



**WSDOT Bullfrog Maintenance Facility Public Facilities Permit
File Number PF-24-00001
FINDINGS OF FACT, DECISION, AND CONDITIONS OF APPROVAL**

I. GENERAL INFORMATION

Requested Action: The Washington State Department of Transportation (WSDOT) is proposing the removal and replacement of the existing, on-site fuel system at their Bullfrog Maintenance Facility.

Location: One unnumbered tax parcel, located at 151 South Bullfrog Road. Approximately 340 feet South of Interstate 90. Located in a portion of the NE ¼ of the SE ¼ of Section 31, Township 20 N., Range 15 E., W.M.; unassigned map number.

II. SITE INFORMATION

| | |
|----------------------|-----------------------------|
| Total Property Size: | N/A |
| Number of Lots: | N/A |
| Domestic Water: | N/A |
| Sewage Disposal: | N/A |
| Fire Protection: | Fire District #7 (Cle Elum) |
| Irrigation District: | None |

Site Characteristics:

North: Directly adjacent to Interstate 90

South: Railroad infrastructure owned by BNSF

East: Land managed by the Washington State Department of Transportation

West: Private land owned by a private development company

Access: The site is accessed from an I-90 offramp via Bullfrog Road.

Zoning and Development Standards: The subject property has a zoning designation of Rural-5. The purpose and intent of the Rural-5 zone is to provide areas where residential development may occur on a low-density basis. A primary goal and intent in siting R-5 zones will be to minimize adverse effects on adjacent natural resource lands. The Rural-5 zone allows for a vast array of permitted and conditional uses. Per 17.15.060.1, Public Facilities are allowed in this zone when permitted administratively pursuant to KCC 17.62 Public Facilities Permits. This project is being proposed under KCC 17.62 Public Facilities Permits, and KCC 17.60B.050 Administrative Review Process.

This Public Facilities Permit requires that the following be met:

17.62.040 Decision criteria (Public Facilities)

The Community Development Services department shall review public facility permit applications in accordance with the provisions of this section and may approve, approve with conditions, or deny the public facility permit. Below is a review of the public facilities decision criteria:

1. Required Findings. A public facility permit may be approved by the Community Development Services department only if all the following findings can be made regarding the proposal and are supported by the record:
 - a. That the granting of the proposed public facilities permit will not:
 - i. Be detrimental to the public health, safety, and general welfare; nor
 - ii. Be injurious to the property or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located; nor
 - iii. Adversely affect the established character of the surrounding vicinity.

Applicant Response:

- i. *“No, the new fuel system will be an upgrade to the current fuel system at the property, providing the latest in environmental and safety fuel system compliance.”*
- ii. *“No, this project is a replacement of an existing fuel system and will provide improved safety and environmental compliance.”*
- iii. *“No, this project is replacing an existing fuel system at an existing WSDOT Maintenance Facility.”*

Staff Response: Staff agrees that the proposed project will not affect public health or general welfare. This development is not likely to be injurious to the surrounding property or the existing characteristics of the surrounding area.

- b. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.

Staff Response: The applicant has stated that this project will improve safety and environmental protection for this site. CDS has reviewed the application proposal and found no evidence of any potential for hazardous conditions resulting from this project. No hazardous conditions are anticipated at the proposed site.

- c. That the granting of the proposed public facilities permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulations.

Staff Response: The applicant did not address this criterion in their application submittals. The granting of the proposed public facilities permit is consistent with the comprehensive plan and existing regulations. CDS has identified consistency with two capital facilities goals (CF-G7 and CF-G8) as described in detail in section IV of this document.

- d. That the facility site and environmental designs:
 - i. Meet local and state siting criteria and design; and

- ii. Have been reviewed and/or commented upon by local and state agencies responsible for issuing permits.

