


Agenda Summary Report (ASR)

Franklin County Board of Commissioners

DATE SUBMITTED: June 9, 2021	PREPARED BY: Derrick Braaten
Meeting Date Requested: June 15, 2021	PRESENTED BY: Derrick Braaten
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 (CUP) to allow for the siting of a fuel island, tanks, and canopy at an existing convenience store. (File # CUP 2021-02 and SEPA 2021-03)	
FISCAL IMPACT: None	
BACKGROUND: Said application is to allow for the siting of fuel pumps at an existing convenience store. FCC 17.46.020(J) allows for the siting of "automotive sales or service of automobiles; including the repairing, painting, or upholstering of motor vehicles if there is no outside storage", as a permitted right in the Rural Service Commercial (C-2) zone, or with a CUP if there is outdoor storage. However, Table 70.1, Land-Use by Zoning District appears to prohibit such uses in the C-2 zone. Staff has determined that a fueling station should have no more impact than an automotive repair facility with outdoor storage, and seeks confirmation of said interpretation, as required under FCC 17.66.210, Supplemental Use Classification (Planning Determination).	
RECOMMENDATION: The Planning Department staff provided the Planning Commission with a written recommendation of approval for the application. Subsequently, at their meeting on May 4, 2021, the Planning Commission held a duly advertised open-record public hearing and unanimously passed a motion (5-0) to forward a recommendation of approval, with 6 findings of fact and 15 conditions, as amended by the Planning Commission. <u>Suggested Motion:</u> I move that the Board of County Commissioners adopt the recommendation of the Planning Commission and approve CUP 2021-02, based upon the written findings of fact. 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 hearing."	
COORDINATION: The Building & Planning Dept. processed the application, coordinated for agency comments, and reviewed the application per FCC 17.82. The application was advertised to the public via adopted procedures; a SEPA DNS was issued. Public comment included 1 e-mail in support of the proposal.	
ATTACHMENTS: (Documents you are submitting to the Board) (1) (1) Draft Resolution (2) PC Summary (3) Staff Report to the P.C. including attachments and comment letters (4) P.C. Minutes (5/4/2021)	
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.


Derrick Braaten

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

Conditional Use Permit (CUP) 2021-02 to allow construction and use of a proposed vehicle fueling island in the Rural Service Commercial (C-2) zoning district.

WHEREAS, on June 15, 2021, the Board of Franklin County Commissioners, via public meeting, considered the positive recommendation of the Franklin County Planning Commission to grant a conditional use permit for the proposed use under file CUP 2021-02; and

WHEREAS, at the public meeting the Board has found that the County Planning Commission, after an open record public hearing and consideration on **CUP 2021-02** did recommend approval of the Conditional Use Permit with six findings of fact and fifteen conditions of approval; and

WHEREAS, there were no appeals filed; and

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

NOW, THEREFORE, BE IT RESOLVED that CUP 2021-01 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 2021-01 on behalf of Franklin County.

APPROVED THIS 15th DAY OF JUNE, 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 # 2021-02

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 June 15, 2021.

APPLICANT: Parminder Thind, 3312 Main St., Union Gap, WA 98903

LEGAL DESCRIPTION: Basin City No. 1, ALL BLK 16

NON-LEGAL DESCRIPTION: Parcel # 121-235-010 is addressed as 7380 R-170, Mesa 99343. Property is bounded to the South by SR-170, to the east by Bailie Blvd, to the north by the west extension of 1st Ave, and to the west by vacant land.

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 April 15, 2021 under WAC 197-11-340(2) which was published on April 15, 2021. Comments on the Threshold Determination were due by April 29, 2021 and comment letters were received from the Department of Ecology, identifying agency programs and contact persons; Big Bend Electrical Cooperative, regarding overhead power lines; US Bureau of Reclamation, regarding notification of USBR facilities in the area; Franklin County Public Works, regarding transportation and access requirements. There were no appeals of the DNS.

CONDITIONAL USE DESCRIPTION: A Conditional Use Permit to allow for the siting of fuel pumps at an existing convenience store. FCC 17.46.020(J) allows for the siting of “automotive sales or service of automobiles; including the repairing, painting, or upholstering of motor vehicles if there is no outside storage”, as a permitted right in the Rural Service Commercial (C-2) zone, or with a CUP if there is outdoor storage. However, Table 70.1, Land-Use by Zoning District appears to prohibit such uses in the C-2 zone. Staff has determined that a fueling station should have no more impact than an automotive repair facility with outdoor storage, and seeks confirmation of said interpretation, as required under FCC 17.66.210, Supplemental Use Classification (Planning Determination).

An attached site plan (Exhibit A) shows the proposed location of the following features:

- New asphalt and parking
- Existing convenience store
- The location of a septic tank and drain field
- Location of proposed fuel island and canopy
- Overhead BBEC Main Line

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RESOLUTION NUMBER _____

FINDINGS OF FACT AND CONDITIONS OF APPROVAL:

Findings of Fact:

1. The proposed use in the C-2 Zoning District **IS** in accordance with goals and policies of the County Development Regulations (Zoning) and the applicable Comprehensive Plan.
 - a. The land is zoned Rural Service Commercial (C-2) and the Comprehensive Plan designation is Rural Settlement.
 - b. FCC 17.46.020(J) allows for the siting of “automotive sales or service of automobiles; including the repairing, painting, or upholstering of motor vehicles if there is no outside storage”, as a permitted right in the Rural Service Commercial (C-2) zone, or with a CUP if there is outdoor storage. However, Table 70.1, Land-Use by Zoning District appears to prohibit such uses in the C-2 zone.
 - c. Staff has determined that a fueling station should have no more impact to surrounding uses than an automotive repair facility with outdoor storage.
 - d. The comprehensive plan says that Rural Settlement areas should provide limited services that are necessary for rural residents. Vehicle fuel is a necessary service, and the nearest non-membership fueling station is approximately 8-10 miles from the site.
 - e. There are no critical areas mapped on the parcel and no critical areas or buffers will be impacted by this proposal.
2. The proposal **WILL NOT** adversely affect public infrastructure.
 - a. The access to the facility is from R-170 and Bailie Blvd.
 - b. Public Works has determined that it is not anticipated that the use will have a significant impact on the County Road System.
 - c. Surface water runoff resulting from construction activities can potentially enter Project facilities and adversely affect water quality.
 - d. Any potential interference with the existing 13.2kv power main line and secondary power service on the property can be mitigated through consultation with BBEC.

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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 site location for the fuel pumps is in an area zoned Rural Service Commercial (C-2);
 - b. The general area consists of single-family homes, manufactured homes, various commercial service providers and light industrial operations.
4. The location and height of the structure and site design **WILL NOT** discourage the development of permitted uses on property in the general vicinity or impair the value thereof.
 - a. The existing convenience store has been located on the site for decades. It is common for convenience stores to also have publicly accessible vehicle fuel pumps.
 - b. The area is zoned Rural Service Commercial (C-2).
 - c. The height of future proposed structures and site design (as submitted) is in compliance with the C-2 development standards. The addition of fuel pumps will not discourage the development of permitted uses in the area.
 - d. The fuel containment requirements for a licensed fuel station, such as fuel cut-off switches, fueling area grade and barriers, tank installation requirements, etc., will mitigate potential risks associated with spilled fuel contaminating neighboring properties.
 - e. The use of proper erosion and sediment control practices on the construction site and adjacent areas will contain storm water and sediments onsite.
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 area is zoned Rural Service Commercial (C-2) which allows for a wide range of commercial activities to occur.
 - b. The proposed fuel pumps are not more objectionable than other permitted uses allowed in the area. Fuel pumps will not create more noise, fumes, vibrations, dust, traffic, or flashing lights than other commercial services permitted in the C-2 zoning district.

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CONDITIONAL USE PERMIT # 2021-02

RESOLUTION NUMBER _____

- c. The addition of fuel pumps to an existing convenience store is in harmony with and is compatible with the surrounding lands, including the existing and intended character of the commercial area.
 - d. To further ensure its compatibility with the surrounding commercial area and reduce potential impacts to neighbors, the fueling station shall be licensed by the Washington Department of Licensing, and meet all requirements of the Washington State Department of Ecology for a fuel station located within the State of Washington.
 - e. Outdoor lighting shall adhere to “dark sky” standards, such that lights are aimed towards the ground and shielded so the light halo does not encroach onto surrounding properties.
6. The proposal **WILL NOT** endanger the public health, safety, or general welfare if located where proposed.
- a. The public was notified of this proposal in accordance with all guidelines and requirements, and the Planning Department received **ONE COMMENT** in favor of the proposal, and **NO COMMENTS** in objection to the proposal.
 - b. The fueling station shall be licensed by the Washington Department of Licensing, and meet all requirements of the Washington State Department of Ecology for a fuel station located within the State of Washington.
 - c. A Determination of Non-Significance (DNS) has been issued as part of the SEPA review and determination. An approved Conditional Use Permit, compliance with the Washington State Department of Licensing and Department of Ecology regulations for a vehicle fueling station are required for this application.

Conditions of Approval:

- 1. The fueling station shall be licensed by the Washington Department of Licensing.
- 2. **A Determination of Non-Significance (DNS)** has been issued as part of the SEPA review and determination. An approved Conditional Use Permit, and compliance with all requirements of the Washington State Department of Ecology for a fuel station and siting of a 30,000 gallon underground fuel tank located within the State of Washington is required for this permit.
- 3. The owner or builder shall contact the engineering department at BBEC, proposed fuel tanks/facilities may conflict with existing 13.2kv three phase overhead main

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CONDITIONAL USE PERMIT # 2021-02

RESOLUTION NUMBER _____

feeder. Relocation of 13.2kv overhead feeder and secondary electrical service to the store will need to be done prior to construction of the fuel tanks/facilities.

4. The applicant shall, at all times, comply with the necessary Federal and State standards for operating a vehicle fueling station.
5. **Approach permits** are required for any new approaches onto county roads.
6. Direct access onto R-170 shall be Right-In/Right-Out only.
7. New facilities such as the proposed canopy, tank installation, access lanes, and parking will need to comply with the requirements of the **County Building Division** regarding any new construction at the site. Additional Fire Protection may be required upon completion of Building Department review of submittals and consultation with local Fire District in accordance with the International Fire Code (IFC).
 - b. Fire extinguishers shall be clearly marked.
8. **Outdoor lighting** at the facility shall be shielded down. This will assist in ensuring the outdoor lighting will not become a nuisance to neighboring properties and will limit light pollution in the rural area.
9. Any **discontinuance or abandonment** of the approved use (fueling station) for a period of one (1) year shall null and void this CUP approval.
10. 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.
11. 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.
12. In accordance with the County's Zoning Ordinance, any special permit may be revoked 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.
13. 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.

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14. Future expansions and improvements at the site shall comply with the submitted and approved site and building plans. To allow future flexibility for 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.
15. 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 at this location that impact the surrounding properties, and obtaining and retaining appropriate insurance coverage.

