

**KITTITAS COUNTY  
LAND USE HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
<b>CU-19-00004</b>	)	<b>CONDITIONS OF APPROVAL</b>
<b>Cle Elum Self Storage</b>	)	<b>AND DECISION</b>

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on October 22, 2020, the Hearing Examiner having taken evidence hereby submits the following Recommended Findings of Fact, Conclusions of Law and Decision:

**I. FINDINGS OF FACT**

1. The proposed project would add 11 storage buildings to an existing storage unit facility located in the General Commercial zoning designation. The project would include an additional 37,387.5 square feet of enclosed storage and an eight-foot security and site screening fence.
2. Location: Parcels 763034 and 773034 located at the intersection of Bullfrog Rd and Carek Rd, Cle Elum, WA. In the SW1/4 of Section 21, T20N, R15 E.W.M., Kittitas County .
3. Site Information:

Total Property Size:	2.01 Acres
Number of Lots:	2
Domestic Water:	Well (proposal does not include any use of wells)
Sewage Disposal:	No facilities onsite
Power/Electricity:	PSE
Fire Protection:	Fire District 7 (Cle Elum)
Irrigation District:	N/A
4. Site Characteristics:

North:	Primarily privately-owned single family residential
South:	State Route 903 and some commercial uses
East:	Privately owned land, primarily residential uses
West:	Primarily commercial uses, Bullfrog RD and SR 903 intersection.
5. Access: The site is accessed from Carek Rd., approximately .10 miles north of the city of Cle Elum.
6. The parcels involved in this proposal are in a land use designation of Rural Recreation and zoning designation of General Commercial. The proposed project is classified as a "Mini-Warehouse." Mini-Warehouses are an allowed use within General Commercial Zone under KCC 17.15.060-1 with a conditional use permit when consistent with footnote #14 of this

section. The footnote outlines five (5) criteria for mini-warehouse uses within the General Commercial Zone. These criteria are examined in Section VIII "Project Analysis" of this staff report.

7. A conditional use permit application for Cle Elum Storage (CU-19-00004) was submitted to Kittitas County Community Development Services department on November 13, 2019. The application was deemed complete on December 31, 2019. The site was posted in accordance with KCC 15A.03.110 on January 3, 2020.
8. A notice of application for the Cle Elum Storage Conditional Use Permit (CU-19-00004) was mailed and/or emailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcels and 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 January 14, 2020, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period concluded on January 29, 2020
9. The Kittitas County Comprehensive Plan has established specific goals and policies associated with resource lands. The following goals and policies guide activities on Rural Resource lands throughout the County. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:
  - 9.1 RR-G29: Allow for and encourage commercial activities characteristic to recreational activity while maintaining rural character.
    - 9.1.1 The proposed project is an expansion to an existing mini warehouse facility. Recreational activities are abundant in the vicinity and attract residents throughout the State. The proposal will assist in servicing the recreational users of the area by providing storage for frequent vacationers as well as residents. The project site is part of small hub of commercially zoned parcels that largely cater to recreational visitors.
  - 9.2 RR-P54: Convenience and motorist services, when permitted near highway, freeway and major arterial intersections, shall be designed to be compatible with surrounding rural character.
    - 9.2.1 The immediate vicinity of the project area hosts several small businesses along the border of an adjacent roundabout. The proposed use is an expansion of an existing use and is consistent with development in the immediate vicinity as a centrally located small scale business largely servicing recreational users in the general area.
  - 9.3 RR-P61: Commercial uses proposed for development to service recreational tourists and residents will be permitted in spaces when found to be suitable to surrounding rural areas.
    - 9.3.1 The proposed project is within a small commercial zone and consistent in scale, character, and impact with adjacent businesses.
  - 9.4 This application is consistent with the goals, policies, and objectives of the Kittitas County Comprehensive Plan as outlined above.
10. A SEPA Checklist was submitted with the conditional use application and processed concurrently using the Optional DNS process under WAC 197-11-355. During the combined comment period environmental concerns were raised by public agencies with no comments

submitted from private citizens and neighbors. CDS has considered these comments and found no significant environmental risks with the proposed project. Following the concurrent comment period, CDS issued a Determination of Non-Significance on March 10. The appeal period for the SEPA MDNS concluded on March 25, 2020. No appeals were filed. In addition, CDS performed a critical area review of the properties. No critical areas were found.

