



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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“Building Partnerships – Building Communities”

STAFF REPORT

Helena Substation Conditional Use Permit

TO: Kittitas County Hearing Examiner
FROM: Kittitas County Community Development Services Staff
RE: Helena Substation Conditional Use Permit (CU-13-00008)
DATE: April 24, 2014 (Hearing Date)

I. GENERAL INFORMATION

Requested Action: Wayne Weidert, Electrical engineer for the City of Ellensburg Energy Services Department, has submitted a conditional use permit application for a new Electrical Substation to deliver electrical power to commercial and residential customers around the site. The current zoning of the site is Urban Residential. The proposed use falls under KCC 17.61.020(6) Special Utilities.

Location: This proposal is located approximately 1.5 miles north of downtown Ellensburg at 721 Helena Avenue, in a portion of Section 25, T18N, R18E, WM in Kittitas County, bearing Assessor’s map number 18-18-25030-0008

II. SITE INFORMATION

Total Property Size: 52.28 acres
Number of Lots: 1; no new lots are being proposed
Domestic Water: City of Ellensburg (landscape irrigation only)
Sewage Disposal: Proposed improvements will not require sewage disposal
Power/Electricity: City of Ellensburg
Fire Protection: Fire District 2 – Kittitas Valley Fire & Rescue
Irrigation District: Cascade

Site Characteristics:

North: Low and high density residential
South: High and medium density residential
East: medium density residential
West: Low density residential

Access: Due to its size, the site has access from all points of the compass; access for the proposed improvements will be approximately 400 feet east of the intersection of Helena and North Airport Road.

Zoning and Development Standards: The subject property is located within City of Ellensburg’s Urban Growth Area and has an Urban Residential zoning designation. The general purpose and intent of the Urban Residential zone is to provide for and protect areas for home-site development and/or urban levels of development where municipal services can be provided or is already available. The Urban Residential zone allows for a vast variety of permitted and conditional uses. Utilities are provisioned for in a section of code outside of the permitted use tables in chapter 17.61 Utilities. Electrical Substations are defined as “Special Utilities” in chapter 16.61.010.(2)(c) .

Conditional Uses: This application is consistent with KCC 17.60A. There are a number of requirements that must be met; these are addressed under Project Analysis below. The Board of Adjustment was dissolved as part of the 2012 Annual Docket process through Ordinance No. 2012-009. Conditional use permits are now required to have

a public hearing before the Hearing Examiner for a recommendation and then a closed record hearing before the Board of County Commissioners, where the BOCC will make the final decision on the conditional use permit.

III. ADMINISTRATIVE REVIEW

Notice of Application: A conditional use permit application was submitted to Kittitas County Community Development Services department on Wednesday, November 27, 2013. This application was deemed complete on Thursday December 26, 2013. The Notice of Application for the conditional use permit was issued on Wednesday March 12, 2014. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on Wednesday April 2, 2014.

IV. COMPREHENSIVE PLAN

The Kittitas County Comprehensive Plan designates the subject property as Urban. Kittitas County has established the following goals and policies to guide activities within the urban lands. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

GPO 2.30A – Consideration for all future development should be the adaptability of a proposal to both public and private utilities such as municipal water and sewer systems.

GPO 2.32A – Encourage and accommodate future expansion of utilities and roadways in a logical manner for new development in urban growth areas. Expansion of utilities and roadways shall not be made exclusively to accommodate new development outside of urban growth areas.

GPO 3.22 Encourage and allow for mixed-use development and high-density development within the Cities and Urban Growth Areas.

Strategy 3.2 Review the siting of proposed development to assure that it will not be incompatible with future higher density land use designations.

Strategy 3.3 Invest in the maintenance and expansion of water, sewer, streets, parks and fire protection services to adequate service levels in areas designated for higher density residential uses.

Strategy 3.4 Eliminate barriers to infill residential development in Urban Growth Areas and develop strategies.

Strategy 3.9 Provide infrastructure to support higher density development in areas where it is designated.

GPO 5.7 Kittitas County shall consider the applicable adopted city's comprehensive plan for capital facilities and its relation to the identified Urban Growth Areas.

GPO 5.27 Integration and Implementation. The County shall develop, adopt and use implementation programs which integrate its land use planning and decisions with its planning and decisions for public facility capital improvements.

