

WHATCOM COUNTY HEARING EXAMINER

RE: Zoning Conditional Use Permit) CUP 2011-0015
Application for)
)
Puget Sound Energy) FINDINGS OF FACT,
) CONCLUSIONS OF LAW,
) AND DECISION

SUMMARY OF APPLICATION AND DECISION

Application: The Applicant is requesting a Zoning Conditional Use Permit to replace Puget Sound Energy's existing private land mobile radio system by installing a new 76.5-ft pole, two antennas, and a 12-ft X 20-ft pre-manufactured equipment enclosure, backup generator and two 250-gallon propane tanks within a new 50-ft X 50-ft fenced area adjacent to the existing Glacier Substation.

Decision: The requested Zoning Conditional Use Permit is approved, subject to conditions.

FINDINGS OF FACT

INTRODUCTION

The following Findings of Fact and Conclusions of Law are based upon consideration of the exhibits admitted and evidence presented at the public hearing.

I.

Applicant: Puget Sound Energy

Site Location/Address: 6769 Vaughn Street
Glacier, WA

Legal Description:

TR IN NW NE DAF-BEAP ON SLY LI OF C M ST P-PAC RR R/W 1092.6 FT E-573.4 FT S OF N 1/4 COR SD PT BEING ALSO 133 FT NWLY ALG SD RR R/W FR INTERS OF WLY LI OF VAUGHN ST SD SLY LI OF RR R/W-TH N 77

Assessor's Parcel Number(s): 390707-395496

Zoning: Rural Residential One Unit Per Acre [RR-1]

Comprehensive Plan: Rural Community

Subarea: Glacier

Total Acreage: 0.76 Acres

Roads: N/A

Water Supply: Whatcom County Water District No. 4

Sewage Disposal: N/A

Fire Protection: Whatcom County Fire District No. 19

Law Enforcement: Whatcom County Sheriff's Office

Public Schools: Mt. Baker School District

Topography: The parcel is fairly flat and forested.

Vegetation: The parcel is forested.

Adjacent Land Uses: North: Residential
East: Forest
South: Residential
West: Residential

SEPA Review: Determination of Non-significance issued February 24, 2012

Authorizing Codes, Policies, Plans, and Programs:

Whatcom County Comprehensive Plan

Whatcom County Code Chapter 15, Building Code

State Environmental Policy Act (SEPA). Washington Administrative Code Chapter 197-11,

Whatcom County Environmental Policy Administration Chapter 16.08

Whatcom County Code Chapter 16.16, Critical Areas

Whatcom County Code Title 20, Official Whatcom County Zoning Ordinance

Whatcom County Code Title 24, Health Regulations

Legal Notices: Posted – April 3, 2012
Mailed – Notice of Application, January 12, 2012
Notice of Public Hearing, March 30, 2012
Published – Notice of Application, January 13, 2012
Notice of Public Hearing, April 5, 2012

Hearing Date: April 18, 2012

Parties of Record:

Larry Tornberg
Puget Sound Energy
PO Box 97034, PSE09N
Bellevue, WA 98009

Alex Cleanthous
Planning and Development Services

Exhibits:

- 1 Conditional Use Application, with attachments
 - 1-1 Supplemental Application
 - 1-2 Fee Responsibility
 - 1-3 PDS form letter Notice of Application
 - 1-4 Customer Receipt
 - 1-5 Determination of Completeness, December 7, 2011
 - 1-6 Statutory Warranty Deed
 - 1-7 PDS form memo to Tech Committee, January 11, 2012
 - 1-8 Address labels
 - 1-9 PDS Land Disturbance Application Information Forms
 - 1-10 Preliminary Traffic and Concurrency Information
 - 1-11 Revocable Encroachment Permit Application
 - 1-12 Hearing Examiner Checklist, March 23, 2012
- 2 Staff Report, dated April 4, 2012
- 3 Agency Comments:
 - Curtis Metz, January 25, 2012
 - Lyn Morgan-Hill, January 20, 2012
 - Sanja Barisic, January 26, 2012
 - Will Anderson, April 3, 2012
- 4 SEPA DNS, February 24, 2012, with Checklist attached
- 5 Certificate of Mailing, Notice of Application, January 12, 2012
- 6 Legal Notice of Application, published January 13, 2012
- 7 Legal Notice of Public Hearing, published April 5, 2012
- 8 Certificate of Mailing, Notice of Public Hearing, March 30, 2012

9 Certificate of Posting, April 3, 2012

10 Site Plans

II.