This Conditional Use Permit is issued this 15th day of June, 2021.

**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

FACT SHEET/STAFF SUMMARY
Meeting before the Franklin County Planning Commission

THIS IS A QUASI-JUDICIAL ACTION
PLEASE AVOID, AND DISCLOSE, ANY EX-PARTE COMMUNICATIONS (CH 42.36 RCW)

Case file: CUP 2021-02 (Conditional Use Permit) and SEPA 2021-03

PC Meeting Date: May 4, 2021

See the staff report for the application details, description, explanation of public notice, etc.

BACKGROUND /APPLICATION SUMMARY:

This is closed record hearing on a CUP application to allow for the installation of a vehicle fueling island at an existing convenience store, located at 7380 R-170, Mesa 99343. (Parcel Number 121-235-010). The site is located in the Southwest 1/4 of Township 13, Range 29, Section 23, E.W.M., Franklin County Washington Property is bounded to the South by SR-170, to the east by Bailie Blvd, to the north by the west extension of 1st Ave, and to the west by vacant land.

The property has a zoning of Rural Service Commercial (C-2), with a comprehensive plan designation of Rural Settlement. Said application is to allow for the siting of fuel pumps at an existing convenience store. FCC 17.46.020(J) allows for the siting of "automotive sales or service of automobiles; including the repairing, painting, or upholstering of motor vehicles if there is no outside storage", as a permitted right in the Rural Service Commercial (C-2) zone, or with a CUP if there is outdoor storage. However, Table 70.1, Land-Use by Zoning District appears to prohibit such uses in the C-2 zone. Staff has determined that a fueling station should have no more impact than an automotive repair facility with outdoor storage, and seeks confirmation of said interpretation, as required under FCC 17.66.210, Supplemental Use Classification (Planning Determination).

SUMMARY OF THE PUBLIC HEARING:

Staff presented a summary of the application. The applicant's agent did attend the public hearing. Staff recommended that the Planning Commission recommend to the Board of County Commissioners that it approve the request, based on six (6) suggested findings of fact, and fifteen (15) suggested conditions of approval. The Planning Commission recommended approval of the CUP, and there were no appeals filed on the recommendation.

Findings of Fact Criteria Used by Planning Commission: The Planning Commission made and entered 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 any way will become a nuisance to uses permitted in the district.

At the May 4th meeting, the Planning Commission discussed the proposal, the record as provided, and suggested findings of fact. A motion was made for a recommendation that the Franklin County Board of Commissioners approve the request to site a fuel island at an existing convenience store, as requested through application CUP-2021-02, with six (6) findings of fact and fifteen (15) conditions of approval (as provided below).

Findings of Fact – Planning Commission: The Planning Commission (with assistance from Planning Staff) made and entered the following findings from the record, and conclusions thereof:

Suggested Findings of Fact:

1. The proposed use in the C-2 Zoning District **IS** in accordance with goals and policies of the County Development Regulations (Zoning) and the applicable Comprehensive Plan.
 - a. The land is zoned Rural Service Commercial (C-2) and the Comprehensive Plan designation is Rural Settlement.
 - b. FCC 17.46.020(J) allows for the siting of “automotive sales or service of automobiles; including the repairing, painting, or upholstering of motor vehicles if there is no outside storage”, as a permitted right in the Rural Service Commercial (C-2) zone, or with a CUP if there is outdoor storage. However, Table 70.1, Land-Use by Zoning District appears to prohibit such uses in the C-2 zone.
 - c. Staff has determined that a fueling station should have no more impact to surrounding uses than an automotive repair facility with outdoor storage.
 - d. The comprehensive plan says that Rural Settlement areas should provide limited services that are necessary for rural residents. Vehicle fuel is a necessary service, and the nearest non-membership fueling station is approximately 8-10 miles from the site.
 - e. There are no critical areas mapped on the parcel and no critical areas or buffers will be impacted by this proposal.

2. The proposal **WILL NOT** adversely affect public infrastructure.
 - a. The access to the facility is from R-170 and Bailie Blvd.
 - b. Public Works has determined that it is not anticipated that the use will have a significant impact on the County Road System.
 - c. Surface water runoff resulting from construction activities can potentially enter Project facilities and adversely affect water quality.
 - d. Any potential interference with the existing 13.2kv power main line and secondary power service on the property can be mitigated through consultation with BBEC.
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 site location for the fuel pumps is in an area zoned Rural Service Commercial (C-2);
 - b. The general area consists of single-family homes, manufactured homes, various commercial service providers and light industrial operations.
4. The location and height of the structure and site design **WILL NOT** discourage the development of permitted uses on property in the general vicinity or impair the value thereof.
 - a. The existing convenience store has been located on the site for decades. It is common for convenience stores to also have publicly accessible vehicle fuel pumps.
 - b. The area is zoned Rural Service Commercial (C-2).
 - c. The height of future proposed structures and site design (as submitted) is in compliance with the C-2 development standards. The addition of fuel pumps will not discourage the development of permitted uses in the area.
 - d. The fuel containment requirements for a licensed fuel station, such as fuel cut-off switches, fueling area grade and barriers, tank installation requirements, etc., will mitigate potential risks associated with spilled fuel contaminating neighboring properties.
 - e. The use of proper erosion and sediment control practices on the construction site and adjacent areas will contain storm water and sediments onsite.
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 area is zoned Rural Service Commercial (C-2) which allows for a wide range of commercial activities to occur.

- b. The proposed fuel pumps are not more objectionable than other permitted uses allowed in the area. Fuel pumps will not create more noise, fumes, vibrations, dust, traffic, or flashing lights than other commercial services permitted in the C-2 zoning district.
 - c. The addition of fuel pumps to an existing convenience store is in harmony with and is compatible with the surrounding lands, including the existing and intended character of the commercial area.
 - d. To further ensure its compatibility with the surrounding commercial area and reduce potential impacts to neighbors, the fueling station shall be licensed by the Washington Department of Licensing, and meet all requirements of the Washington State Department of Ecology for a fuel station located within the State of Washington.
 - e. Outdoor lighting shall adhere to “dark sky” standards, such that lights are aimed towards the ground and shielded so the light halo does not encroach onto surrounding properties.
6. The proposal **WILL NOT** endanger the public health, safety, or general welfare if located where proposed.
- a. The public was notified of this proposal in accordance with all guidelines and requirements, and the Planning Department received **ONE COMMENTS** in favor of the proposal, and **NO COMMENTS** in objection to the proposal.
 - b. The fueling station shall be licensed by the Washington Department of Licensing, and meet all requirements of the Washington State Department of Ecology for a fuel station located within the State of Washington.
 - c. A Determination of Non-Significance (DNS) has been issued as part of the SEPA review and determination. An approved Conditional Use Permit, compliance with the Washington State Department of Licensing and Department of Ecology regulations for a vehicle fueling station are required for this application.

Suggested Conditions of Approval:

- 1. The fueling station shall be licensed by the Washington Department of Licensing.
- 2. **A Determination of Non-Significance (DNS)** has been issued as part of the SEPA review and determination. An approved Conditional Use Permit, and compliance with all requirements of the Washington State Department of Ecology for a fuel station and siting of a 30,000 gallon underground fuel tank located within the State of Washington is required for this permit.
- 3. The owner or builder shall contact the engineering department at BBEC, proposed fuel tanks/facilities may conflict with existing 13.2kv three phase overhead main feeder. Relocation of 13.2kv overhead feeder and secondary electrical service to the store will need to be done prior to construction of the fuel tanks/facilities.

4. The applicant shall, at all times, comply with the necessary Federal and State standards for operating a vehicle fueling station.
5. **Approach permits** are required for any new approaches onto county roads.
6. Direct access onto R-170 shall be Right-In/Right-Out only.
7. New facilities such as the proposed canopy, tank installation, access lanes, and parking will need to comply with the requirements of the **County Building Division** regarding any new construction at the site. Additional Fire Protection may be required upon completion of Building Department review of submittals and consultation with local Fire District in accordance with the International Fire Code (IFC).
 - b. Fire extinguishers shall be clearly marked.
8. **Outdoor lighting** at the facility shall be shielded down. This will assist in ensuring the outdoor lighting will not become a nuisance to neighboring properties and will limit light pollution in the rural area.
9. Any **discontinuance or abandonment** of the approved use (fueling station) for a period of one (1) year shall null and void this CUP approval.
10. 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.
11. 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.
12. In accordance with the County's Zoning Ordinance, any special permit may be revoked 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.
13. 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.
14. Future expansions and improvements at the site shall comply with the submitted and approved site and building plans. To allow future flexibility for 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.
15. 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 at this location that impact the surrounding properties, and obtaining and retaining appropriate insurance coverage.

Suggested Motion: I move that the Board of County Commissioners adopt the recommendation of the Planning Commission and approve CUP 2021-02, based upon the 6 written findings of fact, and 15 conditions of approval.

May 4, 2021 PC Agenda Item #3 Meeting Minutes

ITEM #3-CUP 2021-02

Application is to allow for the siting of fuel pumps at an existing convenience store. FCC 17.46.020(J) allows for the siting of “automotive sales or service of automobiles; including the repairing, painting, or upholstering of motor vehicles if there is no outside storage”, as a permitted right in the Rural Service Commercial (C-2) zone, or with a CUP if there is outdoor storage. However, Table 70.1, Land-Use by Zoning District appears to prohibit such uses in the C-2 zone. Staff has determined that a fueling station should have no more impact than an automotive repair facility with outdoor storage, and seeks confirmation of said interpretation, as required under FCC 17.66.210, Supplemental Use Classification (Planning Determination). The property has a zoning of Rural Service Commercial (C-2), with a comprehensive plan designation of Rural Settlement.

APPLICANT: Leanne Liddicoat (representing Digital Design and Development)

OWNER: Parminder Thind

OPEN PUBLIC HEARING:

Chair Pierret opened public hearing at 9:16 PM.

STAFF REPORT:

Mr. Braaten presented staff report to the commission.

COMMISSIONER QUESTIONS FOR STAFF/APPLICANT:

- Commissioner Vincent had a question about the overhead power line and if going underground was a consideration. Mr. Braaten stated this would be something that would have to be worked out between the applicant and Big Bend Electrical Cooperative.
- Commissioner McMullen asked about the 30,000-gallon underground tank, wondering if they are only offering 1 grade fuel or if it's a compartmentalized tank with 3 different fuel grades. Mr. Braaten stated he would have to defer to the applicant to answer that question.

PUBLIC COMMENTS:

- Ms. Liddicoat spoke in support of the application. She also confirmed that the fuel storage tank is to be compartmentalized and offer three different vehicle fuels.

CLOSING PUBLIC HEARING ITEM:

Chair Pierret closed public hearing at 9:41 PM.

Commissioner Lenk made a motion to approve CUP 2021-02 with the six (6) findings of fact and 15 suggested conditions of approval.