11. 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 parties provided substantive comments during the comment period.
  - 11.1 Washington State Department of Ecology (DOE): DOE provided comments noting the requirement of an “NPDES Construction Stormwater General Permit if the project anticipates disturbing ground with the potential for stormwater discharge off-site.”
  - 11.2 Washington State Department of Transportation (WSDOT): WSDOT provided comment stating that the project will be restricted to access from Carek Road. WSDOT raised concerns regarding the proposed 0’ lot line setback adjacent to a WSDOT right-of-way and potential snow storage capacity. WSDOT stated that all stormwater must be retained on-site, lighting should be downward facing, and signage must comply with state criteria.
  - 11.3 Kittitas County Fire Marshal: The Kittitas County Fire Marshal stated Knox Box requirements, annual inspection requirements, and criteria associated with the necessity for a Fire Marshal Gate Permit.
  - 11.4 Kittitas County Public Works: Kittitas County Public Works described access permit, grading permit, and stormwater requirements and thresholds.
12. No public comments were received.
13. 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.
14. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section V of this staff report, the following Comprehensive Plan goals and policies apply to this proposal: RR-G29, RR-P54, and RR-P61.
15. Provided the applicant follows and maintains the goals and policies, they shall be in compliance with the Kittitas County Comprehensive Plan. Therefore, the County and applicant are in compliance with the Comprehensive Plan.
16. KCC 17.60A.015 provides the following review criteria to be considered in a conditional use analysis:
  - 16.1 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.
    - 16.1.1 Applicant Response: “The proposed project will continue the original plan for storage units for this property, adding needed storage space for the community. The property will have an eight foot security fence and a surveillance system

- giving additional security to the tenets and neighborhood without additional cost to the public.”
- 16.1.2 The project site is within a commercial zone adjacent to several businesses that service recreational visitors and local customers. The proposed use is an expansion of an existing use. The expansion is not anticipated to be detrimental or injurious to the public health, peace, safety, or character of the surrounding neighborhood.
- 16.2 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:
- a. 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
  - b. The applicant shall provide such facilities; or
  - c. The proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.
- 16.2.1 Applicant Response: “Project will be adequately serviced by existing facilities. No sewer, water or heating fuels will be used on this facility.”
- 16.2.2 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.
- 16.3 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.
- 16.3.1 “Cle Elum Self Storage complies with Kittitas County Code.”
- 16.3.2 Staff Response: The use is consistent with the relevant development standards and criteria including KCC 17.15.060. 1 footnote #14 as described below. The mini-warehouse use is permitted in the General Commercial zone through a Conditional Use Permit. The use, as proposed, will require a parcel combination of the two parcels to meet Kittitas County setback require.
- 16.4 The proposed use will mitigate material impacts of the development, whether environmental or otherwise.
- 16.4.1 Applicant Response: “Yes.”
- 16.4.2 The proposal, as conditioned, will mitigate material impacts of the development. No environmental impacts are anticipated from this project. The recommended approval conditions include a requirement to contain snow on-site or have it removed so as not to impact the WSDOT right-of-way.
- 16.5 The proposed use will ensure compatibility with existing neighboring land uses.
- 16.5.1 Applicant Response: “The proposed sight complies with General commercial (G-C)”.
- 16.5.2 Neighboring land uses include other commercial uses. The character and scale of the proposed use will be compatible with adjacent uses.
- 16.6 The proposed use is consistent with the intent and character of the zoning district in which it is located.
- 16.6.1 Applicant Response: “Proposed is consistent with character of the zoning district.”
- 16.6.2 The proposed use is an expansion of an existing commercial use. This use is consistent with the Commercial zone.