The Land Use Services Division of Whatcom County Planning and Development Services recommended approval of the requested Zoning Conditional Use Permit, subject to conditions. The Findings of Fact and Conclusions of Law of the Division are set forth in a Staff Report, Exhibit #2, dated April 4, 2012, a copy of which is attached hereto and incorporated herein by this reference.

The Applicant indicated there were no factual inaccuracies in the Staff Report. The Applicant indicated no objection to any of the Conditions of Approval requested by Staff. There was no public comment on this matter.

III.

Any Conclusion of Law which is deemed a Finding of Fact is hereby adopted as such. Based on the foregoing Findings of Fact, now are entered the following

CONCLUSIONS OF LAW

I.

The proposed replacement of PSE's existing private land mobile radio system can be approved if it is consistent with the Zoning Conditional Use Criteria of WCC 20.84.220 (1 through 8). Subject to the Conditions of Approval attached to the granting of this permit, the proposal is consistent with the Conditional Use Criteria. A Zoning Conditional Use Permit should be granted, subject to conditions.

II.

Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such. Based on the foregoing Findings of Fact and Conclusions of Law, now is entered the following

DECISION

A Zoning Conditional Use Permit is hereby granted to Puget Sound Energy to replace PSE's existing private land mobile radio system to be located on Assessor's Parcel No. 390707 395496, 6769 Vaughn Street, Glacier, Washington, subject to the following conditions:

Planning Division

1. Permit Changes or Modifications: The use and location on the site shall not be modified or changed in any way without further approval of the Whatcom County Hearing Examiner.

2. Parking: Parking space dimensions shall comply with WCC 20.80.510. The parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access of driveways and parking areas shall comply with WCC 20.80.565. One parking spot is required for the maintenance vehicle.
3. Construction Hours: On site construction shall be limited to the hours of 7 A.M. to 6 P.M., Monday through Friday.
4. Construction Noise Levels: All equipment shall comply with the State Noise Level Standards under the Washington Administrative Code, WAC 173.6.
5. Archaeological Findings: Should archaeological materials (e.g. shell midden, faunal remains, stone tools) or human remains be observed during the scope of operations as approved, all work in the immediate vicinity shall stop, and the area shall be secured. The State Office of Archaeology and Historic Preservation (360-586-3065) and the Lummi Nation Tribal Historic Preservation Office (360-384-2298) shall be contacted immediately in order to help assess the situation and determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources is required.
6. Demolition Permit: A demolition permit is required for the removal of all existing structures. Approval by the Northwest Clean Air Agency (NWCAA) is required prior to issuance of the permit by Whatcom County. NWCAA can be contacted at 800.622.4627 – ext. 212 or by email at info@nwcleanair.org. A building inspection is required after the demolition has occurred.
7. CUP Nontransferable: Pursuant to WCC 20.84.210, Conditional Use Permits shall be nontransferable unless said transfer is further approved by the Hearing Examiner.

Public Works – Engineering

1. All development shall comply with Whatcom County Development Standards.
2. Preliminary Stormwater proposal and TESC plan with details shall address all clearing activities associated with a fill and grade permit or building permit.
3. The Applicant shall obtain a Revocable Encroachment Permit in order to verify an existing access to the proposed site and prior to any work in the county right-of-way. Every construction activity in the right-of-way requires a separate encroachment permit application.

Building Service Division

The Whatcom County Plans Examiner requires the following condition(s) for the above permit.

1. A building permit is required for this proposal. Separate permits may be required for separate structures. The proposed structures are a 76.5 ft pole for antennas, 12-ft x 20-ft pre-

manufactured equipment building, and foundations for a back-up generator and propane tanks. If the proposed fence is over 6 feet in height, it will also require a permit.