Commissioner McMullen seconded the motion.

Vote: CUP 2021-02

Mike Vincent- Yes

Roger Lenk- Yes

Layton Lowe- Yes

May 4, 2021 PC Agenda Item #3 Meeting Minutes

Claude Pierret- Yes

Kent McMullen- Yes

Mike Corrales- Yes

Melinda Didier- (lost connection)

The motion is approved.

The 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.

Agenda Item #3

STAFF REPORT

CUP 2021-02

Hot Spot – Fueling Station

FACT SHEET/STAFF REVIEW

Hearing before the Franklin County Planning Commission

Case file: CUP 2021-02 (Conditional Use Permit) and SEPA 2021-03

Hearing Date: May 4, 2021

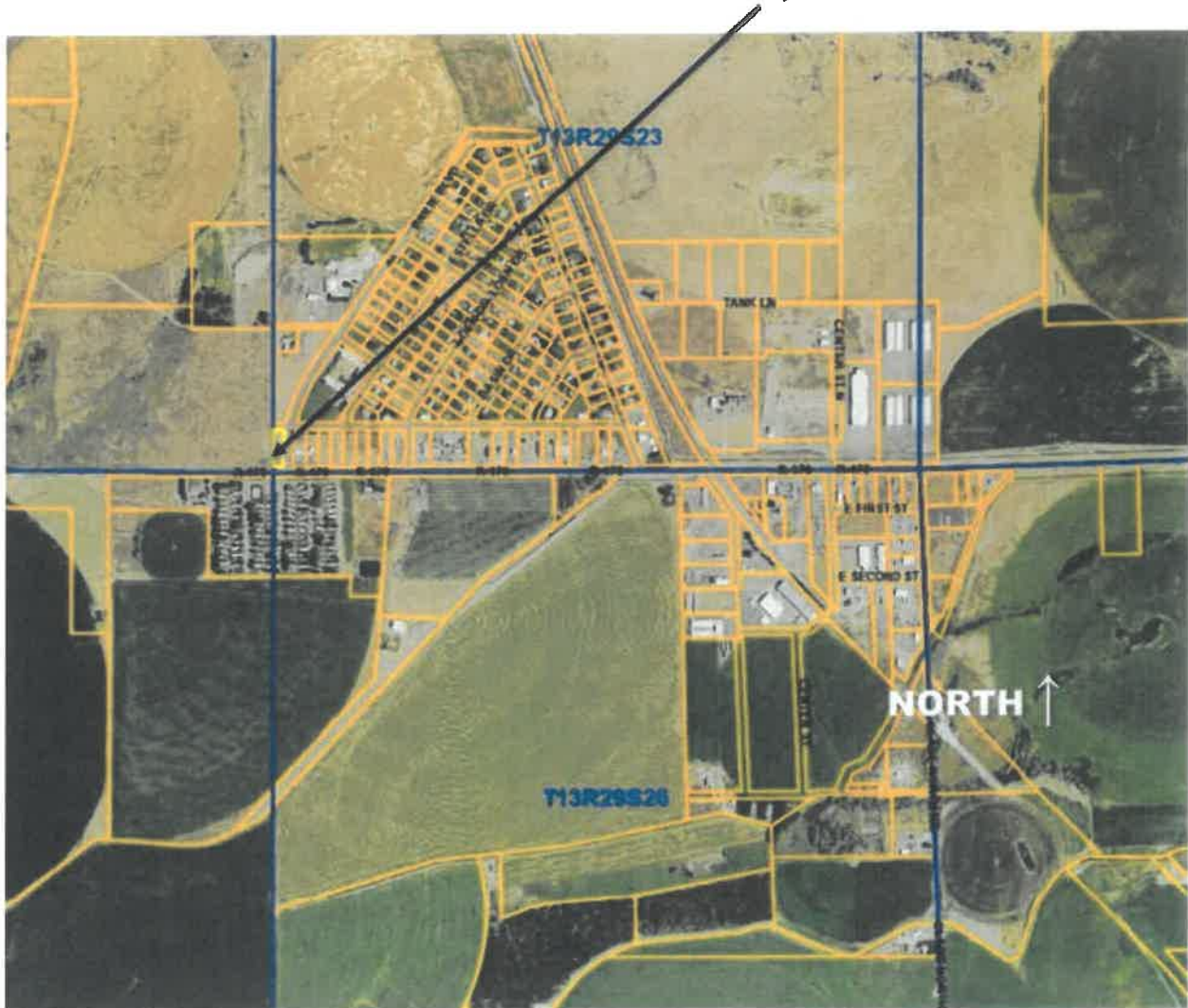
Applicant: Parminder Thind, 3312 Main St., Union Gap, WA 98903

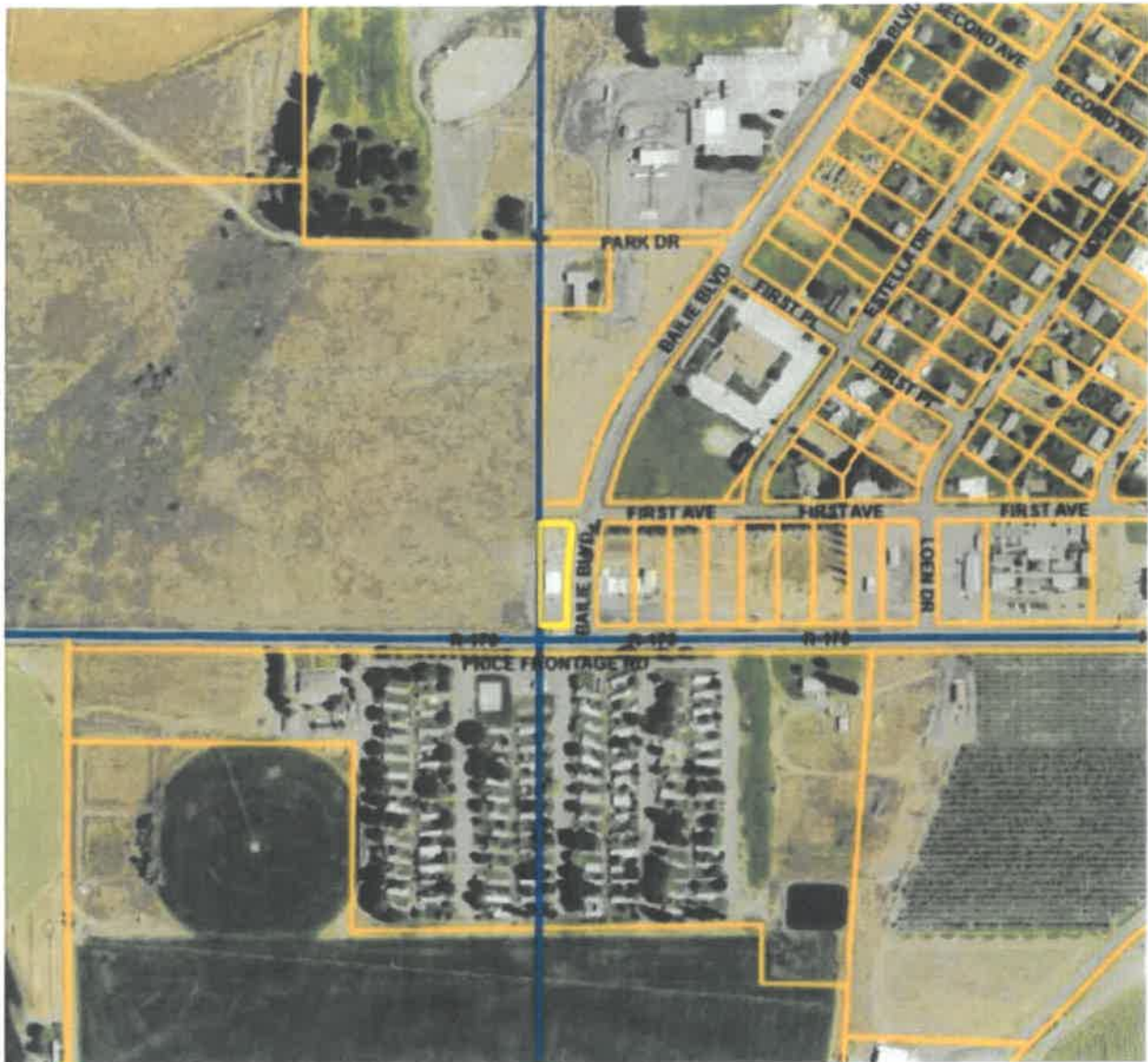
Owner: Parminder Thind, 3312 Main St., Union Gap, WA 98903

Location: Parcel # 121-235-010 is addressed as 7380 R-170, Mesa 99343. Property is bounded to the South by SR-170, to the east by Bailie Blvd, to north by the west extension of 1st Ave, and to the west by vacant land.

VICINITY MAPS:

Subject Area





- Property size:** The current property size (parcel(s)) is approximately 24,829 sq. ft.
- Area to be Used:** Approximately 1,040 sq. ft. (40'x26') of the south ½ of the property are to be used for the fuel island.
- Comp. Plan:** Rural Settlement
- Zoning:** Rural Service Commercial (C-2)
- Suggested Recommendation:** Positive recommendation with six (6) suggested findings of fact and fifteen (15) suggested conditions of approval
- Suggested Motion:** I move to forward to the board of commissioners a positive recommendation of CUP 2018-07 with six (6) findings of fact and fifteen (15) suggested conditions of approval.

APPLICATION DESCRIPTION:

Said application is to allow for the siting of fuel pumps at an existing convenience store. FCC 17.46.020(J) allows for the siting of "automotive sales or service of automobiles; including the repairing, painting, or upholstering of motor vehicles if there is no outside storage", as a permitted right in the Rural Service Commercial (C-2) zone, or with a CUP if there is outdoor storage. However, Table 70.1, Land-Use by Zoning District appears to prohibit such uses in the C-2 zone. Staff has determined that a fueling station should have no more impact than an automotive repair facility with outdoor storage, and seeks confirmation of said interpretation, as required under FCC 17.66.210, Supplemental Use Classification (Planning Determination). The property has a zoning of Rural Service Commercial (C-2), with a comprehensive plan designation of Rural Settlement. The applicant provided a **SEPA Environmental Checklist** with the application. Franklin County supplemented the checklist with additional information and detail.

The applicant's **site plan** shows the following features:

- Area in which proposal will be installed
- Aerial photo of the site, including the existing convenience store
- A mock-up of the proposed monument sign
- New pavement to be installed, as well as travel lanes and new parking area

PUBLIC NOTICE:

- The Planning Staff emailed technical review requests to Technical Agencies on **April 15, 2021**.
- The Planning staff mailed notices to Property Owners within **1 mile** on **April 15, 2021**.
- A Public Notice was published in the *Franklin County Graphic* on **April 15, 2021**.
- A sign was posted on the property on, or about, **April 15, 2021**.

