operator’s quarters (home) to support the operation as needed.

PUBLIC NOTICE:

1. A Public Notice was published in the Herald and Graphic on December 15, 2011.
2. Property Owners within 1 mile feet were mailed notice during the 2nd week of December, 2011.
3. The Planning Staff mailed out review packets to Technical Agencies on December 1, 2011.

APPLICABLE STANDARDS/ORDINANCES:

1. County Zoning--Chapter 5 Agricultural Production 20 Zone
2. County Zoning--Chapter 41 Special Permits
3. County Comprehensive Plan

AGENCY COMMENTS/CRITERIA FOR FINDINGS OF FACT:

1. AGENCY COMMENTS:

- a. **Public Works:** Approach permits are required for any new approaches onto county roads.
- b. **Ecology:** The applicant shall comply with the regulatory permitting process for the Department of Ecology, including compliance with DOE's Construction Storm water General Permit requirements, and DOE's air and water quality program guidelines.
- c. **Big Bend Electric:** No comments.
- d. **Benton Franklin Health Department:** This office has reviewed the above referenced Conditional Use Permit to construct and operate a Small Conduit Hydroelectric Project and has no objections provided:
 - i. The future operator's quarters will be served by an on-site sewage disposal system that is permitted, installed, and approved in accordance with Benton-Franklin District Board of Health Rules and Regulations No. 2.
- e. **South Columbia Basin Irrigation District:** The South Columbia Basin Irrigation District (SCBID) appreciates the opportunity to comment on proposed Conditional Use Permit 2011-08. SCBID operates and maintains the Potholes East Canal (PEC) at the proposed power development site. Over 100,000 acres of irrigated farmland are served downstream of Station 1973 on the PEC.

SCBID would appreciate consideration of the following concerns:

- i. A county conditional use permit should not be issued prior to the issuance of a FERC preliminary permit to develop the site.

- ii. A county conditional use permit should not be issued prior to consent of the United States Bureau of Reclamation to use the Columbia Basin Project water supply for the production of commercial power.
- iii. A county conditional use permit should be issued subject to operational and maintenance requirements of the U.S. Bureau of Reclamation and the South Columbia Basin Irrigation District.

To SCBID's knowledge, Percheron does not have any of the permits or consent to construct the project.

- f. **United States Bureau of Reclamation:** Applicant shall meet and comply with the standards of the USBR. Please see letter dated December 15, 2011 for additional details.
- g. **Planning and Building:**
 - i. Property is zoned Agricultural Production 20 (AP-20)
 - ii. Applicant plans to buy 20 acres from the owners for the proposed use. The facility will utilize approximately 3 acres of the 20, with the balance being leased back to the original owner.
 - iii. Power Generating Facilities requires the approval of a Conditional Use Permit in all zoning districts.

RECOMMENDATION : (CUP-2011-08)

According to **Chapter 41 (Special/Conditional Use)** of the Franklin County Development Regulations, the Planning Commission shall:

1. Make and enter findings of fact from the record and conclusions thereof;
2. Shall render a recommendation to the Board of Commissioners as to whether the proposal be denied, approved, or approved with modifications and/or conditions.

Findings of Fact Criteria by Planning Commission: The planning commission shall make and enter findings from the record and conclusions thereof as to whether or not:

- (1) The proposal is in accordance with the goals, policies, objectives, maps and or narrative text of the comprehensive plan;
- (2) The proposal will adversely affect public infrastructure;
- (3) The proposal will be constructed, maintained and operated to be in harmony with the existing or intended character of the general vicinity;
- (4) The location and height of proposed structures and the site design will discourage the development of permitted uses on property in the general vicinity or impair the value thereof;

- (5) The operation in connection with the proposal will be more objectionable to nearby properties by reason of noise, fumes, vibrations, dust, traffic, or flashing lights than would be the operation of any permitted uses within the district;
- (6) The proposal will endanger the public health or safety if located and developed where proposed, or in anyway will become a nuisance to uses permitted in the district.

Staff: Planning Staff will assist the Planning Commission with the determination of findings and conditions for CUP-2011-08.