Staff Response: The applicant did not provide a response to this criterion in their application materials. The proposed project is subject to meeting all applicable codes and regulations. The proposal may be approved in the Rural-5 zone pursuant to KCC 17.15.060.1 and the proposed use is not inconsistent with the character of the surrounding area. All departments and state agencies responsible for permitting this project have been notified of the application and given an opportunity to comment in accordance with KCC Title 15A.

- e. That all conditions to mitigate the site-specific impacts of the proposed use which were identified can be monitored and enforced.

Staff Response: The applicant did not provide a response to this criterion in their application materials. The project underwent SEPA review by the lead agency (WSDOT) and a DNS was issued on November 1, 2016.

- f. That all yards, open spaces, landscaping, walls and fences, and other buffering features are properly provided to mitigate the impacts of the facility to make it compatible with the character of the surrounding area.

Staff Response: The applicant did not provide a response to this criterion in their application materials. CDS believes, as proposed, this development is compatible with the character of the surrounding area. No fencing or walls are being proposed in this application. The proposed removal and replacement of the existing fuel system will not lead to more intense use of this site than does already exist.

- g. That the proposed public facility will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

Staff Response: The applicant did not provide a response to this criterion in their application materials. No adverse effects on existing public facilities and services are anticipated. The project does not propose any use of water or septic/sewer. Increased need for public services is not expected as a result of this development.

III. REVIEW PROCESS

Notice of Application: A Public Facilities permit application was submitted to Kittitas County Community Development Services on January 16, 2024. This application was deemed complete on January 26, 2024. A notice of application for the WSDOT Bullfrog Maintenance Facility Public Facilities Permit (PF-24-00001) was mailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel & associated agencies. Notice was given to and published in the official newspaper of record for Kittitas County on January 30, 2024, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).

IV. COMPREHENSIVE PLAN

Kittitas County has established the following goals and policies to guide activities related to Rural Lands and Critical Areas. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

CF-G7: Ensure that Essential public facilities, which are identified by the County, by regional agreement, or by State or Federal government, follow all local approvals by the County and each municipality in the County.

Staff Consistency Statement: The proposed project was submitted and processed in compliance with all application and approval procedures mandated by Kittitas County Code.

CF-G8: Ensure public involvement when siting of essential public facilities using timely press releases, newspaper notices, public information meetings, and public hearings.

Staff Consistency Statement: The proposed project has been noticed in accordance with Kittitas County Code Title 15A. A notice of application was published in the newspaper of record, neighbors within 500 feet of the property boundaries and applicable local and state agencies were notified and provided an opportunity to comment on the proposal.

This application is consistent with Kittitas County Comprehensive Plan. There are several requirements that must be met, which are stated above under Zoning and Development Standards; some of these are addressed under Project Analysis below.

V. ENVIRONMENTAL REVIEW

The Washington State Department of Transportation operated as the lead agency for SEPA review of this project. A Determination of Non-significance (DNS) was issued by the lead agency on November 1, 2016.

CDS performed an administrative review of critical areas on the subject property. Several critical areas exist nearby; however, no critical areas or associated buffers are present at the project site. There is no anticipated impact on any critical areas.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review. The following agencies provided comments on the proposal: Washington State Department of Ecology, Confederated Tribes of the Colville Reservation, Department of Archaeology and Historic Preservation, Kittitas County Public Works. A review of their comments can be seen below:

Washington State Department of Ecology

The Washington State Department of Ecology provided comments pertaining to spill prevention, questions they had about the new fuel tank's specifications, plans to clean up any toxins on-site that have been deposited in the ground, and listed their legal requirements for the actual installation of the new fuel tank.

Applicant Response

"Yes, the facility will have an updated SPCC Plan prepared for the site. Yes, the fuel line is double-walled. We

will be using OPW Flexworks piping that is a coaxial 1.5” fuel piping. Yes, the storage tanks are double-walled; they are Regal UL 2085-rated Fireguard tanks; interspatial leak detection will be performed by a Veeder-Root 7984380-430 sensor.”