SEPA:

- A SEPA Checklist was included in the application. The Planning and Building Director [Lead Agency Responsible Official] reviewed the checklist and issued a Determination of Non-Significance (DNS) on **April 15, 2021** under WAC 197-11-340(2) which was published on **April 15, 2021**.
- The Washington State Department of Ecology filed the notice under **SEPA # 202102014** in the state-wide SEPA Register.
- Comments on the DNS Threshold Determination were due by **April 29, 2021**. Ecology provided comments on the SEPA, and there were no other comments and no appeals of the threshold determination.

APPLICABLE STANDARDS/CODES:

1. County Zoning-- County Code:
 - a. Chapter 17.46 C-2, Rural Service Commercial Zone
 - b. Chapter 17.82 Special Permits

Staff Report
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2. County Environmental Code
 - a. Chapter 18.04 State Environmental Policy Act Guidelines
3. Franklin County Comprehensive Plan

PUBLIC COMMENT:

One call was received asking about the proposal and stated support for allowing a fueling station.

AGENCY COMMENTS/CRITERIA FOR FINDINGS OF FACT:

1. **Planning and Building:** The Planning Department has determined the following and provided the following comments for this application:
 - a. **WHAT IS A SPECIAL USE/CONDITIONAL USE PERMIT (CUP):** A CUP allows the County to consider special uses which may be essential or desirable to Franklin County, but which are not allowed as a matter of right within a zoning district, through a public hearing process. A conditional use permit can provide flexibility within a zoning ordinance. Another traditional purpose of the conditional use permit is to enable a County to control certain uses which could have detrimental effects on the community and examine the compatibility of the proposed use.

A CUP process is also used when there is a need for clarification regarding an administrative interpretation of Franklin County Code. In this case, the siting of fuel pumps at an existing convenience store. FCC 17.46.020(J) allows for the siting of “automotive sales or service of automobiles; including the repairing, painting, or upholstering of motor vehicles if there is no outside storage”, as a permitted right in the Rural Service Commercial (C-2) zone, or with a CUP if there is outdoor storage. However, Table 70.1, Land-Use by Zoning District appears to prohibit such uses in the C-2 zone. Staff has determined that a fueling station should have no more impact than an automotive repair facility with outdoor storage, and seeks confirmation of said interpretation, as required under FCC 17.66.210, Supplemental Use Classification (Planning Determination).
 - b. **ZONING:** The property is located in the C-2 Zone. A conflict in the code, as described above, makes it unclear as to whether the siting of a vehicle fueling station is a permitted use, conditional use, or prohibited use in the C-2 Zone.
 - c. **COMPREHENSIVE PLAN:** The Comprehensive Plan designation for the property is Rural Settlement. The Comprehensive Plan encourages rural services to be provided in Rural Settlement areas.
 - d. **PROPOSAL LOCATION/COMPATIBILITY TO SURROUNDING LANDS:**
 1. The property is located in Basin City, a Local Area of More Intense Rural Development (LAMIRD). Access to non-membership fueling facilities is limited in Franklin County rural areas.
 2. The proposal is located in an area zoned Rural Service Commercial (C-2).

3. The proposal is located approximately 10.5 miles from Merrill's Corner, 8-miles from Mesa, and 16 miles from Connell, where public fueling stations are located. The only fueling stations closer to the proposed site require memberships or are co-ops.
2. **Public Works Department:** Public Works has concluded that the proposed use will not have a significant impact on the County Road System. They noted general comments:
 - a) A Right-In/Right-Out is preferred for R-170 access.
 - b) 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).
 - c) 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).
3. **BBEC:** The owner or builder will need to contact the engineering department at BBEC, proposed fuel tanks/facilities may conflict with existing 13.2kv three phase overhead main feeder. Relocation of 13.2kv overhead feeder and secondary electrical service to the store will need to be done prior to construction of the fuel tanks/facilities.
4. **Health District:** *No comments received.*
5. **Fire District #1:** *No comments received.*
6. **Franklin Conservation District:** *No comments received.*
7. **US Bureau of Reclamation:** *Please see attached letter.*
8. **Ecology (State of Washington):** Ecology submitted comments on the proposal on the following topics (see the letter attached to this report):
 - a. Hazardous Waste and Toxic Reduction Program
 - b. Toxics Cleanup Program
 - c. SEPA
9. **Department of Archaeology & Historic Preservation (DAHP):** *No comments received.*

RECOMMENDATION: (CUP-2021-02)

According to the Franklin County Code, Chapter 17.82 Special Permits, the Planning Commission shall:

Staff Report
CUP 2021-05

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1. Make and enter findings of fact from the record and conclusions thereof;
2. 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 any way will become a nuisance to uses permitted in the district.

Planning and Building Department Staff Assistance: Planning Staff will assist the Planning Commission with the determination of findings and conditions for CUP-2021-02.

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-2021-02, with the following suggested findings of fact and suggested conditions of approval:

Suggested Findings of Fact:

1. The proposed use in the C-2 Zoning District **IS** in accordance with goals and policies of the County Development Regulations (Zoning) and the applicable Comprehensive Plan.
 - a. The land is zoned Rural Service Commercial (C-2) and the Comprehensive Plan designation is Rural Settlement.
 - b. FCC 17.46.020(J) allows for the siting of "automotive sales or service of automobiles; including the repairing, painting, or upholstering of motor vehicles if there is no outside storage", as a permitted right in the Rural Service Commercial (C-2) zone, or with a CUP if there is outdoor storage. However, Table 70.1, Land-Use by Zoning District appears to prohibit such uses in the C-2 zone.

Staff Report
CUP 2021-05

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- c. Staff has determined that a fueling station should have no more impact to surrounding uses than an automotive repair facility with outdoor storage.
 - d. The comprehensive plan says that Rural Settlement areas should provide limited services that are necessary for rural residents. Vehicle fuel is a necessary service, and the nearest non-membership fueling station is approximately 8-10 miles from the site.
 - e. There are no critical areas mapped on the parcel and no critical areas or buffers will be impacted by this proposal.
- 2. The proposal **WILL NOT** adversely affect public infrastructure.
 - a. The access to the facility is from R-170 and Bailie Blvd.
 - b. Public Works has determined that it is not anticipated that the use will have a significant impact on the County Road System.
 - c. Surface water runoff resulting from construction activities can potentially enter Project facilities and adversely affect water quality.
 - d. Any potential interference with the existing 13.2kv power main line and secondary power service on the property can be mitigated through consultation with BBEC.
- 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 site location for the fuel pumps is in an area zoned Rural Service Commercial (C-2);
 - b. The general area consists of single-family homes, manufactured homes, various commercial service providers and light industrial operations.
- 4. The location and height of the structure and site design **WILL NOT** discourage the development of permitted uses on property in the general vicinity or impair the value thereof.
 - a. The existing convenience store has been located on the site for decades. It is common for convenience stores to also have publicly accessible vehicle fuel pumps.
 - b. The area is zoned Rural Service Commercial (C-2).
 - c. The height of future proposed structures and site design (as submitted) is in compliance with the C-2 development standards. The addition of fuel pumps will not discourage the development of permitted uses in the area.
 - d. The fuel containment requirements for a licensed fuel station, such as fuel cut-off switches, fueling area grade and barriers, tank installation requirements, etc., will mitigate potential risks associated with spilled fuel contaminating neighboring properties.

- e. The use of proper erosion and sediment control practices on the construction site and adjacent areas will contain storm water and sediments onsite.
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 area is zoned Rural Service Commercial (C-2) which allows for a wide range of commercial activities to occur.
 - b. The proposed fuel pumps are not more objectionable than other permitted uses allowed in the area. Fuel pumps will not create more noise, fumes, vibrations, dust, traffic, or flashing lights than other commercial services permitted in the C-2 zoning district.
 - c. The addition of fuel pumps to an existing convenience store is in harmony with and is compatible with the surrounding lands, including the existing and intended character of the commercial area.
 - d. To further ensure its compatibility with the surrounding commercial area and reduce potential impacts to neighbors, the fueling station shall be licensed by the Washington Department of Licensing, and meet all requirements of the Washington State Department of Ecology for a fuel station located within the State of Washington.
 - e. Outdoor lighting shall adhere to "dark sky" standards, such that lights are aimed towards the ground and shielded so the light halo does not encroach onto surrounding properties.
6. The proposal **WILL NOT** endanger the public health, safety, or general welfare if located where proposed.
- a. The public was notified of this proposal in accordance with all guidelines and requirements, and the Planning Department received **ONE COMMENTS** in favor of the proposal, and **NO COMMENTS** in objection to the proposal.
 - b. The fueling station shall be licensed by the Washington Department of Licensing, and meet all requirements of the Washington State Department of Ecology for a fuel station located within the State of Washington.
 - c. A Determination of Non-Significance (DNS) has been issued as part of the SEPA review and determination. An approved Conditional Use Permit, compliance with the Washington State Department of Licensing and Department of Ecology regulations for a vehicle fueling station are required for this application.

Suggested Conditions of Approval:

1. The fueling station shall be licensed by the Washington Department of Licensing.

2. **A Determination of Non-Significance (DNS)** has been issued as part of the SEPA review and determination. An approved Conditional Use Permit, and compliance with all requirements of the Washington State Department of Ecology for a fuel station and siting of a 30,000 gallon underground fuel tank located within the State of Washington is required for this permit.
3. The owner or builder shall contact the engineering department at BBEC, proposed fuel tanks/facilities may conflict with existing 13.2kv three phase overhead main feeder. Relocation of 13.2kv overhead feeder and secondary electrical service to the store will need to be done prior to construction of the fuel tanks/facilities.
4. The applicant shall, at all times, comply with the necessary Federal and State standards for operating a vehicle fueling station.
5. **Approach permits** are required for any new approaches onto county roads.
6. Direct access onto R-170 shall be Right-In/Right-Out only.
7. New facilities such as the proposed canopy, tank installation, access lanes, and parking will need to comply with the requirements of the **County Building Division** regarding any new construction at the site. Additional Fire Protection may be required upon completion of Building Department review of submittals and consultation with local Fire District in accordance with the International Fire Code (IFC).
 - b. Fire extinguishers shall be clearly marked.
8. **Outdoor lighting** at the facility shall be shielded down. This will assist in ensuring the outdoor lighting will not become a nuisance to neighboring properties and will limit light pollution in the rural area.
9. Any **discontinuance or abandonment** of the approved use (fueling station) for a period of one (1) year shall null and void this CUP approval.
10. 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.
11. 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.
12. In accordance with the County's Zoning Ordinance, any special permit may be revoked 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.
13. 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.

