

Agenda Summary Report (ASR)

Franklin County Board of Commissioners

DATE SUBMITTED: February 1, 2021	PREPARED BY: Nicole Stickney
Meeting Date Requested: February 9, 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 Hearing (Quasi-Judicial Item) - A Conditional Use Permit to allow the development of a new electrical substation. (File # CUP 2020-03 and SEPA 2020-09)	
FISCAL IMPACT: None	
BACKGROUND: This is a closed record hearing on a CUP application to allow establishment of a new electrical substation on parcel 124-300-083 (Lot 3 of Short Plat 2020-08), which is approx. 11.06 acres. The area to be developed will be approximately 43,200 square feet. The parcel is located in an Agricultural Production 20 zone which allows <i>Power plants, pumping plants, substations and transmission lines</i> as a Conditional Use (FCC 17.10.040(E)). The property is unaddressed, and is bounded to the east by Laporte Rd., lies generally south of Columbia River Rd. and generally north of Fanning Rd. The site is situated in a portion of Section 30, Township 10 N, Range 29 E, W.M., Franklin County, WA. The Planning Commission recommended conditional approval of the CUP with an amendment to condition #15, and there were no appeals filed on the recommendation. Per FCC 17.82.110, "Unless a proper and timely appeal is filed <u>or</u> the board by majority vote deems further review is necessary the recommendation of the planning commission shall be effected by proper action of the board <u>without further review</u> . In the event the board deems further review is necessary, it shall conduct a closed record appeal, notice of which is given in accordance with amendments and rezones.	
RECOMMENDATION: The Planning Department staff provided the Planning Commission with a written recommendation of approval for the application. Subsequently, at their meeting on December 1, the Planning Commission held a duly advertised open-record public hearing and unanimously passed a motion (6-0) to forward the board a recommendation of approval, with 6 suggested findings of fact and 16 recommended conditions of approval, as amended (to ensure the permit is tied to the property and not the permittee) by the Planning Commission. Suggested Motion: Pass Resolution #____, approving CUP 2020-03 and adopting the written findings of fact and conditions of approval. If the board wishes to further review the item, no action should be taken to pass the resolution, and instead the Planning and Building department will schedule and advertise a future "closed record appeal hearing."	
COORDINATION: The County Building and Planning Department processed the application, coordinated for agency comments, and reviewed the application in accordance with Chapter 17.82 Franklin County Code. The CUP application was advertised to the public via adopted public notice procedures, and agencies were contacted for review and comment; a SEPA DNS was issued.	
ATTACHMENTS: (Documents you are submitting to the Board) (1) Draft Resolution (2) Staff Report to the Planning Commission including attachments (3) Draft Planning Commission Minutes	
HANDLING / ROUTING: To the Clerk of the Board: 1 Original Resolution To Planning: 1 Copy Res.	

I certify the above information is accurate and complete.



Matt Mahoney Public Works Director

FRANKLIN COUNTY RESOLUTION _____
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF
FRANKLIN COUNTY, WASHINGTON

***Conditional Use Permit (CUP) 2020-03 to allow the establishment
of an electrical substation***

WHEREAS, on February 9, 2021, the Board of Franklin County Commissioners, via public meeting, considered the positive recommendation of the Franklin County Planning Commission on a conditional use permit for the proposed use under file CUP 2020-03; and

WHEREAS, at the public meeting the Board has found that the County Planning Commission, after an open record public hearing and consideration on CUP 2020-03 did recommend approval of the Conditional Use Permit with several suggested findings of fact and conditions of approval as amended; and

WHEREAS, there was no appeal filed; and

WHEREAS, there was no public opposition to the proposal; and

WHEREAS, it appears to be in the public use and interest to **approve** the conditional use permit; and

NOW, THEREFORE, BE IT RESOLVED that CUP 2020-03 is hereby **approved** in accordance with the provisions of the Franklin County Development Regulations and as recommended by the Planning Commission.

BE IT FURTHER RESOLVED that the Chair of the Board of Franklin County Commissions be authorized to sign conditional use permit CUP 2020-03 on behalf of Franklin County.

APPROVED THIS 9th DAY OF FEBRUARY 2021.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chair

Chair Pro-Tem

Attest: _____
Clerk of the Board

Member

FRANKLIN COUNTY BOARD OF COMMISSIONERS

CONDITIONAL USE PERMIT # 2020-03

RESOLUTION NUMBER _____

The following Conditional Use Permit **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 February 9, 2021.

APPLICANT: Mark Hay, for Big Bend Electrical Cooperative (BBEC), PO Box 348, Ritzville, WA 99169

OWNER: Big Bend Electrical Cooperative, PO Box 348, Ritzville, WA 99169

LEGAL DESCRIPTION: SHORT PLAT 2020-08, Lot 3.

NON-LEGAL DESCRIPTION: No address is assigned at this time. Property is bounded to the east by Laporte Rd., and active farm-land to the north, south, and west. (Parcel Number 126-230-036).