Staff Response

Staff has conditioned this proposal based on the applicant remaining in compliance with all requirements set forth by the Department of Ecology.

Confederated Tribes of the Colville Reservation

The Confederated Tribes of the Colville Reservation recommended that an Inadvertent Discovery Plan (IDP) be in place in case any cultural resources are unearthed during the completion of this project.

Applicant Response

“Also, in response to both the DAHCP and Colville Tribe’s comments, an Inadvertent Discovery Plan (IDP) will be prepared for the site.”

Staff Response

Staff acknowledges the applicant has complied with the Confederated Tribes of the Colville Reservation’s requests for this project.

Department of Archaeology and Historic Preservation

The Department of Archaeology and Historic Preservation requested that an Inadvertent Discovery Plan (IDP) be in place in case any cultural resources are unearthed during the completion of this project. DAHP also recommended that construction crews be informed of the procedure for reporting any cultural resources they personally encounter while working on-site.

Applicant Response

“Also, in response to both the DAHCP and Colville Tribe’s comments, an Inadvertent Discovery Plan (IDP) will be prepared for the site.”

Staff Response

Staff acknowledges the applicant has complied with the Department of Archaeology and Historic Preservation’s requests for this project.

Kittitas County Public Works

Kittitas County Public Works provided comments stating that their department has little to address regarding this project, other than to inform the applicant they are exempt from any grading permit, and they do not have to address any flood issues.

Applicant Response

No response

Staff Response

Because KCPW did not give any requirements for this project, staff has no response.

No public comments were received for this project.

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 following Comprehensive Plan Goals and Policies apply to this proposal: CF-G7 and CF-G8.

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

CDS performed an administrative review of critical areas on the subject property. Several critical areas exist nearby; however, no critical areas or associated buffers are present at the project site. There is no anticipated impact on any critical areas.

Consistency with the provisions of KCC 17.30A Rural-5 Zoning:

The project is proposed as a Public Facility. Per KCC 17.08.457 "Public facilities" means capital improvements and systems to support transportation, law enforcement, fire protection, and recreation. Public Facilities are allowed in the Rural-5 zone through approval of an Administrative Permit process pursuant to KCC 17.15.060.1 Allowed Use Table. Therefore, this proposal is consistent with the Kittitas County Zoning Code 17.30A.

Consistency with the provisions of KCC 17.62.040 Decision criteria (Public Facilities):

This proposal as conditioned is consistent with the Kittitas County Zoning Code for Permitted Administrative Uses as described in section II of this staff report.

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

All buildings must be consistent with International Building Codes.

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

As conditioned, the proposal must be consistent with the provisions of KCC Title 12.

Consistency with the provisions of KCC Title 20, Fire and Life Safety:

As conditioned, the proposal must be consistent with the provisions of KCC Title 20.

Agency Comments:

The following agencies provided comments during the comment period: Washington State Department of Ecology, Confederated Tribes of the Colville Reservation, Department of Archaeology and Historic Preservation, Kittitas County Public Works. All comments are on file and available for public review.

Public Comments:

No public comments were received for this project during the mandated public comment period.

VIII. FINDINGS OF FACT

1. A Public Facilities permit application was submitted to Kittitas County Community Development Services on January 16, 2024. This application was deemed complete on January 26, 2024. A notice of application for the WSDOT Bullfrog Maintenance Facility Public Facilities Permit (PF-24-00001) was mailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel & associated agencies. Notice was given to and published in the official newspaper of record for Kittitas County on January 30, 2024, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).
2. The subject property is located at 151 South Bullfrog Road. Approximately 340 feet South of Interstate 90. In a portion of the NE ¼ of SE ¼ of Section 31, Township 20 N., Range 15 E., W.M.;

unassigned map number and unassigned tax parcel number.