14. **Future expansions and improvements at the site shall comply with the submitted and approved site and building plans. To allow future flexibility for 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.**
15. **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 at this location that impact the surrounding properties, and obtaining and retaining appropriate insurance coverage.**

Agenda Item #3

PUBLIC NOTICE

AGENCY/PUBLIC COMMENT

CUP 2021-02

Hot Spot – Fueling Station



FRANKLIN COUNTY

PLANNING AND BUILDING DEPARTMENT

NOTICE OF PUBLIC HEARING & SEPA DETERMINATION

NOTICE IS HEREBY GIVEN that there has been proposed to the Franklin County Planning Commission an application by **Parminder Thind**, 3312 Main St., Union Gap, WA 98903, for a Conditional Use Permit, file # **CUP 2021-02** and **SEPA 2021-03**.

Said application is to allow for the siting of fuel pumps at an existing convenience store. FCC 17.46.020(J) allows for the siting of "automotive sales or service of automobiles; including the repairing, painting, or upholstering of motor vehicles if there is no outside storage", as a permitted right in the Rural Service Commercial (C-2) zone, or with a CUP if there is outdoor storage. However, Table 70.1, Land-Use by Zoning District appears to prohibit such uses in the C-2 zone. Staff has determined that a fueling station should have no more impact than an automotive repair facility with outdoor storage, and seeks confirmation of said interpretation, as required under FCC 17.66.210, Supplemental Use Classification (Planning Determination). The property has a zoning of Rural Service Commercial (C-2), with a comprehensive plan designation of Rural Settlement.

The subject parcel is described as follows:

LEGAL DESCRIPTION:

Basin City No. 1, ALL BLK 16

NON-LEGAL DESCRIPTION:

Parcel # 121-235-010 is addressed as 7380 R-170, Mesa 99343. Property is bounded to the South by SR-170, to the east by Blake Blvd, to north by the west extension of 1st Ave, and to the west by vacant land.

NOTICE IS FURTHER GIVEN that said application will be considered by the Franklin County Planning Commission. Public hearing was originally set for February 2, 2021, but had to be canceled due to staff emergency. Public hearing was originally rescheduled to March 2, 2021, but was also canceled. A public hearing will be held on **May 4, 2021 at 7:00 PM**. Due to the Covid-19 emergency declaration, the public may not attend in person. Written comments are accepted prior to public hearing and those comments shall be submitted by either email at planninginquiry@co.franklin.wa.us, or by regular mail to Franklin County Planning Department, 502 W. Boeing Street, Pasco, WA 99301. Written Comments shall be submitted by **4:00 PM on May 3, 2021**. Further information on how to participate in the meeting is provided below.

NOTICE IS FURTHER GIVEN that said proposal has been reviewed under the requirements of the State Environmental Policy Act, as amended, along with the Environmental Checklist and other information. A determination has been made as to the environmental impacts of the proposal and a **Determination of Non-Significance (DNS)** has been issued. Accordingly, an Environmental Impact Statement is **not** required. This determination was made on **April 15, 2021** and the comment period for the determination and environmental impacts of the proposal close on **April 29, 2021**.

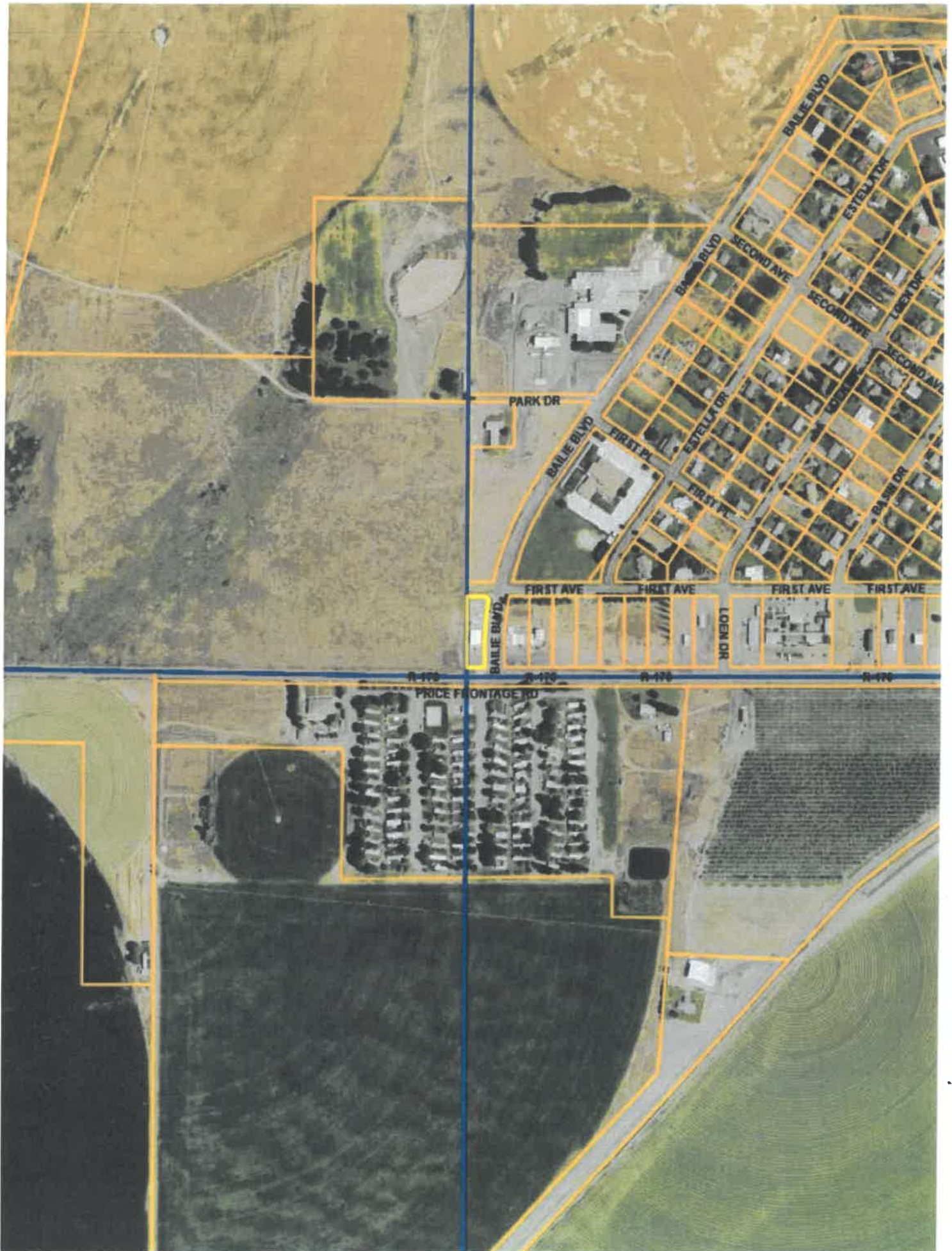
HOW TO ATTEND VIRTUAL MEETING: To participate in the meeting, please pre-register by phone at 509-545-3521 or email at planninginquiry@co.franklin.wa.us before end of business day **(4:00 PM) April 29, 2021**. WebEx invitations will be sent out through email **May 3, 2021 by 4:00 PM**. You can watch the proceeding on YouTube Live, by going to the Franklin County, WA agenda page at <https://www.co.franklin.wa.us/planning/agenda.html>. There you can access the virtual agenda with the YouTube Live link. Virtual agendas will be posted by the Friday before said meeting date.

Information concerning the proposal can be obtained by email at planninginquiry@co.franklin.wa.us or by calling 509-545-3521.

DATED AT PASCO, WASHINGTON ON THIS 15th DAY OF APRIL, 2021

PUBLISH:

Franklin County Graphic: April 15, 2021





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

April 28, 2021

Derrick Braaten
Planning and Building Director
Franklin County Planning and Development Department
502 W Boeing Street
Pasco, WA 99301

Re: Basin City Hot Spot Fuel Island Addition, File: SEPA 2021-03, CUP 2021-02

Dear Derrick Braaten:

Thank you for the opportunity to comment on the Mitigated Determination of Nonsignificance regarding the installation of three pump covered Fuel Island and an underground storage tank. The project includes construction of a concrete slab, collection drains, a stormwater collection system, a lighted sign and lighting (Proponent: Parmindr Thind). After reviewing the documents, the Department of Ecology (Ecology) submits the following comments:

Hazardous Waste and Toxics Reduction Program-Andrew Maher (509) 329-3612

Please keep in mind that during the construction activities associated with the Basin City Hot Spot Fuel Island Addition project, some construction-related wastes produced may qualify as dangerous wastes in Washington State. Some of these wastes include:

- Absorbent material
- Aerosol cans
- Asbestos-containing materials
- Lead-containing materials
- PCB-containing light ballasts
- Waste paint
- Waste paint thinner
- Sanding dust
- Treated wood

You may find a more comprehensive list, as well as a link to identify and designate your wastes on the Common Construction and Demolition Wastes website at <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Dangerous-waste-guidance/Common-dangerous-waste/Construction-and-demolition>.

The applicant, as the facility generating the waste, bears the responsibility for all construction waste.

In order to adequately identify some of your construction and remodel debris, you may need to sample and test the wastes generated to determine whether they are dangerous waste.

Derrick Braaten
April 28, 2021
Page 2

For more information and technical assistance, contact Andy Maher at (509) 329-3612 or andy.maher@ecy.wa.gov.

Toxics Cleanup Program-Evelyn Cummings (509) 329-3492

The applicant must report any occurring or discovered releases to the Department of Ecology, Eastern Regional Office. Contaminated soils or water may require special handling and/or disposal to protect site workers, visitors, public health or the environment. The applicant should conduct cleanup of any petroleum-contaminated soils in accordance with guidelines set forth by the department in Publication 10-09-057 Guidance for Remediation of Petroleum Contaminated Sites (Department of Ecology, June, 2016), and in Chapter 173-340 WAC.

For more information or technical assistance, please contact Evelyn Cummings at (509) 329-3492 or via email at Evelyn.Cummings@ecy.wa.gov.

State Environmental Policy Act (SEPA)

Ecology bases comments upon information submitted for review. As such, comments made do not constitute an exhaustive list of the various authorizations you may need to obtain, nor legal requirements you may need to fulfill in order to carry out the proposed action. Applicants should remain in touch with their Local Responsible Officials or Planners for additional guidance.

To receive more guidance on or to respond to the comments made by Ecology, please contact the appropriate staff listed above at the phone number or email provided.

Department of Ecology
Eastern Regional Office
(Ecology File: 202102014)

cc: Leanne Liddicoat, Project Manager, Digital Design and Development (for Parmindr Thind)



FRANKLIN COUNTY

PLANNING AND BUILDING DEPARTMENT

AGENCY COMMENTS (CUP 2021-02/SEPA 2021-03)

DATE: April 15, 2021

RE: CUP 2021-02

TO: County Engineer
Benton-Franklin Health Dist.
Fire Code Official
Assessor/GIS
County E-911
SEPA Registry

Irr. Dist.(FCID__SCBID__X__)
Fire Dist. # 4
Elec.Utility (PUD X BBEC__)
County Building Official
US Bureau of Reclamation

FROM: Derrick Braaten, Planning & Building Director

CC: Matt Mahoney, Rebeca Gilley, Aaron Gunderson

Agency Representative:

Enclosed is a copy of a proposed Conditional Use Permit application. The proposal is a request to install fuel pumps at an existing convenience store.

