

**FRANKLIN COUNTY
PLANNING COMMISSION
MINUTES
December 1, 2020**

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MEMBERS PRESENT:

Claude Pierret, Roger Lenk, Mike Corrales, Melinda Didier, Mike Vincent & Kent McMullen

MEMBERS ABSENT:

Layton Lowe

STAFF PRESENT:

Derrick Braaten, Planning & Building Director

Rebeca Gilley and Aaron Gunderson were present from the Planning and Building Department.

Matt Mahoney, Director of Public Works

Before the meeting was called to order, staff was introduced and Mr. Braaten read into the record the standard statement regarding virtual meetings.

The Franklin County Planning Commission was called to order at approximately 6:30 pm. by Planning Commission Chairperson **Claude Pierret**. A quorum was present.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA/MINUTES:

Chair Pierret asked for a motion to approve the Agenda.

Commissioner Lenk made a motion to approve agenda as amended.

Commissioner Didier seconded.

Motion carried.

PUBLIC HEARING INTRODUCTION:

Chair Pierret read the following:

*"It is now time for the Public Hearing Portion of our Meeting
Good evening and welcome. I will turn things briefly over to our staff host, who will go over the ground
rules for tonight's hearing:"*

Mr. Gunderson (Staff Host) read the following:

Here are the ground rules for tonight's virtual WebEx hearing:

1. *All speakers will be called upon individually during the public testimony portion of the hearing; Giving their name and address for the audio record, as well as if they are in Favor, Neutral, or Against the proposal. PLEASE MUTE YOUR AUDIO WHEN YOU ARE NOT SPEAKING;*
2. *All comments and questions shall be addressed to the Planning Commission, should be relevant to the application and not be of a personal nature;*
3. *Each speaker shall have FIVE minutes to provide testimony;*
4. *Avoid repetitive comments;*
5. *If there are a large number of speakers who are part of a group or organization, please select a representative to speak on behalf of the group;*
6. *Behavior such as clapping, booing, hissing or remarks is prohibited. Every citizen here tonight should have the opportunity to testify without such distractions.*

Chair Pierret asked the following:

Are there any questions regarding the Public Hearing ground rules?"

Chair Pierret asked the Commission members to keep in mind that the Planning Commission is prohibited by law from communicating with members of the public on the subject matter of these hearings except in these hearings. Chair Pierret also stated that the Planning Commission may not participate in a decision in which there is an appearance of conflict of interest to the average person. He asked,

"As to the matters which are before us today has anyone:

- Had any ex parte communications,
- Have any ownership interests in the properties,
- Have any business dealings with proponents or opponents of the matters, or
- Have business associates or immediate family who may be either benefited or harmed by a decision in these matters?"

Chair Pierret asked if any commission member had declaration regarding any of the items on the agenda.

Commissioner McMullen stated he has been a member and has received over the years a dividend from being a member of BBEC, but that it wouldn't impact his decision one way or another.

Chair Pierret also declared he was a member of BBEC and has received a dividend from being said member, but that it wouldn't impact his decision either.

Commissioner Vincent declared he is also a member of BBEC and that he doesn't think it would affect his decision making.

Commissioner Didier additionally made declaration she was a member of BBEC as well.

Mr. Braaten noted this signifies an inability to form a quorum for the CUP item. Mr. Braaten continued with asking if anybody had any objections to the potential conflict of interest of the planning commission members. Mr. Gunderson verified there was nobody on the line outside of Mr. Gruber from WSDOT.

Chair Pierret noted to let the record show that there were no objections to the planning commissioners participating in the BBEC CUP public hearing item.

Chair Pierret described the order of the hearing:

“The order of the hearing shall be as follows:

1. Planning staff shall provide a staff report; the Commission may ask questions of staff;
2. The applicant or applicant’s representative(s) presentation;
3. Other testimony in favor of the request;
4. Testimony either neutral or against the request;
5. Final Staff comments;
6. Clarification of public statements that occurred during the testimony portion of the public hearing;
7. Close the Public Hearing and Planning Commission discussion of the proposed action.”

Chair Pierret asked if anybody had any procedural questions before beginning the public hearing. Nobody had objections and Chair Pierret moved to start the public hearing.

Chair Pierret asked staff if anybody was on the line, Mr. Gunderson stated there was nobody on the line.