2. Due to the scope of the proposed project, the Applicant shall apply to the Building Official for a pre-application screening prior to building permit application submittal. At the Building Official's discretion a pre-application meeting may be required.
3. Applicable code references for this project proposal are the 2009 International Building Code (IBC); the 2009 International Fire Code (IFC); the 2009 International Mechanical Code (IMC); the 2009 International Fuel Gas Code (IFGC); the 2009 Uniform Plumbing Code (UPC); all applicable code referenced manuals and standards; all applicable Washington State Amendments to the above referenced codes; the 2009 Washington State Non-Residential Energy Code (NREC); and Ventilation & Indoor Air Quality Code per 2009 IBC.
4. A Washington State Professional Engineer shall engineer the proposed buildings and structures. The Engineer shall perform a complete structural analysis for the proposed building(s).
5. The Engineer shall provide analysis for any special loads such as those imposed by, mechanical equipment, concentrated loads, impact loads, cranes, etc. The Engineer shall also design the pole to ANSI/TIA/EIA-222-G standards for pole construction.
6. A Geotechnical Engineer may be required, per the request of the Engineer of Record or the Building Official.
7. A Design Professional of Record (Licensed Architect or Engineer of Record) shall be designated on the permit submittal documents and drawings where appropriate. The Design Professional of Record shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building. (IBC Section 106.3.4)
8. Heating, cooling, ventilation and/or lighting (interior and exterior) of the building shall require compliance with the current adopted edition of the Washington State Non-Residential Energy Code (NREC) and Ventilation and Indoor Air Quality Code per 2009 IBC.
9. The proposal shall comply with all applicable codes and ordinances adopted by Whatcom County.
10. Required plans for this project shall include, but are not limited to, the following (Suggested scales):
 - a. Site plan (1/10th scale)
 - b. Foundation plan (1/4" = 1' scale)
 - c. Floor plan (plan views) (1/4" = 1' scale)
 - d. Elevation plans (1/4" = 1' scale)

- e. Structural plans (1/4" =1' scale)
 - f. Section views (1/2" =1' scale)
 - g. Details (special construction and or connections) (1/2" =1' scale)
11. When special inspections are required by an Architect/Engineer or by IBC Section 1704, the Architect/Engineer of Record shall prepare an inspection program, which shall be submitted to the Building Official for approval prior to permit issuance. The special inspection program shall designate the portions of work requiring special inspections, the name of the individual or firm performing the inspections and the duties of the special inspectors. (IBC Section 1704)
12. The Applicant shall complete construction, or, if no construction is contemplated as a part of this permit, shall demonstrate compliance with all of the conditions of this permit within 24 (twenty-four) months of the date of the issuance of this Decision. Failure to complete construction or demonstrate compliance shall result in the expiration of this permit. Substantial progress toward completion may satisfy the terms of this condition if approved by Whatcom County Planning & Development Services and the Hearing Examiner. The Applicant or Permit Holder may apply for an extension for a term of up to one year upon a showing that substantial progress has been made toward completion or compliance. An extension shall be granted if the Hearing Examiner finds that the Applicant or Permit Holder will suffer a substantial hardship if the extension is denied. The Hearing Examiner may grant an extension for any other good cause shown, in his discretion, but extraordinary circumstances must be shown to obtain an extension of more than one year. The Hearing Examiner shall obtain the comments of Whatcom County Planning & Development Services before granting any extension.

NOTICE

This approval is subject to all of the above-stated conditions. Failure to comply with them may be cause for its revocation. Complaints regarding a violation of the conditions of this permit should be filed with Whatcom County Planning and Development Services. The Hearing Examiner may not take any action to revoke this approval without further public hearing.

Violations of this title shall constitute Class I civil infractions pursuant to RCW 7.80.120. The maximum penalty and the default amount for such violations shall be consistent with Chapter 7.80.RCW.

NOTICE OF APPEAL PROCEDURES FROM FINAL DECISIONS OF THE WHATCOM COUNTY HEARING EXAMINER

This action of the Hearing Examiner is final. The following review procedure is available from this decision and may be taken by the applicant, any party of record, or any County department.