We would appreciate your review and comments **within ten (10) working days of the above listed date, if possible**. If it will take longer to review the CUP, please contact this office at (509) 545-3521.

Sincerely,

Derrick Braaten
Planning & Building Director

See attached for additional information

REPLY: The owner or builder will need to contact the engineering department at BBEC, proposed fuel tanks/facilities may conflict with an existing 13.2kv three phase overhead main feeder. Relocation of 13.2kv overhead feeder and secondary electrical service to the store will need to be done prior to construction of fuel tanks/facilities.

Signed: Zach Underhill
Title: Staking Engineer

Digitally signed by Zach Underhill
DN: cn=Zach Underhill, o=My Personal Device
Company Inc., email=ZachUnderhill@mydevice.org, c=US
Date: 2021.04.27 09:13:11 -0700

Date: 4/27/2021



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF RECLAMATION

Ephrata Field Office

32 C Street NW

Ephrata, WA 98823-0815



Apr 29, 2021

EPH-2322

2.2.3.19

VIA ELECTRONIC MAIL ONLY

Mr. Derrick Braaten
Franklin County Planning and Building Department
502 W. Boeing Street
Pasco, WA 99301

Subject: Notice of Public Hearing and State Environmental Policy Act Determination to Install a Fueling Station in Basin City

Dear Mr. Braaten:

Thank you for the opportunity to review and comment on the proposed project located at 7380 R-170, Mesa, Washington. This letter is in response to your request for comments due May 3, 2021.

The Bureau of Reclamation currently has surface irrigation facilities near the proposed project site. The PE41.2, PE41.2D, and PE41.2E laterals carry irrigation water for distribution to the Columbia Basin Project (CBP). Also, the DPE41.2D drain is for return flows of irrigation water from the CBP to the Columbia River. The proponent should be aware of a matter that could impact CBP objectives.

Construction storm water or runoff of any type from a construction site or developed property should not enter any of Reclamation's lands or facilities at any time and must be contained on site. Surface water runoff resulting from construction activities can potentially enter CBP facilities and adversely affect water quality. A General Construction Storm Water Permit from the Washington State Department of Ecology could be needed for any construction project one acre or greater in size.

Construction should be conducted in a manner that minimizes adverse effects to the lands, operations, waters, facilities, and resources of the CBP. Upon completion of construction activities, no connections to CBP facilities would be allowed that would collect or discharge storm water or any other non-agricultural discharges. Reclamations requests that the proponent make every effort to address containment measures, in their project design, in the event of a possible breach or spill.

If you have any questions or concerns, please contact Ms. Gina Hoff, Water Quality Specialist, at ghoff@usbr.gov or (509) 754-0254. For the hearing impaired, please call the Federal Relay System at (800) 877-8339.

Sincerely,

**REBECCA
DOOLITTLE**

Digitally signed by REBECCA
DOOLITTLE
Date: 2021.04.29 13:47:42 -07'00'

**Rebecca Doolittle
Resources Management Supervisor**

cc: Mr. Dave Solem, Manager
South Columbia Basin Irrigation District
P.O. Box 1006
Pasco, WA 99301

Memo



Public Works Department

To: Derrick Braaten, Planning & Building Director
From: John Christensen, County Surveyor
cc: Craig Erdman, County Engineer
Date: April 28, 2021
Re: CUP 2021-02

Derrick,

Public Works has concluded that as proposed, it could have an impact on the existing average daily traffic and we have the following comments:

1. A Right-In/Right-Out is preferred for R-170 access.
2. 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).
3. 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).

Please let me know if you have any questions or concerns.

Agenda Item #3

APPLICATION, SEPA DETERMINATION & SEPA CHECKLIST

CUP 2021-02

Hot Spot – Fueling Station



FRANKLIN COUNTY

PLANNING AND BUILDING DEPARTMENT

RECEIVED

MAR 10 2021

FRANKLIN COUNTY
PLANNING DEPARTMENT

GENERAL LAND DEVELOPMENT APPLICATION

FOR STAFF USE ONLY:	FILE #: 2021-02	Reviewed by: Hearing Date:
	Total Fees: \$ 400.00	
	Receipt #: 21-00316	
	Date of Pre-App meeting:	
	Date deemed complete:	

CHECK ALL THAT APPLY AND ATTACH THE SUPPLEMENTAL FORM(S):	<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Boundary Line Adjustment
	<input checked="" type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Shoreline Substantial Development
	<input type="checkbox"/> Variance	<input type="checkbox"/> Shoreline Conditional Use Permit
	<input type="checkbox"/> Rezone	<input type="checkbox"/> Shoreline Variance
	<input type="checkbox"/> Non-Conforming Use Determination	<input type="checkbox"/> Shoreline Exemption
	<input type="checkbox"/> Zoning Interpretation / Administrative Decision	<input type="checkbox"/> Shoreline Non-Conforming
	<input type="checkbox"/> Short Plat	<input type="checkbox"/> SEPA Environmental Checklist
	<input type="checkbox"/> Subdivision (Long Plat)	<input type="checkbox"/> Appeal (File # of the item appealed _____)
	<input type="checkbox"/> Binding Site Plan	<input type="checkbox"/> Critical Areas Determination / Review / Reasonable Use Exemption
	<input type="checkbox"/> Lot Segregation Request	<input type="checkbox"/> Temporary Use Permit
	<input type="checkbox"/> Alteration / Vacation	<input type="checkbox"/> Home Occupation
	<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> H2A Farm Worker Housing (zoning review)
	<input type="checkbox"/> Other:	

<input checked="" type="checkbox"/> for contact person:	CONTACT INFORMATION
<input type="checkbox"/>	Property Owner Name: Parminder Thind Mailing Address: 3312 Main St., Union Gap, WA 98903 Phone: 509-833-9161 Email:
<input checked="" type="checkbox"/>	Applicant / Agent / Contractor (if different) Company: Digital Design and Developrr Name: Leanne Liddicoat Address: 1909 W. Lincoln Ave., Ste #1, Yakima, WA 98902 Phone: 509-833-8552 Email: Leanne@3dyakima.com
<input type="checkbox"/>	Surveyor / Engineer Company: Name: Address: Email: Phone: Email:

BRIEF DESCRIPTION OF PROJECT OR REQUEST:

Add a fuel island with canopy to existing convenience store site

PROPERTY INFORMATION:

Parcel number(s) (9-digit tax number):

121235010

Legal Description of Property:

Basin City No. 1 ALL BLK 16

Site Address (describe location if no address is assigned):

7380 R-170, Mesa, WA 99343

- All appropriate fees must accompany this application. Fees are non-refundable and subject to change. Please contact the Planning Department for current fee totals.
- This application, including attachments, must be completed in its entirety for all items applicable to your project.
- Supplemental information is generally required for land use approvals. Ensure that all required information is submitted along with this application form.
- If the property is owned by a corporation or LLC please attach documentation showing that the person signing as the "owner" has the authority to sign on behalf of the corporation or LLC. If there are multiple owners, provide an attachment in the same format and with the same declarations.

I, the undersigned, hereby authorize the filing of this application and certify under penalty of perjury that the information contained in this application is complete and correct to the best of my knowledge. Further, I hereby grant Franklin County staff or representatives to enter my property during the course of this review to inspect my property as needed.

I understand that any information submitted to the Franklin County Planning/Building Department is subject to public records disclosure laws for the State of Washington (RCW Chapter 42.17) and all other applicable laws that may require the release of the documents to the public.



This authorizes the designated Applicant's representative (if applicable) to act on behalf of the applicant for the processing of this request.

Owner: P Singh Date: 3/10/21
Print Name: Farwinder S. Singh

Applicant/Representative: Leanne Liddicoat Date: 3/10/21
Print Name: Leanne Liddicoat



FRANKLIN COUNTY CONDITIONAL USE PERMIT (CUP) APPLICATION SUPPLEMENT

Submittal Checklist:

<input checked="" type="checkbox"/>	General Land Development Application
<input checked="" type="checkbox"/>	\$400.00 Conditional Use Permit Fee: Check made payable to the Franklin County Planning and Building Department.
<input type="checkbox"/>	\$150.00 SEPA Fee: Check made payable to the Franklin County Planning and Building Department.
<input type="checkbox"/>	SEPA Checklist: A completed State Environmental Policy Checklist shall be completed and submitted with this application.
<input type="checkbox"/>	<p>\$80.00 Variance Report Fee: Check made payable to the Franklin County Assessor's Office. An applicant <u>does not</u> need to contact the Assessor's Office to obtain this report. At the time of application, the Planning Division will request the report from the Assessor's Office. The report includes the Adjoining Property Owners' Names and Addresses (500 feet within an Urban Growth Area or one (1) mile outside an Urban Growth Boundary). As an alternative to the Assessor's Office, an applicant may also obtain this report from a licensed title company.</p> <p><i>Please note....the typical review period will not begin until this Variance Report is completed.</i></p>
<input checked="" type="checkbox"/>	<p>Site Plan: Provide a site plan on 8.5" x 11" or 11" x 17" paper, drawn neatly and to scale, that includes:</p> <ul style="list-style-type: none"> • North arrow, Legend stating the Owner/Applicant name, date the site plan was drawn, tax parcel number, and scale; • Exterior property lines and any adjacent public street or alley rights-of-way; • Existing and proposed buildings and other structures; • Existing and proposed retaining walls or fences (<i>indicate material, if the fencing provides visual screening, the height of the fence, and if there is barbed wire</i>); • Existing and proposed points of ingress and egress, drives and driveways and circulation pattern; • The location of existing and proposed parking areas with each parking space shown and surface type indicated and lighting noted; • Existing and proposed open spaces and landscape areas; • Water (Location of well or water systems within 100 feet of the subject property or within a 100 foot well control zone and the distance from any structures within the well control zone) and sewerage facilities (Location of proposed or existing drain field area, extension area, and tank area as well as replacement areas and distances to structures and property lines); • Storm water drainage; • Sidewalks and streetlights; • Fire protection devices, with sufficient water storage and flows; • Facilities or improvements to address compatibility with adjacent dissimilar land uses; • Location of structures on the adjoining lots, which may cause compatibility issues; • All major man-made and natural physical features such as railroads, canals, streams, creeks, drainage ditches, hills, depressions, steep slopes, lakes, shorelines, floodplains*, floodways,

	<p>the 100-year base flood elevations etc. on-site or adjacent to the site;</p> <ul style="list-style-type: none">• Proposed contours and grading as they affect lot layout, streets, and drainage ways; and• Location of proposed or existing drain field area, extension area, and tank area as well as replacement areas and distances to structures and property lines.
<input type="checkbox"/>	Property information: Covenants, Conditions and Restrictions (CC&Rs) or deed restrictions pertaining to or affecting the property (if any).
<input type="checkbox"/>	Written approval from the Benton-Franklin Health District. The Health District is located at 7102 West Okanogan Place, Kennewick, WA – (509) 460-4205.