GPO 5.32 Ensure public involvement when siting of essential public facilities through the use of timely press releases, newspaper notices, public information meetings, and public hearings.

GPO 5.36 Provide adequate public facilities to urban growth areas.

GPO 5.37 Urban Growth Areas. The County and each municipality in the County shall designate urban growth areas and encourage adequate public facilities and services concurrent with development.

GPO 5.41 Electric and natural gas transmission and distribution facilities may be sited within and through areas of Kittitas County both inside and outside of municipal boundaries, UGAs, Master Planned Resorts, LAMIRDs, and Fully Contained Communities, including to and through rural areas of Kittitas County.

GPO 5.42 Financing Providers of public facilities are responsible for paying for their facilities. Providers may use sources of revenue that require users of facilities to pay for a portion of the cost of the facilities. As provided by law, some providers may require new development to pay impact fees or mitigation payments for a portion of the cost of public facilities.

GPO 6.1 The county should promote the joint use of transportation rights-of-way and other utility corridors consistent with the underlying private property rights and easement limitations.

GPO 6.2 Appropriately place utility facilities within public rights-of-way.

GPO 6.6 Expansion and improvement of utility systems should be recognized primarily as the responsibility of the utility providing the corresponding service.

GPO 6.7 Decisions made by Kittitas County regarding utility facilities will be made in a manner consistent with and complementary to regional demands and resources.

GPO 6.8 Additions to and improvements of utilities facilities will be allowed to occur at a time and in a manner sufficient to serve growth.

GPO 6.9 Process permits and approvals for all utility facilities in a fair and timely manner, and in accordance with development regulations that ensure predictability and project concurrency.

GPO 6.10 Community input should be solicited prior to county approval of utility facilities, which may significantly impact the surrounding community.

GPO 6.11 Planning by Kittitas County for utility facilities development will be coordinated with planning by other jurisdictions for utility facility development.

GPO 6.12 The County should coordinate with the cities and towns throughout the county on utility planning.

GPO 6.13 The County should coordinate with utility providers.

GPO 6.16 The County shall coordinate, and seek to cooperate with, other jurisdictions in the implementations of multi-jurisdictional utility facility additional and improvements. Such coordination and cooperation should include efforts to coordinate the procedures for making specific land use decisions to achieve consistency in timing inter-jurisdictional coordination in the planning and provisions of utilities.

GPO 6.18 Decisions made regarding utility facilities should be consistent with and complementary to regional demand and resources and should reinforce an interconnected regional distribution network.

GPO 6.22 To review the placement and appropriateness of utilities

GPO 6.23 Kittitas County reserves the right to review all applications for utilities placed within or through the County for consistency with local policies, laws, custom and culture

GPO 6.33 Encourage joint electric utility construction standards for all electrical infrastructure constructed in the UGA. In the interim, Puget Sound Energy and the Kittitas County Public Utility District will allow the City of Ellensburg to review any new construction in the UGA.

GPO 10.6 Provide the infrastructure and public facilities to support economic activity and growth.

GPO 10.9 Work in cooperation at the local and regional level to combine resources and build consistency in economic development strategies.

Strategy 10.6 Consider economic development in the processes of land use planning, transportation planning, infrastructure planning and determination of Urban Growth Areas.

Strategy 10.8 Coordinate with the university to shape local economic development strategy.

Strategy 10.9B Coordinate with regional service providers.

Strategy 10.10 Create site-ready business parks and pre-zone land that can support business activities, and provide supporting infrastructure and utilities.

V. ENVIRONMENTAL REVIEW

SEPA review as per WAC 197-11 for this project was conducted in April of 2013. An MDNS under the provisions of WAC 197-11-340 and 350 was issued on April 6, 2013. Comments were received but as per WAC 197-11-340 (2)(f) the responsible official chose to retain the MDNS as issued.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments have been included as Exhibits in the Hearing Examiner packet.

VII. PROJECT ANALYSIS

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

Consistency with the Comprehensive Plan:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section IV of this staff report, the proposal is consistent with multiple element of Chapters 2, 3, 5, 6 and 10 of the Kittitas County Comprehensive Plan.