Appeal to County Council. Within ten business days of the date of the decision a written

notice of appeal may be filed with, and all required filing fees paid to, the Whatcom County Council, Courthouse - 1st Floor, 311 Grand Avenue, Bellingham, WA 98225. The appeal notice must state either:

- 1) The specific error of law which is alleged, or
- 2) How the decision is clearly erroneous on the entire record.

More detailed information about appeal procedures is contained in the Official Zoning Ordinance at Section 20.92.600-.830. A copy of this document is available for review at the County Council Office.

After an appeal has been filed and the Council office has received the hearing record and transcript of the public hearing, the parties will be notified of the time and date to file written arguments.

DATED this 24th day of April 2012.



Michael Bobbink, Hearing Examiner

WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-676-6907, TTY 800-833-6384
360-738-2525 Fax



RECEIVED

APR 16 2011

J.E. "Sam" Ryan
Director

EXHIBIT
#2

WHATCOM COUNTY
HEARING EXAMINER

**WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES
STAFF REPORT**

April 4, 2012

Hearing Date: April 18, 2012

The application of Puget Sound Energy for a Zoning Conditional Use Permit	CUP2011-00015 FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS
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I. SUMMARY OF APPLICATION AND RECOMMENDATIONS

Summary:

The proposal is to replace PSE's existing private land mobile radio system by installing a new 76.5' pole, two antennas, and a 12' X 20' pre-manufactured equipment enclosure, backup generator and two 250-gallon propane tanks within a new 50' X 50' fenced area adjacent to the existing Glacier Substation.

Replacement of the radio system is required to meet FCC mandated frequency narrow banding (the requirement affects all systems operating in the 150-212 MHz frequency range). The radio system is used to meet PSE public service obligations for worker safety, public safety and emergency preparedness and response, including coordination with local, state and federal governments during emergencies. The existing PSE radio site located east of Glacier will be decommissioned once the new system is operation.

Recommendation: The Technical Review Committee recommends approval of the proposed PSE upgrades.

II. PRELIMINARY INFORMATION

A. BACKGROUND INFORMATION

Applicant: Larry Tornberg, Puget Sound Energy
PO Box 97034, PSE09N
Bellevue, WA 98009

Property Owner: Puget Sound Energy

Site Location/Address: 6769 Vaughn Street, Glacier, WA

Legal Description:

TR IN NW NE DAF-BEAP ON SLY LI OF C M ST P-PAC
RR R/W 1092.6 FT E-573.4 FT S OF N 1/4 COR SD
PT BEING ALSO 133 FT NWLY ALG SD RR R/W FR
INTERS OF WLY LI OF VAUGHN ST SD SLY LI OF RR
R/W-TH N 77

Assessor's Parcel Number(s): 390707-395496

Zoning: RR-1

Comprehensive Plan: Rural Community

Subarea: Glacier

Total Acreage: .76 Acres

Roads: N/A

Water Supply: Whatcom County Water District #4

Sewage Disposal: N/A

Fire Protection: Whatcom County Fire District No. 19

Law Enforcement: Whatcom County Sheriff's Office

Public Schools: Mt. Baker School District

Topography: The parcel is fairly flat and forested.

Vegetation: The parcel is forested.

Adjacent Land Uses: North: Residential
East: Forest
South: Residential
West: Residential

SEPA Review: Determination of Non-significance issued February 24, 2012.

B. AUTHORIZING CODES, POLICIES, PLANS, AND PROGRAMS:

1. Whatcom County Comprehensive Plan
2. Whatcom County Code Chapter 15, Building Code
3. State Environmental Policy Act (SEPA). Washington Administrative Code

Chapter 197-11, Whatcom County Environmental Policy Administration
Chapter 16.08

4. Whatcom County Code Chapter 16.16, Critical Areas
5. Whatcom County Code Title 20, Official Whatcom County Zoning Ordinance
6. Whatcom County Code Title 24, Health Regulations

III. APPLICATION PROPOSAL

The applicant, Puget Sound Energy represented by Larry Tornberg, has applied for a conditional use permit is to replace PSE's existing private land mobile radio system by installing a new 76.5' pole, two antennas, a 12' X 20' pre-manufactured equipment enclosure, backup generator, and two 250-gallon propane tanks within a new 50' X 50' fenced area adjacent to the existing Glacier Substation.