OPEN THE PUBLIC HEARING FOR THE REGULAR PLANNING COMMISSION MEETING:

Public hearing opened at 6:46 PM.

ITEM #1 – CUP 2020-03/SEPA 2019-09

An application to allow for the development of a new electrical substation on parcel #124-300-083, of an approximately 11.06 acre property. The area to be developed will cover approximately 43,200 sq. ft. of said property. The property is zoned Agricultural Production 20 (AP-20) and carries an “Agricultural” Comprehensive Plan Land Use designation.

APPLICANT: Mark Hay

OWNER: Big Bend Electric Cooperative, Inc.

STAFF REPORT

Chair Pierret asked for the presentation of the staff report. Mr. Braaten stated the request was from Big Bend Electric Cooperative, their wanting to develop a new electrical substation on parcel #124-300-083, on approximately 11.06 acres of land. Mr. Braaten continued that an electrical substations only allowed with a conditional use permit in the Agricultural Production 20 (AP-20 zone). Mr. Braaten stated the area to be covered by the development is approximately 43,200 sq. ft. of the property. Mr. Braaten also stated portions of the property to the north and south are parts of two crop circles, with the other areas on the property currently vacant.

Mr. Gunderson interrupted the presentation, to notify Mr. Braaten that presentation capability has been turned over for Mr. Braaten to use, in case if he had a PowerPoint presentation. Mr. Braaten declared he did not need the presentation capability at the moment. Mr. Braaten continued stating the property has an “Agricultural” Comprehensive Land Use Designation, the portions of the area to

be developed will be fenced and graveled, along with reiterating some of the previously mentioned facts stated earlier.

Mr. Braaten also stated voltage consumption will be reduced from 115 Kv down to 12.47 Kv, it will serve existing load in and around the area. Mr. Braaten stated approximately 200 sq. ft. control building will be built in the area. Mr. Braaten continued by stating the site plan shows where proposed substation will be built, along with the fenced in areas.

Mr. Braaten stated staff sent application materials to agencies for review on July 22, 2020. Mr. Braaten said staff sent public notification to residents within one mile of the site on July 23, 2020. Mr. Braaten continued stating staff sent an additional public notification of public meeting on October 5, 2020 landowners within one mile of site, stating public meeting will be held on November 17, 2020. Mr. Braaten also stated the public meeting was postponed until December 1, 2020. Mr. Braaten stated the proposal was advertised in Tri-City Herald and Franklin County Graphic, on July 23, 2020 and again on October 5, 2020. Mr. Braaten concluded with stating signs were posted on or about on July 23, 2020.

Mr. Braaten stated the SEPA environmental checklist was included in the application, with staff reviewing and issuing a Determination of Non-Significance (DNS) on July 23, 2020 under WAC 197-11-350. Mr. Braaten also stated it was filed under SEPA 2020-03824 in the statewide SEPA register, with comments due by August 6, 2020. Mr. Braaten stated no comments or statements had been received. Mr. Braaten commented on the applicable codes involved as FCC 17.10 (AP-20 Zoning), FCC 17.82 (Special Permits) and the County's SEPA guidelines in FCC 18.04, along with Benton-Franklin Health District rules and regulations No. 2. Mr. Braaten stated the office hasn't received any comments from the public on this proposal. Mr. Braaten continued that the only comments received were by public works which were common statements involving proposals needing an approach permit, with no special stipulations included.

Mr. Braaten concluded his presentation suggesting a **Positive Recommendation** with six (6) suggested findings of fact and Sixteen (16) suggested conditions of approval. **Mr. Braaten** then went over the findings of fact and approval requirements sections of the staff report.

COMMISSIONER QUESTIONS/PUBLIC COMMENT

Mr. Braaten opened the commission meeting section with stating that Mark Hay with BBEC (applicant) is at the meeting and will be deferring to him on certain questions. Commissioner McMullen was curious about the extra space not being developed on the property and if it was planning to be used for storage for poles or other infrastructure. Mr. Braaten responded by saying it wasn't proposed in this conditional use permit or an awareness of said need, Mr. Braaten suggested Mr. Hay would be better able to answer that question.