Consistency with the provisions of KCC 17A, Critical Areas:

Staff has conducted an administrative critical area review in accordance with KCC 17A and found a large PEMC wetland onsite, as well as some Airport Overlay zoning restrictions. The location of the improvements is well away from the Airport overlay. The improvements appear to be south of the wetland as well but may encroach into an appropriate. Conditions will be recommended to adequately investigate, designate, and mitigate (if necessary) for the wetland. No other critical areas were found to be on site.

Consistency with the provision of KCC 17.61, Zoning; Utilities:

This proposal is consistent with the Kittitas County Zoning Code 17.61. The proposal is compatible with KCC 17.61 which defines, and provisions for the procedures and siting of utilities. Specifically, KCC 17.61.010(2) defines electrical substations as "Special Utility". KCC 17.61.020(6) provisions that "*Special utilities may be authorized as a conditional use in all zoning districts...*". It should be noted that 17.61.030 identifies review criteria specific to utilities and special utilities.

Consistency with the provisions of KCC 17.61.030; Review criteria - Special utilities and associated facilities:
This proposal is consistent with the Kittitas County Zoning Code Utilities and special utilities. As conditioned staff finds that the Conditional Use Permit for the Helena Substation meets the following seven criteria:

The Hearing Examiner shall determine that adequate measures have been undertaken by the proponent of the special utility and/or associated facility to reduce the risk of accidents caused by hazardous materials.

Applicant response: The substation equipment shall be built and maintained in accordance with the National Electrical Safety Code (NESC).

Staff response: The proposed facility will be regulated by the National Electrical Safety Code which proper design, construction and handling of hazardous materials and conditions associated with electrical facilities.

The Hearing Examiner, as required by existing statutes, shall determine that the proposed special utility and/or associated facilities are essential or desirable to the public convenience and/or not detrimental or injurious to the public health or safety, or to the character of the surrounding neighborhood.

Applicant response: The proposed substation is essential and desirable to the public convenience and is required in order to meet the electrical power requirement of the street lights, homes, dwelling units, and other accounts recently built around and near the site. The substation equipment shall be built and maintained in accordance with the National Electrical Safety Code (NESC) by the City of Ellensburg inside a suitable fence or wall, and in that way not detrimental nor injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.

Staff response: The recent residential and governmental development in the north Ellensburg area has been substantial. Future development of all types in this region will necessitate additional utility infrastructure. The proposal as conditioned will not present detrimental or injurious conditions nor will it threaten public health and safety. When constructed to the standards prescribed it will be in keeping with the character of the surrounding area.

The Hearing Examiner shall determine that the proposed special utility and/or associated facilities will not be unreasonably detrimental to the economic welfare of the county and/or that it will not create excessive public cost for public services by finding that:

*It will be adequately serviced by existing services such as highways, roads, police and fire protection, emergency response, and drainage structures, refuse disposal, water and sewers, and schools; or
The applicant shall provide such services or facilities.*

Applicant response: The proposed substation will be of economic benefit as it will allow the City to continue to provide the existing high level of electrical service to new and existing surrounding customers. The project has no additional public costs or economic detriment.

Staff response: The proposal is at the request and fully financed through the city of Ellensburg and will not represent an economic burden to the residents of Kittitas County. The additional infrastructure as proposed will facilitate the cost effective development of other County jurisdiction properties in the area. This will be the only improvement to this 52 acre property which as the Area Map in the file indicates is essentially surrounded by property annexed into the city of Ellensburg and subject to the services it provides. Additional electrical infrastructure will help facilitate new development at the County Airport (which is inside the Urban Growth Area).

Special utilities and/or associated facilities as defined by this chapter shall use public rights-of-way or established utility corridors when reasonable. Although Kittitas County may map utility corridors, it is recognized and reaffirmed that the use of such corridors is subject to conditional use approval and just compensation to the landowner for the use of such corridor. While a utility corridor may be used for more than one utility or purpose, each utility or use should be negotiated with the landowner as a separate easement, right-of-way, or other agreement, or other arrangement between the landowner and all owners of interests in the property. Any county map which shows utility corridors shall designate such corridors as "private land closed to trespass and public use" where such corridors are on private land. Nothing in this paragraph is intended to conflict with the right of eminent domain.

Staff response: This proposal's configuration and location are not suitable to right of way utilization and the parcel is currently in public ownership.

The Hearing Examiner shall consider industry standards, available technology, and proposed design technology for special utilities and associated facilities in promulgating conditions of approval.

Staff response: The substation equipment shall be built and maintained in accordance with the National Electrical Safety Code (NESC).