3. Site information:

| | |
|----------------------|-----------------------------|
| Total Property Size: | N/A |
| Number of Lots: | N/A |
| Domestic Water: | N/A |
| Sewage Disposal: | N/A |
| Fire Protection: | Fire District #7 (Cle Elum) |
| Irrigation District: | None |

4. Site Characteristics:

North: Directly adjacent to Interstate 90
South: Railroad infrastructure owned by BNSF
East: Land managed by Washington State Department of Transportation
West: Private land owned by a private development company

5. The Comprehensive Plan land use designation is “Mineral Lands.”
6. The subject property is zoned “Rural-5.”
7. The proposal is consistent with the Kittitas County Comprehensive plan as referenced in section IV and VII above.
8. This application is consistent with KCC 17.62.040 Decision Criteria (Public Facilities) as demonstrated in Section II of this staff report.
9. The Washington State Department of Transportation operated as the lead agency for SEPA review of this project. A Determination of Non-significance (DNS) was issued by the lead agency on November 1, 2016.
10. CDS performed an administrative review of critical areas on the subject property. Several critical areas exist nearby; however, no critical areas or associated buffers are present at the project site. There is no anticipated impact on any critical areas.
11. This application is consistent with the International Building Code as conditioned.
12. The following agencies provided comments during the comment period: Confederated Tribes of the Colville Reservation, Kittitas County Public Works, Department of Archaeology and Historic Preservation, Washington State Department of Ecology. All comments are on file and available for public review.
13. No public comments were received for this project.
14. Access and driveways must be consistent with Kittitas County Code Title 12.

IX. STAFF CONCLUSIONS

1. As conditioned, the proposed project 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, Title 12 Roads and Bridges, Title 15 Environmental Policy, and Title 20 Fire and Life Safety.

X. DECISION AND CONDITIONS OF APPROVAL

Kittitas County grants **Approval** of the WSDOT Bullfrog Maintenance Facility public facilities permit based on the project record, above staff analysis, findings of fact, and conclusions with the following conditions:

1. Site Plan

- A. The project shall proceed in substantial conformance with the site plan and application materials on file with CDS that were received on January 16, 2024.

2. Building

- A. All new construction must meet the International Building Code requirements.

3. Roads and Transportation

- A. Except as exempted in Section KCC 14.05.060, no grading or filling upon a site involving more than one hundred (100) cubic yards shall be performed without a grading permit from the County Engineer or Public Works designee (KCC 14.05.050). An application for grading in excess of five hundred (500) cubic yards shall be accompanied by an engineered grading plan (KCC 14.05.080).
- B. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
- C. Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
- D. In addition to the above-mentioned conditions, all applicable Kittitas County Road Standards apply to this proposal. Access is not guaranteed to any existing or created parcel on this application.

4. State and Federal

- A. Applicant must meet all state and federal regulations.

5. Fire & Life Safety

- A. All development, design and construction shall comply with the International Fire Code requirements.

6. Water/Septic

- A. The applicant shall record a Declaration of Covenant with the Kittitas County Auditor's Office stating that no domestic water shall be used in any structure on the subject property.

7. Other

- A. Should ground disturbing or other activities related to the proposed project result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State Department of Archaeology & Historic Preservation (DAHP) and Confederated Tribes of the Colville Reservation. Work shall remain suspended until the findings are assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

From these conclusions and findings, the proposed Public Facilities Permit is approved with the above conditions. Kittitas County Code (Chapter 15A.07.010) stipulates that an appeal of this administrative land use decision must be filed within 10 (ten) working days by submitting specific factual objections and a fee of \$1670 to Kittitas County. The appeal deadline for this project is March 11, 2024, at 5:00p.m. Appeals submitted on or before March 11, 2024, shall be submitted to Kittitas County Community Development Services at 411 N Ruby St, Suite 2 Ellensburg, WA 98926.

Responsible Official

Zach Torrance-Smith

Title: Planner I

Address: Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7079

Date: February 23, 2024