

**KITTITAS COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW, AND
Cle Elum Transfer Station)	DECISION AND
CU-23-00007)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on May 6, 2024. The Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. The proposed project would revise and improve an existing Transfer Station in the Forest & Range zone of a Public Use. The proposed use is permitted in this zone with a Conditional Use Permit since it is a county-owned facility in accordance with KCC 17.15.060.1.
2. Location: Tax parcel (918936) located at 50 No. 5 Mine Road on the north side of Hwy 903 in Section 20, Township 15, Range 21, W.M.; Kittitas County. The properties bear Kittitas County Map numbers 20-15-21040-0003.
3. Background: The Cle Elum Transfer Station was originally permitted in 2001 through conditional use permit number c-2001-26, and will continue to be utilized in the same fashion. This proposal is to alter the layout of the project to improve traffic flow and operation efficiencies determined through years of operation.

4. Site Information

Total Property Size:	11.13 Acres
Number of Lots:	1
Domestic Water:	domestic well (proposal does not include any use of water)
Sewage Disposal:	Septic System (proposal does not include any new sewage disposal)
Power/Electricity:	PSE
Fire Protection:	Fire District 7(Cle Elum)

5. Site Characteristics:

North: City of Roslyn Wastewater ponds
South: Cle Elum Roslyn High School
East: gravel pit and housing development
West: Kittitas County Upper County Shop

6. Access: The site is accessed from Highway 903 and Number 5 Mine Road.
7. The Comprehensive Plan land use designation is Public Use, and the zoning designation is Forest & Range.
8. The project is proposing to relocate the entrance to improve traffic flow and reduce back-ups onto Hwy 903, a security gate at the entrance, improvements to the scale house, partition wall for sorting white goods, gravel trailer storage area and removal of decommissioned equipment.
9. A conditional use permit application (See Exhibits #1-2) for Cle Elum Transfer Station (CU-23-00007) was submitted to Kittitas County Community Development Services Department on November 13, 2023. The application was deemed complete (See Exhibit #12) on December 15, 2023.
10. A notice of application (See Exhibit #14) for the Cle Elum Transfer Station (CU-23-00007) was mailed and/or emailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcels & applicable agencies. Notice was given to and published in the official newspaper of record for Kittitas County, and notice was posted to the Kittitas County Website on December 27, 2023, all in conformance with the Kittitas County Project Permit Application Process (Title 15A) (See Exhibit #15). The comment period concluded on January 12, 2024.
11. RR-P4: A certain level of mixed uses in rural areas and rural service centers is acceptable and may include commercial, service, and rural industrial uses.
 - 11.1. Staff Consistency Statement: The proposed project would improve service of an existing refuse facility. Refuse disposal sites are commonly designated in rural areas where population densities are low. The facility is pre-existing and has been deemed an acceptable location for this industrial use through several previous land use approvals at the State and local level.
12. RR-P13: Development shall be located distances from streams, rivers, lakes, wetlands, critical areas determined necessary and as outlined within existing Shorelines Management Program, the Critical Areas Ordinance and other adopted resource ordinances in order to protect ground and surface waters
 - 12.1. Staff Consistency Statement: The proposed project has Crystal Creek on the northern property boundary. All activities would occur outside of the required buffers of KCC 17A.07.010.
13. CF-G4: Provide and maintain adopted standards for levels of service for existing and future development in a manner and location consistent with the Land Use Element of this Comprehensive Plan.