The construction and installation of utilities and special utilities may necessitate the importation of fill material which may result in the displacement of native material. The incidental generation of earthen spoils resulting from the construction and/or installment of a utility or special utility, and the removal of said material from the development site shall not require a separate zoning conditional use permit.

Staff response: The SEPA checklist definitively states that no fill will be involved in this proposal.

The operation of some utilities and special utilities identified within this chapter may necessitate unusual parcel configurations and/or parcel sizes. Such parcels:

Need not conform with applicable zoning requirements; provided, they comply with the procedures provided in [KCC Title 16](#), Subdivisions, and so long as used for a utility or special utility;

are not eligible for any other use or any rights allowed to nonconforming lots in the event the utility or special utility use ceases;

Shall continue to be aggregated to the area of the parent parcel for all other zoning and subdivision requirements applicable to the parent parcel.

Staff response: This proposal represents an 85' x 140' improvement on a 52 acre parcel which is currently in the possession of the State of Washington Central Washington University. The current zoning on this parcel is Urban Residential which allows for a minimum parcel size of 7200 square feet and the parcel is surrounded on three and a half sides by property currently annexed into the city limits of Ellensburg (the other half is a high density student housing facility approved by the County). Subdivision or the creation of a non-conforming lot is not required or contemplated; future development will not doubt be at the direction, and in the interest of, CWU; annexation into the City is likely.

Consistency with the provisions of the KCC Title 14.04, Building Code:

Kittitas County Building Department has stipulated that substations are exempt from the International Building Code and the KCC 14 by reference.

Consistency with the provisions of KCC Title 12, Roads and Bridges:

All existing roads abutting this proposal fall within the jurisdiction of the City of Ellensburg. It is conditioned to

meet the standards of Ellensburg City Code Title 4; which is far more restrictive than KCC Title 12.

Agency Comments:

The following agencies provided comments during the comment period: Kittitas Valley Fire and Rescue, Kittitas County Public Health, and Washington State Department of Ecology. Other comments were provided at the pre-application meeting that took place on July 17, 2013. These comments have been included in the index file record and were considered when preparing the recommended conditions for this proposal.

Public Comments:

Four comment letters were received from the public regarding this application. These comments have been included in the index file record and were considered when preparing the recommended conditions for this proposal.

VIII. RECOMMENDATION

As conditioned below, staff finds that the application is not detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 12, Title 14, Title 17.61, Title 17.60A, & Title 17A of the Kittitas County Code and the Kittitas County Comprehensive Plan. Staff recommends approval of the Valley Vet Conditional Use Permit application, subject to the following findings of fact and conditions:

Staff Findings of Fact

1. Wayne Weidert authorized agent for State of Washington (CWU), landowner, has submitted a conditional use application for Electrical Substation. The subject property is zoned Urban Residential.
2. This proposal is located approximately 1.5 miles north of downtown Ellensburg at 721 Helena Avenue, in a portion of Section 25, T18N, R18E, WM in Kittitas County, bearing Assessor’s map number 18-18-25030-0008.

1. Site Information:

Total Property Size:	52 acres
Number of Lots:	1; no new lots are being proposed
Domestic Water:	City Ellensburg services (for landscape irrigation only)
Sewage Disposal:	None required at this time
Power/Electricity:	City of Ellensburg
Fire Protection:	Fire District 2 - KVHR
Irrigation District:	Cascade

2. Site Characteristics:

- North: Low and high density residential
- South: High and medium density residential
- East: medium density residential
- West: Low density residential

3. The subject property is zoned “Urban Residential”; KCC Title 17.61 allows for the siting of “Special Utilities” in all zones as a conditional use.
4. A conditional use permit application was submitted to Kittitas County Community Development Services department on Wednesday, November 27, 2013. This application was deemed complete on Thursday, December 26, 2013. The Notice of Application for the conditional use permit was issued on Wednesday, March 12, 2014. This notice was published in the official county paper of record and was mailed to

jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on Wednesday, April 2, 2014.