RECOMMENDATION:

The Franklin County Planning Department recommends that the Planning Commission forward a **POSITIVE** recommendation to the Franklin County Board of Commissioners for Application #CUP-2011-08, with the following suggested findings of fact and suggested conditions of approval:

Suggested Findings of Fact:

1. The construction and operation of a power generating facility at the proposed location in the AP-20 Zoning District **IS** in accordance with goals and policies of the County Development Regulations (Zoning) and the County Comprehensive Plan.
 - a. The siting of this facility at this location is in compliance with the County Comprehensive Plan. Specifically, this energy producing facility is not being sited in a designated critical area and will not negatively impact adjacent properties and the natural environment.
 - b. The property is zoned Agricultural Production 20 (AP-20). The construction and operation of a power generating facility requires the approval of a Conditional Use Permit.
 - c. The proposal is consistent with the Franklin County Development Regulations (Zoning) and a MDNS was issued for the project during the SEPA review process.
2. The proposal **WILL NOT** adversely affect public infrastructure.
 - a. The site has frontage along R-170 for access.
3. The proposal **WILL BE** constructed, maintained and operated to be in harmony with the existing or intended character of the general vicinity.
 - a. The existing and intended character of the immediate area is Agricultural. The proposed use, located adjacent to the existing canal system, is consistent with the surrounding activities and uses.

4. The location and height of proposed structures and site design **WILL NOT** discourage the development of permitted uses on property in the general vicinity or impair the value thereof.
 - a. The location of the proposed use is located on 20 acres and will not discourage permitted agricultural uses in the surrounding area.
 - b. Applicant plans to purchase 20 acres from the owners for the proposed use. The facility will utilize approximately 3 acres.
5. The operation in connection with the proposal **WILL NOT** be more objectionable to nearby properties by reason of noise, fumes, vibrations, dust, traffic, or flashing lights than would be the operation of any permitted uses within the district.
 - a. The AP-20 Zone allows a wide range of activities that may produce noise, fumes, vibrations, dust, traffic and flashing lights. The proposed use is consistent with the activities allowed as a permitted use in the AP-20 Zoning District.
6. The proposal **WILL NOT** endanger the public health, safety, or general welfare if located where proposed.
 - a. Operations at the site are to be in compliance with the standards and requirements of the Benton Franklin Health Department at all times.

Suggested Conditions of Approval:

1. This is a conditional use permit to construct and operate a Small Conduit Hydroelectric Project adjacent to the Potholes East Canal (PEC) two miles west of the City of Mesa.

As proposed, the project will use the energy in water falling through an existing check/drop structure at the PEC Station 1973 (canal system in the Columbia Basin Project). The project will involve a metal or concrete flume intake, intake grate, trash rack, bypass weir or overshot gate, powerhouse, and appurtenant facilities. Additionally, the applicant plans to have an operator's quarters (home) to support the operation as needed.
2. Planning and Building, including Fire Code: Applicant shall meet and comply the following standards.
 - a. This property shall remain free of all fire hazards, including but not limited to weeds, debris, new or used tires, discarded vehicle parts, hazardous waste, fuel or oil storage.
 - b. New structures, use, and occupancy classification(s) shall meet the adopted Building, Fire, and Fire Life Safety Codes for Franklin County. This may also

include ADA handicap requirements for this facility and parking requirements, access and egress requirements.

- c. Dust control measures shall be in place during construction.
 - d. Grading and Fill permits are required.
 - e. A home on the property is deemed a permitted use. Building permits are required.
 - f. Applicant shall be compliance with the CUP application submittals, SEPA review and submittals, and biological assessment. Land disturbance for the project shall be consistent with the application submittals in the Planning Case-file.
3. Applicant needs to obtain a County Approach Permit (Public Works) for access to the site.
 4. Applicant shall comply with all local, state and federal agency requirements, including the following:
 - a. The application must comply with the rules and regulations of the Washington State Department of Fish and Wildlife.
 - b. The application must comply with the regulatory permitting process for the Department of Ecology, including compliance with DOE's Construction Storm water General Permit requirements, and DOE's air and water quality program guidelines.
 - c. The application must comply with the rules and regulations of the United States Bureau of Reclamation, including the retention of storm water runoff on-site, and compliance with the placement of wells and septic systems appurtenant to the project outside of USBR rights-of-ways and facilities and in accordance with BFHD and WAC standards.
 - d. The application must comply with the rules and regulations of the Federal Energy Regulatory Commission's permit and licensing process.
 - e. The application must comply with the rules and regulations of the South Columbia Basin Irrigation District, including compliance with operational and maintenance requirements of the U.S. Bureau of Reclamation and the South Columbia Basin Irrigation District.
 - f. The application must comply with the rules and regulations of the Washington State Department of Archeology and Historic Preservation.
 - g. The application must comply with the rules and regulations of Franklin County, including local land use and building code requirements. Additionally, construction of the project shall not commence until all appropriate approvals from the above mentioned agencies have been complied with, including all required FERC licenses and permits, and consent of the USBR to use USBR facilities and to operate within USBR right-of-way, and USBR consent to use Columbia Basin Project Water supply for the production of commercial power.