- 13.1. Staff Consistency Statement: The proposed project will serve future development in a more efficient manner, meeting the 20-year timeline of the comprehensive plan and is consistent with the Land Use Element since it is already an existing public use.
14. CF-P4: Capital improvements within a type of public facility are to be evaluated on the following criteria and considered in the order of priority listed below. The County shall establish the final priority of all capital facility improvements using the following criteria as general guidelines. Any revenue source that cannot be used for a high priority facility shall be used beginning with the highest priority for which the revenue can legally be expended:
- 14.1. Reconstruction, rehabilitation, remodeling, renovation, or replacement of obsolete or worn-out facilities that contribute to achieving or maintaining standards for levels of service adopted in this Comprehensive Plan.
- 14.2. New or expanded facilities that reduce or eliminate deficiencies in levels of service for existing demand. Expenditures in this priority category include equipment, furnishings, and other improvements necessary for the completion of a public facility (i.e., recreational facilities and park sites).
- 14.3. New public facilities, and improvements to existing public facilities, that eliminate public hazards if such hazards were not otherwise eliminated by facility improvements prioritized according to Policies A or B, above.
- 14.4. New or expanded facilities that provide the adopted levels of service for new development and redevelopment during the next six fiscal years, as updated by the annual review of this Capital Facilities Plan. The County may acquire land or right-of-way in advance of the need to develop a facility for new development. The location of facilities constructed pursuant to this Policy shall conform to the Land Use Element, and specific project locations shall serve projected growth areas within the allowable land use categories. In the event that the planned capacity of public facilities is insufficient to serve all applicants for development permits, the capital improvements shall be scheduled to serve the following priority order:
- 14.4.1. Previously approved permits for redevelopment.
- 14.4.2. Previously approved permits for new development.
- 14.4.3. New permits for redevelopment.
- 14.4.4. New permits for new development.
- 14.4.5. Improvements to existing facilities, and new facilities that significantly reduce the operating cost of providing a service or facility, or otherwise mitigate impacts of public facilities on future operating budgets.
- 14.5. New facilities that exceed the adopted levels of service for new growth during the next six fiscal years by either:

- 14.5.1. providing excess public facility capacity that is needed by future growth beyond the next six fiscal years, or
- 14.5.2. Providing higher quality public facilities than are contemplated in the County's normal design criteria for such facilities.
- 14.6. Facilities not described in Policies A through F, above, but which the County is obligated to complete, provided that such obligation is evidenced by a written agreement the County executed prior to the adoption of this Comprehensive Plan.
- 14.7. Staff Consistency Statement: Since the proposed project is an existing facility, it is the one of the highest priorities for improvement. This project would maintain the existing level of service rather than having to build a new facility.
15. CF-P29: Essential public facilities sited outside of urban growth areas must be self-supporting and not require the extension, construction, or maintenance of urban services and facilities.
 - 15.1. Staff Consistency Statement: The proposed project will be self-supporting, and no new utilities will need to be extended or constructed to the site.
16. A SEPA Checklist was submitted with the original conditional use permit application and an DNS was issued, the improvements contemplated with this application do not exceed the SEPA thresholds and therefore this application has been considered exempt.
17. County staff has determined this project to be exempt from SEPA as authorized by WAC 197-11-800.
18. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced in Section V of the staff report, the following Comprehensive Plan goals and policies apply to this proposal: RR-P4, RR-P13, CF-G4, CF-P4 and CF-P29.
19. Consistency with the provisions of KCC 17.60A, Conditional Uses:
 - 19.1. KCC 17.60A.015 provides the following review criteria to be considered in a conditional use analysis:
 - 19.2. The proposed use is essential or desirable to the public convenience and not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.
 - 19.3. Applicant Response: "The proposed use is consistent with the current use of the parcel – Cle Elum Transfer Station. The current and proposed use are a refuse for the public and commercial companies.
 - 19.4. Hearing Examiner Finding: The project currently operates with very little disruption this planned revision to the entrance will help assure there is less disturbance to Hwy 903 by eliminating backups with the increased population and use of the facility.

The proposed improvements are not anticipated to introduce any new element or characteristic that would be detrimental or injurious to the public health, peace, safety, or character of the surrounding neighborhood.

20. The proposed use at the proposed location will not be unreasonably detrimental to the economic welfare of the county and that it will not create excessive public cost for facilities and services by finding that
 - 20.1. The proposed use will be adequately serviced by existing facilities such as highways, roads, police and fire protection, irrigation, and drainage structures, refuse disposal, water and sewers, and schools; or
 - 20.2. The applicant shall provide such facilities; or
 - 20.3. The proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.
 - 20.4. Applicant Response: a. "The proposed use will improve service by existing facilities to those listed above in B.i. by increasing the efficiency of access to the site. The new entrance will reduce traffic backups on Route 903 and increase traffic flow to the site, within the site, and exiting the site. There are no additional costs to the public or economic detriment.
 - 20.5. Hearing Examiner Findigng: As proposed, the project will be adequately serviced by existing facilities and will not require additional public costs. The project will not have a detrimental economic impact.
21. The proposed use complies with relevant development standards and criteria for approval set forth in this title or other applicable provisions of Kittitas County Code.
 - 21.1. Applicant Response: "The proposed use is the same as the current use as issued by the previous conditional use permit issued by Kittitas County Board of Adjustment in 2001 (C-2001-26).
 - 21.2. Hearing Examiner Response: The use is consistent with the relevant development standards and criteria in Kittitas County Code. The revised transfer station use is permitted in the Forest & Range zone through a Conditional Use Permit since it is an already existing facility as seen in KCC 17.15.060.1.
22. The proposed use will mitigate material impacts of the development, whether environmental or otherwise.
 - 22.1. Applicant Response: " The proposed use, while consistent with the current use, will improve the material impacts and environmental impacts of the site by improving containment areas.