SEPA REVIEW: A SEPA Checklist was submitted with the CUP application. Planning Staff [*Lead Agency Responsible Official*] reviewed the checklist and issued a Determination of Non-Significance (DNS) on July 23, 2020 under WAC 197-11-340(2) which was published on the same day. Comments on the Threshold Determination were due by April 6, 2020 and no comment letters were received. There were no SEPA appeals.

CONDITIONAL USE DESCRIPTION: This Conditional Use Permit (CUP) allows the establishment of an electrical substation. The parcel is located in an Agricultural Production 20 zone which only allows electrical substations as a Conditional Use.

The area to be developed will cover approximately 43,200 sq. ft. of said property. Portions of the property to the NW and the SW are parts of active irrigated crop circles and are otherwise vacant. Approximately 43,200 sq. ft. of the property will be used for the substation and ancillary structures. The area covering where the substation is to be built will be fenced and graveled. The substation will reduce voltage from 115 kV to 12.47 kV. The substation will serve existing load in, and around, the area. An approx. 200 sq. ft. control building will also be built. The site will be covered in gravel, with minimal pavement.

This decision is supported by the following adopted findings of fact and conditions of approval as amended by the Planning Commission:

FINDINGS OF FACT:

1. The proposed use in the AP-20 Zoning District **IS** in accordance with goals and policies of the County Development Regulations (Zoning) and the applicable Comprehensive Plan.
 - a. The Franklin County Comprehensive Plan classifies the land as Agricultural.
 - b. The Franklin County Comprehensive Plan encourages the development of public infrastructure facilities and services, including the provision of

FRANKLIN COUNTY BOARD OF COMMISSIONERS

CONDITIONAL USE PERMIT # 2020-03

RESOLUTION NUMBER _____

electricity, as needed to support current and future development are available when they are needed. *(Pg. 120, FC Comp. Plan)*

- c. There are no critical areas present on the project site.
 - d. The County Zoning map designates the land as AP-20.
 - e. The use “power substation” is allowed with a Conditional/Special Use Permit in the AP-20 Zoning District. *(FCC 17.10.040)(E)*
 - f. The applicant has applied for a Conditional Use Permit to allow the proposed use.
2. The proposal **WILL NOT** adversely affect public infrastructure.
 - a. Access to the parcel is from Laporte Road.
 - b. The use will not have a significant impact on the County Road System.
 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 character of the immediate area consists of farms and single family homes.

The proposed use will generally be unoccupied, with BBEC staff visiting the site on an intermittent basis for maintenance and repair of the facility, and will not impair the ability for rural, residential, and agricultural activities to continue, nor will it have a negative impact on the intended character of the general vicinity.
 - b. The existing and intended character of the immediate area is rural and agricultural.
 - c. The zoning of the site and most of the parcels near the site is AP-20.
 4. The location and height of the proposed accessory structures and site design **WILL NOT** discourage the development of permitted uses on property in the general vicinity or impair the value thereof.
 - a. Other than the proposed fence, substation equipment and the operations building, no new permanent structures are proposed as a part of the project at this time.
 - b. Any exterior lighting shall be directed on-site so as not to interfere with the comfort and repose of adjoining property owners.
 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. Traffic of employees to the site will be intermittent and typically only to affect repairs or for maintenance purposes.
 6. The proposal **WILL NOT** endanger the public health, safety, or general welfare if located where proposed.
 - a. The project is subject to the County’s Right to Farm ordinance.

FRANKLIN COUNTY BOARD OF COMMISSIONERS

CONDITIONAL USE PERMIT # 2020-03

RESOLUTION NUMBER _____

- b. The project is required to comply with Health Department and Public Works standards regarding health and access/safety standards for the proposed use.
- c. The public was notified of this proposal in accordance with all guidelines and requirements, and the Planning Department received NO COMMENTS in favor of the proposal, and NO COMMENTS in objection to the proposal.

CONDITIONS OF APPROVAL:

1. The project shall comply with the requirements and recommendations of the Benton-Franklin Health District:

- a. The lot must meet all applicable usable land area requirements in accordance with Benton Franklin District Board of Health Rules and Regulation No. 2.

2. The project shall comply with the requirements and recommendations of the Franklin County Planning and Building Department:

- a. The development standards of FCC 17.14.050 will apply to the project. No building or structure exceeding 4' in height shall be closer than 25 feet from a road right-of-way (or 55 feet from the centerline of the adjoining road, whichever is greater). The side setback requirements are 20 feet and the rear yard setback is a minimum of 25 feet.
- b. All storm drainage shall be retained on-site and controlled by way of drainage swales, dry wells, french drains or other means as approved by the county engineer.
- c. Exterior lighting shall be directed on-site so as not to interfere with the comfort and repose of adjoining property owners.
- d. The current parcel size is approximately 11.06 net acres; if the property is later adjusted through a Boundary Line Adjustment or Short Plat, a new conditional use permit may be required.