5. Benton Franklin Health Department: This office has reviewed the above referenced Conditional Use Permit to construct and operate a Small Conduit Hydroelectric Project and has no objections provided:
 - a. The future operator's quarters will be served by an on-site sewage disposal system that is permitted, installed, and approved in accordance with Benton-Franklin District Board of Health Rules and Regulations No. 2.
6. United States Bureau of Reclamation: Applicant shall meet and comply with the standards of the USBR. Please see letter dated December 15, 2011 for additional details.
7. The applicant shall commence the use authorized in the Conditional Use Permit within 5 years after the effective date of the permit issuance date, or the permit shall expire.
8. Any discontinuance or abandonment of the approved use for a period of (1) year shall null and void this CUP approval.
9. If land owner chooses in the future to transfer this approval to any other corporation or entity, the Planning Department shall be notified of this change. All conditions and requirements will continue for the new applicant.
10. Nothing in this CUP approval shall be construed as excusing the applicant from compliance with any federal, state, or local statutes, ordinances, or regulations applicable to this project.
11. This permit applies to the described lands and shall be for the above named individual and/or his heirs and or assigns. Any transferring of this permit will require that notice be granted to the Franklin County Planning Department or the permit will be cancelled. It cannot be transferred to another site.

PROPONENTS:

Jerry Straalsund representing Percheron Power LLC, 6855 W Clearwater, A101-260, Kennewick, WA 99336.

OPPONENTS:

None.

CLARIFICATION OF PUBLIC STATEMENTS:

None.

PLANNING COMMISSION DISCUSSION:

There was discussion amongst the planning commission, the applicant, members in the audience, and staff in regards to how many “screws” would be utilized – total of 4 side by side, explanation of how the trip gates work, turbine failure, grid failure, no impact to water level during failure,

USBR controls the water, using existing check structure during fail safe, water drop for irrigators, how much water moves through canal at peak irrigation season, coordinating with SCBID, getting an easement from the neighbors across the canal, water in canal all year round – Scootney gate leaks, usually only operate during irrigation season, payback on investments in 7 years anticipated, power would go through Big Bend REA, issues with SCBID not wanting this project to go ahead, Federal RFP awarded, capturing energy from the water falling, fear of change by SCBID, a concern of no interruption, let USBR and SCBID work out their respective difference, what would happen if abandoned, 3 – 5 years until the start of construction, moving it from 5 to 6 years for them to get started, local CUP approval prior to FERC licensing, approval goes with the property – approval could be sold, etc.

MOTION:

Lois Hanses made a motion for the *approval* of the conditional use permit application (CUP 2011-08) with the findings of fact and conditions of approval as specified in the staff report, with an amendment to condition # 7 increasing from 5 to 6 years for initiation of the permit.

Melinda Didier seconded the motion, including the amendment to condition # 7 regarding initiation timelines.

ROLL CALL:

Lois Hanses	Yes	David Piovesan	Yes
Melinda Didier	Yes	Claude Pierret	Yes
Gary Bosch	Yes	Brent Stenson	Yes
Layton Lowe	Yes		

Motion carried (7 – 0) for the *approval* of this application – CUP 2011-08.

OTHER BUSINESS

1. Results from Planning Commission Case Files of December 6, 2011.
2. Planning Commission Agenda Items for February 7, 2012.
3. Current listing of Planning Commission members/districts/terms.

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