- 22.2. Hearing Examiner Finding: The proposal, as conditioned, will mitigate material impacts of the development. No significant environmental impacts are anticipated from this project.
23. The proposed use will ensure compatibility with existing neighboring land uses.
- 23.1. Applicant Response: “The proposed use, while consistent with the current use, will ensure compatibility with existing neighboring land uses such as the Upper County Public Works Maintenance Shop, Which is also accessible from No. 5 Mine Rd.
- 23.2. Hearing Examiner Finding: The proposed use has very few existing neighboring land uses. It is currently in operation and has no indication of introducing any conflicting uses.
24. The proposed use is consistent with the intent and character of the zoning district in which it is located.
- 24.1. Applicant Response: “The proposed use, while consistent with the current use, is consistent with the character of the zoning district in which it is located.
- 24.2. Hearing Examiner Finding: The Forest and Range zone discourages land uses that do not prioritize natural resource areas. Refuse/Recycle uses would not be found consistent with the preferred intent of any zone. This use is necessary to serve any jurisdiction’s disposal needs. Regulatory accommodations have been made to ensure existing facilities have a path to expand to maintain necessary service levels.
25. For conditional uses outside of Urban Growth Areas, the proposed use:
- 25.1. Is consistent with the intent, goals, policies, and objectives of the Kittitas County Comprehensive Plan, including the policies of Chapter 8, Rural and Resource Lands;
- 25.2. Preserves “rural character” as defined in the Growth Management Act
- 25.3. Requires only rural government services; and
- 25.4. Does not compromise the long-term viability of designated resource lands.
- 25.5. Applicant Response: “The proposed use is consistent with the 2020 solid waste and moderate risk waste management plan update identified facility improvements for the Cle Elum Transfer Station (also known as Upper County Transfer Station) as a way to improve the transfer of solid waste and prepare for increased use of the transfer station associated with a growing population.
- 25.6. Hearing Examiner Finding: The proposal is consistent with the Kittitas County Comprehensive Plan as described in section “V.” CDS finds that the project will preserve rural character as defined in the GMA, will require only existing rural government services, and will not compromise the long-term viability of designated resource lands.

- 25.7. Hearing Examiner Finding: Kittitas County CDS finds the application, as conditioned, consistent with KCC 17.60A Conditional Uses, as described above in section “VIII” of the staff report. The use will only require rural government services and does not compromise the long-term viability of any resource lands.
26. Consistency with the provisions of the KCC Title 17A, Critical Areas:
- 26.1. CDS performed a critical area review of the properties. One (1) stream exists on the northern boundary of the project site. The applicant provided a map showing the distance buffering from the site to the stream on the property. The proposed landfill is outside of all required buffers of the streams as seen in KCC 17A.07.010 and WAC 173-350-400(3)(c).
27. Consistency with the provisions of the KCC Title 14.04, Building Code:
- 27.1. Any future buildings must be consistent with International Building Codes.
28. Consistency with the provisions of KCC Title 12, Roads and Bridges:
- 28.1. As conditioned, the proposal is consistent with the provisions of KCC Title 12.
29. Consistency with the provisions of KCC Title 20, Fire and Life Safety:
- 29.1. As conditioned, the proposal is consistent with the provisions of KCC Title 20.
30. Agency Comments: The following agencies provided comments during the comment period: Kittitas County PUD, Kittitas County Public Health, Kittitas County Public Works, WSDOT, Colville Confederated Tribe, Washington State Department of Fish & Wildlife
31. Public Comments: No public comments were received.
32. Road Standards and access requirements are subject to the standards outlined in Kittitas County Code Title 12.
33. The proposal, as conditioned, is consistent with the goals and policies of the Kittitas County Comprehensive Plan.
34. This proposal, as conditioned, is consistent with the provisions of KCC Title 12, Roads and Bridges as conditioned.
35. This proposal, as conditioned, is consistent with the provisions of KCC 17.60A, Conditional Uses and meets the criteria of KCC 17.15.070.1.
36. This proposal, as conditioned, is consistent with the provisions of KCC 17A, Critical Areas.
37. This proposal, as conditioned, is consistent with KCC 20, Fire Life and Safety.