- 16.7 For conditional uses outside of Urban Growth Areas, the proposed use:
- a. 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;
  - b. Preserves “rural character” as defined in the Growth Management Act
  - c. Requires only rural government services; and
  - d. Does not compromise the long term viability of designated resource lands.
- 16.7.1 Applicant Response: “Is consistent with the intent, goals, policies, and objectives of the Kittitas County Comprehensive Plan, including the policies of chapter 8, Rural resource lands.”
- 16.7.2 The proposal is consistent with the Kittitas County Comprehensive Plan as described above in section “V.”
- 16.7.3 Kittitas County The Hearing Examiner finds the application, as conditioned, consistent with KCC 17.60A Conditional Uses, as described above in section “VIII” of this staff report. The use will only require rural government services and does not compromise the long-term viability of any resource lands. The proposal is a commercial use within a commercial zone.
17. Consistency with KCC 17.15.060.1, Allowed Uses in Rural Non-LAMIRD Lands, Footnote #14:
- 17.1 The following criteria are established in KCC 17.15.060.1 as required for mini-warehouse uses within the General Commercial Zone.
    - 17.1.1 “A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;”
    - 17.1.2 ce inward and away from property boundaries;”
    - 17.1.3 “No commercial or manufacturing activities will be permitted within any building or storage unit.
    - 17.1.4 A recommended condition of this staff report addresses this issue;
    - 17.1.5 “Lease documents shall spell out all conditions and restrictions of the use;”
    - 17.1.6 A recommended condition of this staff report addresses this issue;
    - 17.1.7 “Signs, other than on-site direction aids, shall number not more than two (2) and shall not exceed forty (40) square feet each in area.”
    - 17.1.8 A recommended condition of this staff report addresses this issue;
    - 17.1.9 “Signs, other than on-site direction aids, shall number not more than two (2) and shall not exceed forty (40) square feet each in area.”
    - 17.1.10 A recommended condition of this staff report addresses this issue.
    - 17.1.11 The Hearing Examiner finds the application, as conditioned, is consistent with KCC 17.15.060.1 footnote #14.
18. Consistency with the provisions of the KCC Title 17A, Critical Areas:
- 18.1 CDS conducted an administrative critical area review in accordance with KCC 17A and found no critical areas on the project site.
19. Consistency with the provisions of the KCC Title 14.04, Building Code:
- 19.1 Any future buildings must be consistent with International Building Codes.
20. Consistency with the provisions of KCC Title 12, Roads and Bridges:
- 20.1 As conditioned, the proposal is consistent with the provisions of KCC Title 12.

20. Consistency with the provisions of KCC Title 20, Fire and Life Safety:
  - 20.1 As conditioned, the proposal is consistent with the provisions of KCC Title 20
  
21. The following agencies provided comments during the comment period:
  - 21.1 Kittitas County Public Works
  - 21.2 Washington State Department of Ecology
  - 21.3 Washington State Department of Transportation,
  - 21.4 Kittitas County Fire Marshal.
  
22. All comments are available for public review through Kittitas County Community Development Services.
  
24. No public comments were received for this proposal.
  
25. An open record public hearing after due legal notice was held on October 22, 2020 via video conferencing due to the ongoing Covid-19 pandemic.
  