5. SEPA review as per WAC 197-11 for this project was conducted in April of 2013. An MDNS under the provisions of WAC 197-11-340 and 350 was issued on April 6, 2013. Comments were received but as per WAC 197-11- 340 (2)(f) the responsible official chose to retain the MDNS as issued.
6. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section IV of this staff report, the proposal is consistent with 35 relevant GPOs and Strategies from Chapters 2, 3, 5, 6 and 10 of the Kittitas County Comprehensive Plan.
7. Staff has conducted an administrative critical area review in accordance with KCC 17A and found a PEMC wetland onsite, as well as some Airport Overlay zoning restrictions. The location of the improvements is well away from the Airport overlay. The improvements appear to be south of the wetland as well but may encroach into an appropriate. Conditions will be recommended to adequately investigate, designate, and mitigate (if necessary) for the wetland. No other critical areas were found to be on site.
8. This proposal is consistent with the Kittitas County Zoning Code 17.61 which provides for the siting of special utilities in all zones subject to seven special criteria.
9. This proposal not subject to the Kittitas County Building Code.
10. As conditioned, the proposal is consistent with the provisions of KCC Title 12.
11. The following agencies provided comments during the comment period: Kittitas Valley Fire and Rescue, Kittitas County Public Health, and Washington State Department of Ecology. Other comments were provided at the pre-application meeting that took place on July 17, 2013. These comments have been included in the index file record and were considered when preparing the recommended conditions for this proposal.
12. Four comment letters were received from the public regarding this application. These comments have been included in the index file record and were considered when preparing the recommended conditions for this proposal.
13. The applicant has entered into an outside utilities extension agreement with the City of Ellensburg. Coordination with the City of Ellensburg shall occur throughout the development and building process for this proposal.
14. The proposal is located in an Urban Land Use designation; Urban Residential Zoned; and is and island of County jurisdiction Urban Growth Area surrounded by the City of Ellensburg.
15. The applicant is a department of the City of Ellensburg.

Staff Conclusions:

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public use and interest will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, Title 17A

Critical Areas, Title 14.04 Building Code, and Title 12 Roads and Bridges.

Recommended Conditions of Approval:

1. The project shall proceed in substantial conformance with the plans and application materials on file dated November 27, 2013 except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. Development shall occur in substantial conformance with the Helena Substation Construction Site Plan provided on November 27, 2013 to Kittitas County. Any alterations to this site plan shall be reviewed by Kittitas County prior to construction to ensure it still meets the requirements of all applicable regulations.
4. All current and future landowners must comply with the International Fire Code including appendix D.
5. All development, design and construction shall comply with all Kittitas County Codes and the International Fire and Building Codes.
6. The property will be addressed according to Kittitas County Code with the address clearly visible from both directions of travel.
7. The property owner will provide KVFR with a site specific plan on mitigation of electrical hazards on the property.
8. All Street, Alley, Sidewalks, Curbs, Gutters, Driveways, Planting Strips, Utility Poles and other relevant "Public Works Construction" shall be in accordance with Ellensburg City Code (ECC) Title 4.
9. All frontage along the improvement area for the subject parcel along Helena Street shall be done in conformance to ECC Chapter 15.410 Streetscape Design as appropriate.
10. All landscaping in the development area and its immediate surroundings shall be in accordance with the standards established in ECC Chapter 15.570 . Chapter 15.570.040 Landscaping Type A shall be the designation utilized for the project and it shall be applied to the entire circumference of the development.
11. All Outdoor Lighting shall be in conformance with the standards established in ECC Chapter 15.580.
12. The wetland identified within the Critical Areas analysis shall addressed, regulated, and mitigated if necessary in accordance with the standards established in ECC Chapter 15.620 Wetlands.
13. Stormwater retention and disposal during and after construction shall be done in accordance with the standards in Ellensburg City Code.
14. Fencing shall be in accordance with the designs and site plans submitted with the application; it shall be 16 feet in height as indicated and be of a site obscuring nature.
15. A SEPA Mitigation Determination of Non-Significance (MDNS) was issued by Community Development Services on April 6, 2013. The following are the mitigation contained within the MDNS and shall be conditions of approval:

Water

1. Storm water and surface runoff generated by this project shall be retained and treated on-site in accordance with regulating agencies standards.

Air

2. Measures shall be taken on the project site for the duration of construction to control blowing dust and dirt.

Light & Aesthetics

3. All outdoor lighting shall be shielded and directed downward to minimize the effect of artificial lighting.

Noise

4. Development and construction practices for this project shall only occur between the hours of 7:00am to 7:00pm to minimize the effect from construction noise.