38. An open record public hearing was held, after legal notice, on May 6, 2024.
39. Appearing and testifying on behalf of the Applicant was Patti Stacey, facilities and waste operations director for Kittitas County. Ms. Stacey testified that sh was an agent authorized to appear and speak on behalf of the property owner and Applicant. she stated that they agreed with the representations set forth within the staff report and the proposed Conditions of Approval.
40. No member of the public testified at the hearing.
41. The following exhibits were admitted into the record:
 - 41.1. Ex. 1 Application
 - 41.2. Ex. 2 Project Narrative
 - 41.3. Ex. 3 Receipt
 - 41.4. Ex. 4 Site Plan
 - 41.5. Ex. 5 Aerial Map
 - 41.6. Ex. 6 Critical Areas Map
 - 41.7. Ex. 7 Fire District Map
 - 41.8. Ex. 8 Land Use Map
 - 41.9. Ex. 9 Shoreline Map
 - 41.10. Ex. 10 Vicinity Map
 - 41.11. Ex. 11 Zoning Map
 - 41.12. Ex. 12 Deemed Complete
 - 41.13. Ex. 13 Notice of Application Legal
 - 41.14. Ex. 14 Notice of Application
 - 41.15. Ex. 15 Affidavit of Mailing
 - 41.16. Ex. 16 WDFW Comments 1/9/24
 - 41.17. Ex. 17 Kittitas County Public Health Comments 1/9/2024
 - 41.18. Ex. 18 Department of Archaeology and Historic Preservation Comments 1/9/2024
 - 41.19. Ex. 19 Kittitas County Public Works Comments 1/12/2024
 - 41.20. Ex. 20 Colville Tribe Comments 1/2/2024
 - 41.21. Ex. 21 Kittitas County PUD Comments 12/28/2023
 - 41.22. Ex. 22 WSDOT Aviation Comments 12/28/2023
 - 41.23. Ex. 23 WSDOT Comments 1/8/2024
 - 41.24. Ex. 24 Transmittal of Comments

- 41.25. Ex. 25 Comment Resolution Form
- 41.26. Ex. 26 Cultural resources report
- 41.27. Ex. 27 WSDOT Access Permit
- 41.28. Ex. 28 Easement and Joint Use Agreement
- 41.29. Ex. 29 Notice of Public Hearing Legal
- 41.30. Ex. 30 Notice of Public Hearing Memo
- 41.31. Ex. 31 Staff Report

42. The Kittitas County Hearing Examiner considered all evidence within the record in rendering this decision.

43. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

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 12 Roads and Bridges, and Title 20 Fire and Life Safety.
5. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, Cle Elum Transfer Station Conditional Use Permit CU-23-00007, is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

1. The project shall proceed in substantial conformance with the plans and application materials on file with CDS dated November 13, 2023 and subsequent information included in the complete file index except as amended by the conditions herein.

2. The applicant shall comply with all local, State and Federal environmental standards and regulations.
3. All Washington State Department of Ecology and Public Health Guidelines and Permits shall be followed and obtained for the Transfer Station including those found in WAC 173-350-710.
4. The applicant shall maintain compliance with WAC 173-350-310 at all times.
5. Appliances with hazardous substances shall only be accepted in accordance with Federal, State, and local regulations.
6. All development, design and construction shall comply with International Fire Code requirements and KCC Title 20 Fire and Life Safety.
7. All development, design and construction shall comply with KCC Title 12 Roads & Bridges.
8. The Transfer Station shall be secure during all non-business hours.

Dated this 13 day of May, 2024

KITTITAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

This Decision is subject to appeal pursuant to the Kittitas County Code and the Revised Code of Washington.