26. Admitted into the record were the following Exhibits:
  - 26.1 Exhibit 1. Pre-Application;
  - 26.2 Exhibit 2. Application;
  - 26.3 Exhibit 3. Project Narrative;
  - 26.4 Exhibit 4. Site Plans;
  - 26.5 Exhibit 5. SEPA Checklist;
  - 26.6 Exhibit 6. Receipt;
  - 26.7 Exhibit 7. Deemed Complete;
  - 26.8 Exhibit 8. Updated SEPA Checklist;
  - 26.9 Exhibit 9. Deemed Complete;
  - 26.10 Exhibit 10. CDS Staff Maps;
  - 26.11 Exhibit 11. Affidavit of Posting;
  - 26.12 Exhibit 12. Notice of Application;
  - 26.13 Exhibit 13. Affidavit of Mailing and Publication;
  - 26.14 Exhibit 14. DOE Comments;
  - 26.15 Exhibit 15. WSDOT Comments;
  - 26.16 Exhibit 16. KC Fire Marshal Comments;
  - 26.17 Exhibit 17. KC Public Works Comments;
  - 26.18 Exhibit 18. KC Public Health Comments;
  - 26.19 Exhibit 19. Transmittal of Comments to Applicant;
  - 26.20 Exhibit 20. SEPA DNS;
  - 26.21 Exhibit 21. Notice of SEPA Action and Public Hearing;
  - 26.22 Exhibit 22. Affidavit of Mailing and Publication for SEPA Action and Hearing;
  - 26.23 Exhibit 23. All Applicant Correspondence;
  - 26.24 Exhibit 24. Notice of Cancelled Hearing;
  - 26.25 Exhibit 25. Notice of Virtual Hearing;
  - 26.26 Exhibit 26. Affidavit of Mailing and Publication Notice for Virtual Hearing;
  - 26.27 Exhibit 27. Kittitas County CDS Staff Report;
  - 26.28 Exhibit 28. Kittitas County Staff PowerPoint presentation.

27. Appearing and testifying on behalf of the applicant were Marlaine and Mark Watson. Mr. and Mrs. Watson testified that they were the property owners and applicants. They testified in Phase I they will build four storage buildings and in Phase II they will combine the lots and build the remaining seven buildings. Finally, they testified that they had no objection to any of the proposed conditions of approval.
28. No member of the public testified at the hearing.
29. The Kittitas County Hearing Examiner considered all evidence within the record in rendering this decision.
30. 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. The Hearing Examiner has been granted authority to render this decision.
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, 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, CU-19-00004 is hereby **APPROVED** subject to the following Conditions of Approval.

## **IV. CONDITIONS OF APPROVAL**

All Conditions of Approval shall apply to the Applicant, and the Applicant's heirs, successors in interest and assigns.

1. The project shall proceed in substantial conformance with the plans and application materials on file with CDS dated November 13, 2019 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 in place at the time of building application submittal.
3. All new construction must meet the International Building Code requirements.

2. The applicant shall comply with all local, State and Federal environmental standards and regulations in place at the time of building application submittal.
3. All new construction must meet the International Building Code requirements.
4. The development plan of the site is contingent on approval of a parcel combination of the two parcels involved. Denial of a parcel combination shall require adjustment of the proposal to meet all required lot line setbacks
5. No commercial or manufacturing activities will be permitted within any building or storage unit.
6. Lease documents shall spell out all conditions and restrictions of the use.
7. Signs, other than on-site direction aids, shall number not more than two (2) and shall not exceed forty (40) square feet each in area. All signage for the site shall comply with WSDOT sign standards.
8. Snow shall be contained on-site or transported off site. Snow storage shall not encroach on the WSDOT right-of-way.
9. A grading permit through Kittitas County Public Works will be required for any dirt work exceeding 100 cubic yards of material.
10. Any relocation of the current access shall require an access permit from Kittitas County Public Works.
11. Any proposed lighting shall be directed downwards and away from SR 903.
12. Stormwater plans shall be designed in accordance with the Eastern Washington Storm Water Manual and shall be contained on-site.
13. All development, design and construction shall comply with International Fire Code requirements and KCC Title 20 Fire and Life Safety.
14. It is a proponent's responsibility to demonstrate compliance with the approval conditions of a conditional use permit. Compliance with all conditions must be demonstrated in writing to Kittitas County CDS prior to Final Conditional Use Permit issuance. Final approval of a Conditional Use Permit is required within 5 years.

Dated this 27th day of October, 2020.

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.