Replacement of the radio system is required to meet FCC mandated frequency narrow banding (the requirement affects all systems operating in the 150-212 MHz frequency range). The radio system is used to meet PSE public service obligations for worker safety, public safety and emergency preparedness and response, including coordination with local, state and federal governments during emergencies. The existing PSE radio site located east of Glacier will be decommissioned once the new system is operation.

IV. SITE DESCRIPTION

The subject property is located at 6769 Vaughn Street, which is in Section 7, Township 39, Range 7 East W.M. in Whatcom County, WA. The site is generally located south of Highway 542.

The parcel is primarily surrounded by forested land. To the north of the parcel is residential development, to the South is forest land.

Neighboring properties zoning:

North: Small Town Commercial
East: Rural Residential 1 Unit/Acre
South: Rural Forestry
West: Commercial Forestry

V. PUBLIC NOTICE AND COMMENT

Requirements for public notice are contained in Chapter 2.33 WCC.

Notice of Application: The Notice of Application for this proposal was published on January 13, 2012. The fifteen (15) day comment period ended on January 30, 2012.

Pursuant to WCC 20.84.235(2), Notices were mailed on January 13, 2012 property owners whose property boundaries lie within 1000 feet of the subject property.

Notice of Public Hearing: The Notice of Public Hearing for this application was published in a one-time newspaper publication in the Bellingham Herald.

Public Comments:

No public comments were received on this proposal.

VI. STATE ENVIRONMENTAL POLICY ACT (SEPA)

The State Environmental Policy Act (SEPA) requires applicants to disclose potential impacts to the environment as a result of their project. The Environmental Checklist submitted by the applicant adequately discloses anticipated environmental impacts as a result of this project. Whatcom County codes and regulations adequately mitigate for these anticipated environmental impacts. Therefore, a Determination of Non-Significance (DNS) is the appropriate threshold determination for this project. The DNS was issued on February 24, 2012 and no appeals were filed.

VII. FINDINGS OF FACT and CONSISTENCY WITH REGULATIONS

A. Roads and Bridges (WCC Chapter 12.08)

WCC Chapter 12.08 adopts and gives authorization for development standards for development within Whatcom County. Whatcom County shall establish uniform, comprehensive and distinct requirements which shall be applied to all developments. These requirements shall be established as "Whatcom County development standards" and shall exist to provide clear development guidelines for all construction activity within the county. These standards shall establish administrative and technical requirements for the implementation of land use regulations and shall provide the basis by which developments are evaluated to ensure compliance with county regulations.

The Whatcom County Public Works Engineer Department reviewed the proposal and submitted a memo dated January 26, 2012 with conditions of approval.

The Technical Review Committee has determined that the project meets the requirements of WCC Chapter 12.08.

B. Critical Areas (Title 16)

WCC Chapter 16.16 of the Whatcom County Code contains standards, guidelines, criteria and requirements intended to identify, analyze, preserve and mitigate potential impacts to the County's critical areas and to enhance and restore degraded resources such as wetlands, riparian stream corridors or habitat, where possible.

The critical areas team reviewed the proposal and submitted a memo dated January 20, 2012. A review of Whatcom County critical area maps does not indicate the potential of wetland or habitat conservation areas to be effected as a result of this proposal.

The Technical Review Committee has determined that, the project meets the requirements of WCC Chapter 16.16.

C. Fire Code (WCC Title 15)

WCC Title 15 adopts and amends the applicable building and fire codes. The Building Official is authorized to promulgate such rules, policies and/or procedures as deemed necessary for the efficient operation of the permit process as administered by the department of building safety, designated in IBC Section 103.1, and hereby referred to as the building services division of the Whatcom County Planning and Development Services department.

The Whatcom County Fire Marshall submitted a memo dated April 3, 2012 with no conditions of approval for this proposal.