3. The project shall comply with the requirements and recommendations of the Franklin County Public Works Department:

- a. An approach permit is required for access to Franklin County roads per the County Road Approach Policy (Resolution No. 2014-123). Requirements include required permits, approach construction, minimum design standards, etc. per Franklin County Design Standards for the Construction of Roads and Bridges (Resolution 2002-270).

FRANKLIN COUNTY BOARD OF COMMISSIONERS

CONDITIONAL USE PERMIT # 2020-03

RESOLUTION NUMBER _____

- b. Any utility extension crossing Franklin County roads will be addressed at the time of application. See Accommodation of Utilities on County Road Right-of-Way for more information (Resolution #2000-330).
4. Comply with the following conditions for **Access and Parking**:
 - a. Parking on gravel, as proposed, is allowed as long as activity at the site is infrequent and any fire risk (especially during drought or near-drought conditions) is mitigated through appropriate means.
 - b. The parking area should be set back an appropriate distance to allow for ingress / egress and as to not hinder driver's vision triangles as they leave or access the site. An internal access driveway shall be established, and access shall not be blocked at any time to provide safe ingress/ egress for emergency vehicle access.
 - c. Parking along Laporte Road is not permitted. Any new approaches onto County roads will require an approach permit from Public Works.
 - d. Any signage used to locate the facility must meet the provisions of the Franklin County Sign Code, specifically, FCC 15.16.080.2.e. No sign shall obstruct any roadways and all signs shall be removed not more than one day after an event.
5. Comply with the following conditions regarding **Occupancy and Uses**:
 - a. The proposed area to be used for the development of the substation and ancillary structures (fence, operations building) is 43,200 sq. ft. Any proposed expansion of the facility beyond that area approved may require a new CUP be applied for to accommodate the proposed use causing the expansion.
 - b. Occupancies or uses not permitted under this CUP, including the building of additional office and storage space/structures, is not allowed. If the applicant desires to expand the uses allowed on the site at a future date, a new CUP shall be applied for.
6. The applicant shall commence the authorized conditional use within one year after the effective date of this permit, or the permit shall expire.
7. It is the responsibility of the property owner to ensure that proper arrangements for waste removal and the pickup and haul-away of any additional litter and refuse are prepared.
8. Should valid complaints (noise, traffic, parking, etc.) be received regarding activities taking place at the site, the conditional use permit approval may be reviewed by the County and potentially revoked.

FRANKLIN COUNTY BOARD OF COMMISSIONERS

CONDITIONAL USE PERMIT # 2020-03

RESOLUTION NUMBER _____

9. **RIGHT TO FARM:** Applicant shall be aware that this facility is located in an area where farming and farm operations exist. Further, to assist in preserving the right of farmers to operate utilizing accepted and appropriate practices, the County has adopted a Franklin County Right to Farm Ordinance, as amended. At no time shall a farm operation, or accessory farm related enterprise such as crop dusting operation or airstrip use, be deemed to be a public or private nuisance as it relates to the activities associated with this land use approval
10. Comply with **fire code** requirements.
11. The site shall be maintained at all times so as to not let the land become a fire hazard or accumulate with debris and weeds and/or garbage.
12. Future expansions and improvements at the site shall comply with the submitted and approved site plans (and any building plans submitted and approved). To allow future flexibility, changes to the plans which are determined to be minor or incidental may be done administratively by the Planning Department. Major changes, which do not meet the intent of, or seriously re-align, the approved plans, shall be reviewed by the Planning Commission through a new Conditional Use Permit process prior to that change occurring.
13. 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.
14. In accordance with the County's Zoning Code, any special permit may be reviewed for potential termination and revocation by the Board of Commissioners if, after a public hearing, it is found that the conditions upon which the special permit was authorized have not been fulfilled or if the use authorized has changed in size, scope, nature or intensity so as to become a detriment to the surrounding area. The decision of the Board is final.
15. This permit applies to the described lands ~~and shall be for the above named individual.~~ The permit may not be transferred to ~~other individual(s) or entities, or to another site.~~ Any changes, or proposed changes, in ~~ownership or operation~~ will require the application of a new Conditional Use Permit.
16. By accepting the issuance of this permit, the Permit Holder(s) agree(s) to accept full responsibility for any and all operations conducted or negligence occurring at this location and any incidents that occur on surrounding properties caused by operations or negligence at this location; Permit Holder(s) further agree(s) to indemnify and hold the County harmless and agree that the County is in no way negligent in relation to granting this permit, or operations or negligence that occur at this location or on surrounding properties caused by operations or negligence on this property; Permit Holder(s) further agree(s) to accept full responsibility for any future cleanup needed due to activities conducted that this location that impact the surrounding properties, and obtaining and retaining appropriate insurance coverage.

FRANKLIN COUNTY BOARD OF COMMISSIONERS

CONDITIONAL USE PERMIT # 2020-03

RESOLUTION NUMBER _____

This Conditional Use Permit is issued this 9th day of February 2020.

**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

CONDITIONAL USE PERMIT # 2020-03

RESOLUTION NUMBER _____

EXHIBIT A: SITE PLAN