CONDITIONAL USE PERMIT INFORMATION

ZONING:

C2 - Retail Service Commercial

PROJECT NAME:

Basin City Hot Spot Add Fuel Island

WHAT ARE YOU PROPOSING? *(ex: Accessory Dwelling Unit, Bed and Breakfast, Commercial Agriculture, Church, Dairy, Accessory Building deviating from standards, Wireless Communication Facility, etc.)*

Add Fuel Island

LOT/PARCEL SIZE:

24,829 sf

SIZE OF THE AREA TO BE USED FOR THE PROPOSED USE OR BUILDING:

40' x 26' for fuel island

PRESENT USE OF THE LAND AND STRUCTURES, IF ANY:

The building is used as a convenience store and the proposed location of the fuel island is overflow parking.

DETAILED DESCRIPTION OF THE PROPOSED USE / DEVELOPMENT PROPOSAL (ATTACH ADDITIONAL SHEETS IF NEEDED):

Install fuel island with canopy and underground fuel tank. The site is large enough for required setbacks.

WILL THE PROJECT BE CONDUCTED ENTIRELY WITHIN A STRUCTURE? ☐ YES ☒ NO

A. IF NO, DESCRIBE THE OUTDOOR ACTIVITIES (E.G., OUTDOOR EATING, PLAYGROUND, PARK):

Fuel island with canopy and underground tanks

B. WHAT IS THE APPROXIMATE SQUARE FOOTAGE, OR SEATING CAPACITY OF YOUR OUTDOOR USE AREA(S)?

N/A

C. WHAT TYPE OF NOISES WILL THE OUTDOOR USE GENERATE (E.G. MUSIC, MACHINERY, VEHICLES)?

There is vehicle traffic on two sides of the property already. The fuel island is a convenience for the existing traffic at an estimated rate of 10-20 vehicle trips per hour.

PROPOSED HOURS OF OPERATION/DAYS OF THE WEEK (INDICATE MONTHS, IF SEASONAL):

6:00 a.m. - 11:00 p.m. Daily

PROPOSED STRUCTURES AND USE (SIZE, HEIGHT, ETC.): 40' x 26' concrete slab with fuel island 40' x 26' steel canopy with a height of 22'
HOW WILL THE PROPOSED DEVELOPMENT BE COMPATIBLE WITH THE USES PERMITTED IN THE SURROUNDING ZONE(S)? The fuel island is a typical addition to a convenience store and provides a service to the local community. The closest fuel station is 10 miles away.
DESCRIBE HOW THE SUBJECT PROPERTY IS PHYSICALLY SUITABLE FOR THE TYPE, DENSITY AND/OR INTENSITY OF THE USE BEING PROPOSED: The site is at the intersection of R-170 and Bailie Blvd in a low density area. This allows for easy access for fueling at an established convenience store site. The current comprehensive plan designation is Rural Industrial.
PROPOSED MEASURES TO ENSURE COMPATIBILITY WITH PERMITTED USES IN THE SURROUNDING ZONE (EXAMPLE: FENCES, LANDSCAPE BUFFERS, BERMS, ETC): The site is flat and does not obstruct views for any neighbors. Screening is not required but additional landscaping and a fence system will be added at the southeast corner where the stormwater swale is located.
DESCRIBE ANY EXISTING ZONING ORDINANCE VIOLATION: C-2 allows for automobile service, a different term than other zoning. Other zones call for service stations or filling stations, so there is a not consistent wording in the municipal code. However, all codes have some reference to a service station or filling station except C-2, leading to the assumption that automobile service fits the definition.
IRRIGATION SOURCE: <input checked="" type="checkbox"/> NONE <input type="checkbox"/> PRIVATE <input type="checkbox"/> SCBID <input type="checkbox"/> FCID
DOMESTIC WATER SUPPLY: <input type="checkbox"/> ON-SITE WELL <input type="checkbox"/> COMMUNITY WELL (Well ID # and location): <input checked="" type="checkbox"/> OTHER (SPECIFY): City connection
SEWAGE DISPOSAL: <input checked="" type="checkbox"/> ON-SITE SEPTIC <input type="checkbox"/> OTHER (SPECIFY):
LIST UTILITY PROVIDERS: Power – Telephone – Natural Gas – Cable / Broadband – Sanitary waste disposal -

I, the undersigned, hereby authorize the filing of this application and certify under penalty of perjury that the information contained in this application is complete and correct to the best of my knowledge. Further, I hereby grant Franklin County staff or representatives to enter my property during the course of this review to inspect my property as needed.



This authorizes the designated Applicant's representative (if applicable) to act on behalf of the applicant for the processing of this request.

P Singh 3/10/21
Owner Date

Print Name: Parminder - S. Thind

Leanne Liddicoat 3/10/21
Applicant/Representative Date

Print Name: Leanne Liddicoat
Rev. Jan 2019



FRANKLIN COUNTY

PLANNING AND BUILDING DEPARTMENT

GENERAL LAND DEVELOPMENT APPLICATION

FOR STAFF USE ONLY:	FILE #: SEPA 2021-03	Reviewed by: Hearing Date:	<div style="border: 2px solid blue; padding: 5px; text-align: center;"> RECEIVED FEB 18 2021 FRANKLIN COUNTY PLANNING DEPARTMENT </div>
	Total Fees: \$150 ⁰⁰		
	Receipt #: PL21-00114		
	Date of Pre-App meeting:		
	Date deemed complete:		

CHECK ALL THAT APPLY AND ATTACH THE SUPPLEMENTAL FORM(S):	<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Boundary Line Adjustment
	<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Shoreline Substantial Development
	<input type="checkbox"/> Variance	<input type="checkbox"/> Shoreline Conditional Use Permit
	<input type="checkbox"/> Rezone	<input type="checkbox"/> Shoreline Variance
	<input type="checkbox"/> Non-Conforming Use Determination	<input type="checkbox"/> Shoreline Exemption
	<input type="checkbox"/> Zoning Interpretation / Administrative Decision	<input type="checkbox"/> Shoreline Non-Conforming
	<input type="checkbox"/> Short Plat	<input checked="" type="checkbox"/> SEPA Environmental Checklist
	<input type="checkbox"/> Subdivision (Long Plat)	<input type="checkbox"/> Appeal (File # of the item appealed _____)
	<input type="checkbox"/> Binding Site Plan	<input type="checkbox"/> Critical Areas Determination / Review / Reasonable Use Exemption
	<input type="checkbox"/> Lot Segregation Request	<input type="checkbox"/> Temporary Use Permit
	<input type="checkbox"/> Alteration / Vacation	<input type="checkbox"/> Home Occupation
	<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> H2A Farm Worker Housing (zoning review)
	<input type="checkbox"/> Other:	

<input checked="" type="checkbox"/> for contact person:	CONTACT INFORMATION
<input type="checkbox"/>	Property Owner Name: Parminder Thind Mailing Address: 3312 Main St, Union Gap, WA 98903 Phone: 509-833-9161 Email:
<input checked="" type="checkbox"/>	Applicant / Agent / Contractor (if different) Company: Digital Design and Developr Name: Leanne Liddicoat Address: 1909 W. Lincoln Ave, Ste #1, Yakima, WA 98902 Phone: 509-833-8552 Email: Leanne@3dyakima.com
<input type="checkbox"/>	Surveyor / Engineer Company: Name: Address: Email: Phone:

BRIEF DESCRIPTION OF PROJECT OR REQUEST:

Add new fuel island to convenience store

PROPERTY INFORMATION:

Parcel number(s) (9-digit tax number):

121235010

Legal Description of Property:

Basin City No. 1 ALL BLK 16

Site Address (describe location if no address is assigned):
7380 R-170, Mesa, WA 99.343

- All appropriate fees must accompany this application. Fees are non-refundable and subject to change. Please contact the Planning Department for current fee totals.
- This application, including attachments, must be completed in its entirety for all items applicable to your project.
- Supplemental information is generally required for land use approvals. Ensure that all required information is submitted along with this application form.
- If the property is owned by a corporation or LLC please attach documentation showing that the person signing as the "owner" has the authority to sign on behalf of the corporation or LLC. If there are multiple owners, provide an attachment in the same format and with the same declarations.

I, the undersigned, hereby authorize the filing of this application and certify under penalty of perjury that the information contained in this application is complete and correct to the best of my knowledge. Further, I hereby grant Franklin County staff or representatives to enter my property during the course of this review to inspect my property as needed.

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This authorizes the designated Applicant's representative (if applicable) to act on behalf of the applicant for the processing of this request.


Owner _____ Date _____

Print Name: Parminder Thind


Applicant/Representative _____ Date 1/14/21

Print Name: Leanne Liddicoat

FRANKLIN COUNTY, WASHINGTON

STATE ENVIRONMENTAL POLICY ACT (SEPA) DETERMINATION OF NONSIGNIFICANCE (DNS)

Description of proposal: Request to allow for the siting of fuel pumps at an existing convenience store. FCC 17.46.020(J) allows for the siting of “automotive sales or service of automobiles; including the repairing, painting, or upholstering of motor vehicles if there is no outside storage”, as a permitted right in the Rural Service Commercial (C-2) zone, or with a CUP if there is outdoor storage. However, Table 70.1, Land-Use by Zoning District appears to prohibit such uses in the C-2 zone. Staff has determined that a fueling station should have no more impact than an automotive repair facility with outdoor storage, and seeks confirmation of said interpretation, as required under FCC 17.66.210, Supplemental Use Classification (Planning Determination). The property has a zoning of Rural Service Commercial (C-2), with a comprehensive plan designation of Rural Settlement.

File Number: SEPA 2021-03 (CUP 2021-02)

Proponent: Parmindr Thind

Location: Parcel # 121-235-010 is addressed as 7380 R-170, Mesa 99343. Property is bounded to the South by SR-170, to the east by Blake Blvd, to north by the west extension of 1st Ave, and to the west by vacant land.

Legal Description: Basin City No. 1, ALL BLK 16

Lead agency: Franklin County, Washington.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under WAC 197-11-350; the lead agency will not act on this proposal for 14 days from the date of publication (April 8, 2021). Comments must be submitted by: April 29, 2021.

Responsible official: Derrick Braaten

Position/title/Phone: Planning and Building Director — (509) 545-3521

Address: 502 Boeing Street, Pasco, WA 99301

Date/Signature:

4/15/2021 - Derrick Braaten

Any agency or person may appeal this SEPA determination by filing a written appeal to the responsible official no later than **April 29, 2021**. Contact the responsible official to read or ask about the procedure for SEPA appeals.