The Technical Review Committee has determined that, as conditioned, the project meets the requirements of WCC Title 15.

D. Building Services (WCC Title 15)

WCC Title 15 adopts and amends the applicable building and fire codes. The Building Official is authorized to promulgate such rules, policies and/or procedures as deemed necessary for the efficient operation of the permit process as administered by the department of building safety, designated in IBC Section 103.1, and hereby referred to as the building services division of the Whatcom County planning and development services department.

The Whatcom County Plans Examiner submitted a memo dated January 25, 2012 with conditions of approval for the proposal.

The Technical Review Committee has determined that, as conditioned, the project meets the requirements of WCC Chapter 15.

E. Zoning (WCC Title 20)

WCC 20.82 – Public Utilities

Whatcom County Code 20.82.210 states that utility uses are allowed in all zone classifications of the Whatcom County Zoning Ordinance.

WCC 20.82.030 (5)

Electronic communications structures and telecommunication towers including associated maintenance and operations structures provided this section shall not apply to any structures associated with wireless communications facilities.

WCC 20.84 – Conditional Uses 20.84.220 (1) through (8) Criteria

(1) Will be harmonious and in accordance with the general and specific objectives of Whatcom County's Comprehensive Plan and zoning regulations.

The Glacier Substation is shown on the Whatcom County Comprehensive Plan Map #11: Power Transmission & Generation Facilities. The proposal is being sited on existing Puget Sound Energy (PSE) property adjacent to an existing, established distribution substation. The proposal complies with the following Comprehensive Plan Goals and Policies:

Goal 5A: Specify a clear process for determining appropriate locations for future needed utility facilities including electric power facilities greater than 55 kV.

Policy 5A-2: When expansion or improvements of utility systems are being considered, Whatcom County prefers the following in the order provided:

- (i) Upgrading of existing facilities in existing corridors;**
- (ii) Replacing facilities in existing corridors where appropriate;**

The proposed project is an upgrade and replacement of existing facilities and is adjacent to an existing PSE substation. No impacts will occur outside of the existing substation parcels. An existing radio site located east of Glacier is being decommissioned and the replacement co-located with the existing substation to minimize impacts.

Goal 5C: Facilitate accessibility of utilities.

Policy 5C-7: Public facilities and utilities will be designed and located in a manner which protects the integrity of planned land uses, existing land forms, drainage ways, natural systems, critical areas and resource lands.

The project will be located adjacent to an existing PSE distribution substation. The proposal to replace PSE's existing private land mobile radio system will provide better reliability and assure that PSE continues to meet public service obligations

for worker safety, public safety and emergency preparedness and response, including coordination with local, state and federal governments during emergencies. The area of the site where the proposed improvements are located has been previously disturbed. All trees and significant vegetation that exist on the site will be retained to buffer the site from surrounding uses. There are no critical areas on or near the property. Approximately 80% of the subject parcel will remain undeveloped.

Goal 5J: Facilitate maintenance and rehabilitation of existing utility systems and facilities and encourage use of existing utility corridors.

Policy 5J-1: Encourage utility providers to explore expanded and/or joint use of existing utility corridors before seeking sites for new rights-of-way.

The proposal is considered system maintenance and is located adjacent to an existing PSE substation on PSE-owned property. The existing PSE radio site located east of Glacier will be decommissioned once the new radio system is operational.

(2) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.

The proposed project will be located on Puget Sound Energy property adjoining the Glacier electrical distribution substation. The proposed improvements and uses are similar in size, scale and character to the existing substation and transmission and distribution lines which connect it to the electrical system. The new pole will be wood and similar to existing transmission poles in the area. The associated equipment enclosure, generators and propane tanks are consistent with the existing substation appearance and use. The site is heavily wooded and surrounded to the north by the PSE substation property, to the east by a single-family residential site, and to the west and south by vacant, forested sites. Although on a separate parcel, the radio project location functions cohesively with the substation site. The subject property is screened from surrounding non-utility uses with significant vegetation including mature evergreen trees. The proposed development was located on the previously disturbed portion of the site so that significant vegetation on the site can be retained. Approximately 80% of the subject parcel will remain undeveloped.