Mr. Hay started by thanking the commission for allowing him to appear and answered Commissioner McMullen's question by stating they are not at the moment planning for storage, but the option could be there as Pasco expands north. Mr. Hay continued by stating an agreement with the previous owner Randy Mullen, allows for him to continue farming in some of the sections of the property until a time where BBEC might need use of those sections.

Commissioner Didier had some questions on a similar wavelength as Commissioner McMullen, but also asked Mr. Braaten to put up a vicinity map and site plan of the property in order to help explain her points. Mr. Braaten put up the site plan and explained to the commissioners some of the features. Mr. Braaten then put up the vicinity map and provided further explanation.

Mr. Braaten then asked Mr. Hay if Mr. Mullen was dropping some of the end guns [sprinklers] on the north and south or just on the north. Mr. Hay replied Mr. Mullen was pulling those end guns on the north to allow BBEC to use the property. Commissioner McMullen asked Mr. Hay if there's no corner system on the swing span on the circle to the north. Mr. Hay replied stating he didn't know the answer, due to him not being a farmer, Mr. Mullen had indicated to BBEC that he would accommodate them the best way he can.

Commissioner McMullen indicated from looking at the site map, it seems like the end tower runs just inside the end boundary of the property as determined and it would seem detrimental to Mr. Mullen to sell BBEC something negating the use of the rest of his property. Commissioner McMullen noted that the swing span will have to be reprogrammed so that it doesn't swing out and take out BBEC's fence. Mr. Hay replied stating Mr. Mullen doesn't like those types of swing systems and is pulling them out, which in turn satisfied Commissioner McMullen's concerns.

Mr. Braaten asked the commissioners if they had any more questions. Commissioner Lenk replied that he had a couple of questions for Mr. Braaten. Commissioner Lenk first asked Mr. Braaten was about the suggested condition of approval regarding meeting fire code requirements. Commissioner Lenk asked what those fire codes are. Mr. Braaten replied stating the fire code requirements are the standard International Fire Code standards that all developments have to meet. Commissioner Lenk asked if the County has adopted said codes, and Mr. Braaten affirmed the County has adopted those standards.

Mr. Braaten continued to explain that the County is in the process of updating the fire codes to the recent 2018 standards by this upcoming February. Mr. Braaten also pointed to some of the proposed changes such as requiring increased setback, if there's no fire hydrant within 500 ft. Commissioner Lenk responded that the note on fire code requirements need to be more specific in the future.

Commissioner Lenk's second question, had to do with why the assignment of this Conditional Use Permit is tied to the individual and not the property. Commissioner Lenk raised the point of the property changing owners and the fact that it would trigger a renewal of the permit. Mr. Braaten realized upon reading the condition note, it should be written to pertain to the property and not the individual. Mr. Braaten went on to thank Commissioner Lenk for bring it to his attention and correction will be made to reflect this fact. Mr. Mahoney suggested to Commissioner Lenk when it comes time to make a motion, this fact is clarified in said motion. Commissioner Lenk agreed with Mr. Mahoney's suggestion.

Chair Pierret asked if there was any testimony that was neutral and/or against the proposal. Mr. Gunderson stated there isn't anybody on the line. Chair Pierret asked staff if there was any further comments, Mr. Braaten stated there were none. Chair Pierret asked if there was any further clarification needed on the subject, there was no reply from anybody. Chair Pierret then declared the item closed to public comment. Chair Pierret asked the planning commission if they wanted to discuss things further before making a motion to vote. Commissioners' Didier, Vincent, McMullen and Lenk indicated they had nothing further to discuss. Chair Pierret asked if anyone wanted to make a motion to approve.

Commissioner Lenk made a motion to **approve** CUP 2020-03 with the six (6) findings of fact and sixteen (16) conditions of approval, along with modifying one of said conditions of approval making the Conditional Use Permit tie to the property and not the person.

Commissioner McMullen seconded.

Vote: CUP 2020-03

Melinda Didier – Yes
Claude Pierret – Yes
Mike Vincent – Yes
Mike Corrales – Yes
Roger Lenk – Yes
Kent McMullen – Yes

The motion passed.

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This remainder of the meeting minutes are being EXCLUDED, as the next part of the meeting addressed an item will go to the Board of County Commissioners at a future date, which is subject to the state Appearance of Fairness Doctrine.

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PLANNING COMMISSION MEETING ADJOURNED AT 9:28 PM