SEPA ENVIRONMENTAL CHECKLIST FRANKLIN COUNTY, WASHINGTON

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

For guidance on completing this form or assistance in understanding a question, visit
<http://www.ecy.wa.gov/programs/sea/sepa/ChecklistGuidance.html>

The SEPA Handbook is available online at:
<http://www.ecy.wa.gov/programs/sea/sepa/handbk/hbIntro.html>

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the supplemental sheet for nonproject actions (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background

1. Name of proposed project, if applicable: Basin City Hot Spot Fuel Island Addition
2. Name of applicant: Leanne Liddicoat
3. Address and phone number of applicant and contact person: 509-833-8552
1909 W. Lincoln Ave., Suite #1, Yakima, WA 98902

4. Date checklist prepared: January 12, 2021

5. Agency requesting checklist:
Franklin County

6. Proposed timing or schedule (including phasing, if applicable):
Fuel island installation by May 2021

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
No future plans

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. **FC: SEPA Checklist**
Appropriate Department of Ecology permits to install and monitor fuel tanks

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
None known **FC: Franklin County Conditional Use Permit**

10. List any government approvals or permits that will be needed for your proposal, if known.
Building permit

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Install a three pump covered fuel island with a 30,000sf underground tank and concrete slab with collection drains for spill devices. Add asphalt to island and up to existing convenience store with on site stormwater collection system. Additional lighting for the new fuel island canopy and a lighted sign with fuel prices.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

7380 R-170, Mesa 99343. This property is located at the intersection of Baillie Blvd and R-170.

Parcel 121235010, Basin City No. 1 ALL BLK 16

To Be Completed by Applicant:

**Evaluation for
Agency Use
Only:**

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site:

(circle one): **Flat**, rolling, hilly, steep slopes, mountainous, other

b. What is the steepest slope on the site (approximate percent slope)? 0%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

No soil will be removed from the project site.

Very fine sandy loam on benches to cobbly loam on ridges and hilltops terraces with depth to bedrock ranging from 12 to 40 inches. Soils are very shallow to moderately deep on nearly level to very steep benches, hilltops and ridges. Permeability ranges from 0.6 to 2 in/hr and available water capacity ranges from 0.8 to 0.19 in/in. Soils have an effective rooting depth of 12 to 40 inches. This soil association has a Class 6 USDA Soil Conservation Service Land Capability Classification.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

No indication of unstable soils at site

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Any excavation for the underground tanks will relocate excess soil to the north side of the property and level.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

To Be Completed by Applicant:

**Evaluation for
Agency Use
Only:**

No anticipated erosion on this flat site. A silt fence and construction site controls will be maintained during install of the canopy and tanks.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

74% of impervious surfaces

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: A silt fence and construction site controls will be maintained during install of the canopy and tanks.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

There will be typical construction equipment used during the installation. Once complete there will be typical customer traffic.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None known

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Dust control mitigations will be used for construction.

3. Water

- a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

No water in the immediate vicinity

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

To Be Completed by Applicant:

**Evaluation for
Agency Use
Only:**

Not applicable

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected.
Indicate the source of fill material.

Not applicable

- 4) Will the proposal require surface water withdrawals or diversions?
Give general description, purpose, and approximate quantities if known.

Not applicable – connected to an existing water system

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

The property is not within a 100 year floodplain

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No discharge to surface water. All stormwater maintained on site with an engineered system.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

The existing building is connected to a water system. No groundwater will be used.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

To Be Completed by Applicant:

**Evaluation for
Agency Use
Only:**

The existing building is connected to a septic system.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

All stormwater from impervious surfaces will be directed to engineered on site storage and disposal systems, and all systems will be designed to meet Yakima and Eastern Washington stormwater requirements.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

No – as the site will have an approved stormwater design

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No – the stormwater will be stored on-site and not affect neighboring properties.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

All stormwater from impervious surfaces will be directed to engineered on site storage and disposal systems, and all systems will be designed to meet Yakima and Eastern Washington stormwater requirements.

4. Plants

a. Check the types of vegetation found on the site:

- ☒ deciduous tree: alder, maple, aspen, other
☐ evergreen tree: fir, cedar, pine, other
☐ shrubs
☒ grass
☐ pasture
☐ crop or grain
☐ Orchards, vineyards or other permanent crops.
☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
☐ water plants: water lily, eelgrass, milfoil, other
☐ other types of vegetation

To Be Completed by Applicant:

**Evaluation for
Agency Use
Only:**

b. What kind and amount of vegetation will be removed or altered?

No trees or vegetation will be removed or altered

c. List threatened and endangered species known to be on or near the site.

None known FC: A review of WDFW PHS Map finds no indications of endangered or threatened species.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Will provide landscaping at corner of site in the southeast corner with a dryscape theme

e. List all noxious weeds and invasive species known to be on or near the site.

None known

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site.

None known FC: A review of WDFW PHS Map finds no indications of endangered or threatened species.

c. Is the site part of a migration route? If so, explain.

The site is in the North America Fly Way

d. Proposed measures to preserve or enhance wildlife, if any:

There are no indications that there is wildlife on this small parcel

e. List any invasive animal species known to be on or near the site.

None known

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used

To Be Completed by Applicant:

**Evaluation for
Agency Use
Only:**

for heating,
manufacturing, etc.

Electric power will be used for the new canopy lighting and fuel island. The existing building is connected to utilities.

- b. Would your project affect the potential use of solar energy by adjacent properties?

If so, generally describe. No – the flat site will not impact potential use of solar power.

- c. What kinds of energy conservation features are included in the plans of this proposal?

List other proposed measures to reduce or control energy impacts, if any:

New lighting will be high efficiency rated

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?

If so, describe.

This project will comply with DOE operation and maintenance requirements for fuel tank delivery and spill protection

- 1) Describe any known or possible contamination at the site from present or past uses.

None known

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

No indication of hazardous conditions on the site

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

No chemical storage included in this project

- 4) Describe special emergency services that might be required.

To Be Completed by Applicant:

**Evaluation for
Agency Use
Only:**

Fire, police, and DOE spill containment team might be required in an emergency, although the tanks and islands will use best practices for tank and fuel island spill prevention.

- 5) Proposed measures to reduce or control environmental health hazards, if any:
Comply with DOE requirements for installation and maintenance

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

There is street traffic but it will not impact the project

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Construction activities will increase the short term noise level from 7:00 a.m. to 4:00 p.m.

Long term there be ambient noise from the street traffic

- 3) Proposed measures to reduce or control noise impacts, if any:

None needed

FC: Standard Construction noise controls shall be required.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

The existing building is a convenience store. Vacant property is east and north of the site. A mobile home park is south, and a small restaurant is west.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

No change to the current use of this site as a convenience store.

- 1) Will the proposal affect or be affected by surrounding working farm or

To Be Completed by Applicant:

**Evaluation for
Agency Use
Only:**

forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

Not applicable

c. Describe any structures on the site.

A single wood frame structure of 2900sf is on site

d. Will any structures be demolished? If so, what?

No structures will be demolished

e. What is the current zoning classification of the site?

~~C-1~~ FC: Rural Service Commercial, C-2

f. What is the current comprehensive plan designation of the site?

~~Rural Industrial~~ FC: Rural Settlement

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Not classified as a critical area

i. Approximately how many people would reside or work in the completed project?

2-3 employees

j. Approximately how many people would the completed project displace?

Not applicable

k. Proposed measures to avoid or reduce displacement impacts, if any:

Not applicable

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

FC: A Conditional Use Permit process will be used.

~~The addition of a fuel island is compatible with a C-1 zone and current comprehensive plan designation of Rural Industrial~~

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

Not applicable

To Be Completed by Applicant:

**Evaluation for
Agency Use
Only:**

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

No housing is included in this project

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

No housing will be eliminated

- c. Proposed measures to reduce or control housing impacts, if any:

Not applicable

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

The canopy height is 22'. It will be a typical metal canopy structure.

- b. What views in the immediate vicinity would be altered or obstructed?

This flat site will not obstruct views from the neighbors

- b. Proposed measures to reduce or control aesthetic impacts, if any:

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Canopy lights will be automatic after dark. These will be shielded down lights to prevent glare.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Lighting will be shielded to minimize glare and any safety hazards. The intent is for the lighting to not exceed the boundaries of the property.

- c. What existing off-site sources of light or glare may affect your proposal?

There is no impact from off-site sources of light

To Be Completed by Applicant:

**Evaluation for
Agency Use
Only:**

- d. Proposed measures to reduce or control light and glare impacts, if any:
New lighting will be shielded to prevent glare

FC: All outdoor lighting shall adhere to "dark sky" standards
- directed towards the ground and the light halo shall not
encroach onto surrounding properties..

12. Recreation

- a. What designated and informal recreational opportunities are in the
immediate vicinity?

None known

- b. Would the proposed project displace any existing recreational uses? If
so, describe.

Not applicable

- c. Proposed measures to reduce or control impacts on recreation,
including recreation opportunities to be provided by the project or
applicant, if any:

None needed

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site
that are over 45 years old listed in or eligible for listing in national, state,
or local preservation registers ? If so, specifically describe.

No historical structures on site

- b. Are there any landmarks, features, or other evidence of Indian or
historic use or occupation? This may include human burials or old
cemeteries. Are there any material evidence, artifacts, or areas of
cultural importance on or near the site? Please list any professional
studies conducted at the site to identify such resources.

No indication of historic use

- c. Describe the methods used to assess the potential impacts to cultural
and historic resources on or near the project site. Examples include
consultation with tribes and the department of archeology and historic
preservation, archaeological surveys, historic maps, GIS data, etc.

This site has already been developed, so no potential impacts have been identified.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes
to, and disturbance to resources. Please include plans for the above and
any permits that may be required.

Not applicable

To Be Completed by Applicant:

**Evaluation for
Agency Use
Only:**

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

R-170 and Bailie Blvd are on the south and west side of the property

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

There is no public transit serving this site

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

The parking lot will have a new parking configuration and striped for 10 stalled. No parking will be eliminated. The fuel island will be placed in an area that would be considered an overflow area next to the existing building.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (Indicate whether public or private).

No improvements will be needed to the adjacent roads

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Not applicable

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

It is anticipated that an average of 15-20 vehicle trips per hour will occur at the site, with peak hours from 7:30 – 8:30 a.m. and 5:00 – 6:00 p.m.. The new fuel island will be used by cars and light trucks.

To Be Completed by Applicant:

**Evaluation for
Agency Use
Only:**

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

There will be no interference to or from agricultural traffic at this site.

- h. Proposed measures to reduce or control transportation impacts, if any:
Not applicable

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

No increase in public services needed for the fuel island addition.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

None needed

16. Utilities

- a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Electricity - Franklin PUD

Water - Basin City

Garbage – Basin Disposal

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Name of signee _____

Position and Agency/Organization _____

Date Submitted: _____

Leanne Liddicoat
Leanne Liddicoat
Digital Design + Development
Project Mgr
2/18/21

D. supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Agenda Item #3

MAPS

CUP 2021-02

Hot Spot – Fueling Station