(3) If located in a rural area (as designated in the Comprehensive Plan), will be consistent with rural land use policies as designated in the rural lands element of the Comprehensive Plan.

GOAL 2EE: Ensure that rural areas are provided with services consistent with the Rural character and that development patterns do not encourage an increased service level or degrade water quality.

Policy 2EE-2: Coordinate and plan public facilities, services, roads, and utilities to ensure that rural areas have appropriate and adequate rural levels of service necessary to maintain a rural lifestyle. Coordinate with rural service providers to ensure efficient and effective service to rural areas.

The proposal is to upgrade a facility that is located in another location within Whatcom County. The proposed PSE upgrade is required by the FCC. The radio system is used to meet PSE public service obligations for worker safety, public safety and emergency preparedness and response, including coordination with local, state and federal governments during emergencies.

(4) Will not be hazardous or disturbing to existing or future neighboring uses.

There are no activities related to this proposal that will be hazardous or disturbing to existing or future neighboring uses.

(5) Will be serviced adequately by necessary public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

The site has existing access from a private driveway on the substation property to the north. The substation is accessed from Vaughn St and Railroad Avenue to the east of the site. The site is served by Whatcom County Fire District 19 and the Whatcom County Sherriff's office. The site is within the Glacier Water District service area. No drainage structures, refuse disposal, water or sewer service, or schools are needed for this project. No essential public services will need to be constructed or improved as a result of this project.

(6) Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.

There will be no public costs for the facilities or services. The proposal will not be detrimental to the economic welfare of the community. The proposal will provide for improved reliability and allow continued provision of routine and emergency first responder services provided by PSE for citizens of the County.

(7) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare or odors.

There are no uses, activities, processes, materials, equipment or conditions of the proposed project that will be detrimental to any person's property, or the general welfare. The proposal will not generate traffic, smoke, fumes, glare, dust, or odors. Low level noise will be generated from the air conditioning units on the equipment shelter and occasional noise from the emergency generator. The noise levels will comply with state noise level standards under Chapter 173-60 WAC.

(8) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets.

The site is accessed through the Glacier Substation property to the north and will use the existing driveway. Daily vehicle trips will not be generated by the proposal. The site is located off of a remote private road with low traffic volumes.

(9) Will not result in the destruction, loss or damage of any natural, scenic or historic feature of major importance.

There are no natural, scenic or historical features of major importance on or near the site.

VIII. RECOMMENDATION

The Technical Review Committee has determined that subject to the following proposed conditions, the Conditional Use complies with applicable Whatcom County regulations.

As stated above, the Technical Review Committee recommends approval of the CUP subject to the following conditions:

IX. CONDITIONS OF APPROVAL

A. Planning Division

1. Permit Changes or Modifications: The use and location on the site shall not be modified or changed in any way without further approval of the Whatcom County Hearing Examiner.
2. Parking: Parking space dimensions shall comply with WCC 20.80.510. The parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access of driveways and parking areas shall comply with WCC 20.80.565. One parking spot is required for the maintenance vehicle.
3. Construction Hours: On site construction shall be limited to the hours of 7AM to 6PM between M-F.
4. Construction Noise Levels: All equipment shall comply with the State Noise Level Standards under the Washington 5 Administrative Code (WAC) 173.6
5. Archaeological Findings: Should archaeological materials (e.g. shell midden, faunal remains, stone tools) or human remains be observed during the scope of operations as approved, all work in the immediate vicinity shall stop, and the area shall be secured. The State Office of Archaeology and Historic Preservation (360-586-3065) and the Lummi Nation Tribal Historic Preservation Office (360-384-2298) shall be contacted immediately in order to help assess the situation and determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources is required.
6. Demolition permit: A demolition permit is required for the removal of all existing structures. Approval by the Northwest Clean Air Agency (NWCAA) is required prior to issuance of the permit by Whatcom County. NWCAA can be contacted at 800.622.4627 – ext. 212 or by email at info@nwcleanair.org. A building inspection is required after the demolition has occurred.
7. Noise Levels: All equipment shall comply with the State Noise Level Standards under the Washington 5 Administrative Code (WAC) 173.6.
14. CUP Nontransferable: Pursuant to WCC 20.84.210, Conditional Use Permits shall be nontransferable unless said transfer is further approved by the Hearing Examiner.

B. Public Works – Engineering

1. All development shall comply with Whatcom County Development Standards.
2. Preliminary Stormwater proposal and TESC plan with details shall address all clearing activities associated with a fill and grade permit or building permit.

3. The applicant shall obtain a Revocable Encroachment Permit in order to verify an existing access to the proposed site and prior to any work in the county right-of-way. Every construction activity in the right-of-way requires a separate encroachment permit application.

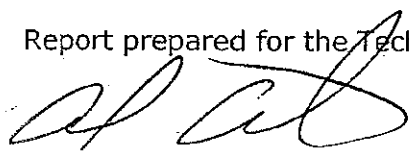
C. Building Service Department

The Whatcom County Plans Examiner requires the following condition(s) for the above permit.

1. Due to the scope of this project, these comments do not address any specific requirements. Specific requirements will be discussed at time of application of each individual building pre-application meeting and or submittal when more detailed plans are available. The following are general comments are not intended to be the final comments or requirements for any one project.
2. A building permit is required for this proposal. Separate permits may be required for separate structures. The proposed structures are a 76.5 ft pole for antennas, 12' x 20' pre-manufactured equipment building, and foundations for a back-up generator and propane tanks, if the fence is over 6 feet tall it will also require a permit.
3. Due to the scope of the proposed project, the applicant must apply to the Building Official for a pre-application screening prior to building permit application submittal. At the Building Official's discretion a pre-application meeting may be required.
4. Applicable code references for this project proposal are the 2009 International Building Code (IBC); the 2009 International Fire Code (IFC); the 2009 International Mechanical Code (IMC); the 2009 International Fuel Gas Code (IFGC); the 2009 Uniform Plumbing Code (UPC); all applicable code referenced manuals and standards; all applicable Washington State Amendments to the above referenced codes; the 2009 Washington State Non-residential Energy Code (NREC) and Ventilation & Indoor Air Quality Code per 2009 IBC.
5. A Washington State Professional Engineer shall engineer the proposed buildings and structures. The engineer shall perform a complete structural analysis for the proposed building(s).
6. The engineer shall provide analysis for any special loads such as those imposed by, mechanical equipment, concentrated loads, impact loads, cranes, etc. The engineer shall also design the pole to ANSI/TIA/EIA-222-G standards for pole construction.
7. Geotechnical engineer may be required, per the request of the engineer of record or the building official.

8. A design professional of record (licensed architect or engineer of record) shall be designated on the permit submittal documents and drawings where appropriate. The design professional of record shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building. (IBC Section 106.3.4)
9. Heating, cooling, ventilation and/or lighting (interior and exterior) of the building shall require compliance with the current adopted edition of the Washington State Nonresidential Energy Code (NREC) and Ventilation and Indoor Air Quality Code per 2009 IBC.
10. The proposal shall comply with all applicable codes and ordinances adopted by Whatcom County.
11. Required plans for this project shall include but not be limited to. (Suggested scales)
 - a. Site plan (1/10th scale)
 - b. Foundation plan (1/4" = 1' scale)
 - c. Floor plan (plan views) (1/4" = 1' scale)
 - d. Elevation plans (1/4" = 1' scale)
 - e. Structural plans (1/4" = 1' scale)
 - f. Section views (1/2" = 1' scale)
 - g. Details (special construction and or connections) (1/2" = 1' scale)
12. When special inspections are required by an architect/engineer or by IBC Section 1704, the architect/engineer of record shall prepare an inspection program, which shall be submitted to the Building Official for approval prior to permit issuance. The special inspection program shall designate the portions of work requiring special inspections, the name of the individual or firm performing the inspections and the duties of the special inspectors. (IBC Section 1704)

Report prepared for the Technical Review Committee by:



Alex Cleanthous
Planner II