

**KITTITAS COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
CU-20-00004)	CONDITIONS OF APPROVAL
Cruth Self Storage)	AND DECISION

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on March 11, 2021, 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 establish a mini-warehouse, self-storage facility in General Commercial Zoning within a Type 1 LAMIRD. The proposed use is permitted in this zone with a Conditional Use Permit. The proposal includes 254 storage units, to be built in phases as demand and funding allows.
2. Location: Parcel No. 611634 located at 2451 East Railroad St, Easton, WA. In the NW1/4 of Section 13, Township 20, Range 13, Kittitas County.
3. Site Information:

Total Property Size:	2.82 Acres
Number of Lots:	1
Domestic Water:	Easton Water District (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 3 (Easton)
Irrigation District:	KRD
4. Site Characteristics:

North:	Primarily commercial uses
South:	Primarily commercial uses
East:	Interstate 90
West:	Primarily commercial uses.
5. Access: The site is accessed from East Railroad St, approximately .04 miles southeast of the town of Easton.
6. The parcels involved in this proposal are in a land use designation of LAMIRD Type 1 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 17.15.070.1 with a conditional use permit when consistent with footnote #22 of this section. The footnote outlines six (6) 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 Cruth Storage (CU-20-00004) was submitted to Kittitas County Community Development Services department on November 17, 2020. The application was deemed complete on December 10, 2020. The site was posted in accordance with KCC 15A.03.110 on December 10, 2020
8. A Notice of Application for the Cruth Storage Conditional Use Permit (CU-20-00004) was mailed and/or emailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcels & 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 17, 2020, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period concluded on January 4, 2021.
9. **COMPREHENSIVE PLAN:**
 - 9.1 RR-G30: Establish areas of community pattern that accommodate community activities without having to Incorporate.
 - 9.1.1 The proposed project is consistent with the community pattern as the two adjacent properties also have mini-warehouse type buildings on them and provide similar services to the community.
 - 9.2 RR-G31: Provide opportunity for residential infill which provides a variety of housing and yet maintains rural character.
 - 9.2.1 The proposed project is within a General Commercial zone which does not anticipate or accommodate residential infill. The use is proposed as a service to the adjacent Residential zones and is consistent with the character of the area as a commercial hub with existing similar uses.
 - 9.3 RR-G32: Provide for rural community settings which do not require urban level services and maintain existing rural development patterns that have existed for long periods.
 - 9.3.1 The proposed project will utilize existing service infrastructure such as roads and emergency services while maintaining consistency with surrounding development patterns and providing a service to surrounding residents.
 - 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 no comments were submitted by Public Agencies or from private citizens and neighbors that raised Environmental Concerns. CDS has found no significant environmental risks with the proposed project. Following the concurrent comment period, CDS issued a Determination of Non-Significance on February 18, 2021. The appeal period for the SEPA MDNS concluded on March 4, 2021. No appeals were filed

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. Agency Comments: Washington State Department of Ecology, Yakima Nation, Washington State Department of Health, Kittitas County Public Health, Kittitas County CDS Building, and Kittitas County Public Works. In addition, CDS performed a critical area review of the properties. No critical areas were found:
 - 11.1 Washington State Department of Health – Office of Drinking Water (DOH ODW): DOH ODW commented that if the proposed project would provide drinking water access to the public, then the applicant would need to submit a water system application.
 - 11.2 Department of Archaeology & Historic Preservation (DAHP): DAHP requested that the applicant prepare an inadvertent discovery plan (IDP) and prepare construction crews for the possibility of encountering archaeological material during ground disturbing activities. They also recommended consultation with the concerned Tribes' cultural committees and staff regarding cultural resource issues.
 - 11.3 Washington State Department of Transportation (WSDOT): WSDOT provided comment stating that the project will be strictly prohibited from providing direct access to Interstate 90 and WSDOT's right-of-way fence must not be altered or removed. WSDOT stated that all stormwater must be retained on-site, snow-storage shall remain on-site, lighting should be downward facing, and signage must comply with state criteria.
 - 11.4 Kittitas County Public Health: The Kittitas County Public Health Department commented that because the applicant does not plan to provide water access to the public, they have no comments or concerns with the proposed project.
 - 11.5 Kittitas County Public Works: Kittitas County Public Works described access permit, grading permit, and stormwater requirements and thresholds.
 - 11.6 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 and if the applicant plans to withdraw more than 5000 gallons of water per day, they must obtain authorization from DOE.
12. No public comments were received.
13. An open record public hearing after due legal notice was held on March 11, 2021 via video conferencing due to the ongoing Covid-19 pandemic.
14. At the open record public hearing the following exhibits were entered into the record:
 - 14.1 Ex. 1 Pre-Application
 - 14.2 Ex. 2 Application
 - 14.3 Ex. 3 Project Narrative
 - 14.4 Ex. 4 Floor Plan
 - 14.5 Ex. 5 Site Plan
 - 14.6 Ex. 6 Engineer's Plans
 - 14.7 Ex. 7 SEPA Checklist
 - 14.8 Ex. 8 Receipt

- 14.9 Ex. 9 CDS Staff Maps
- 14.10 Ex. 10 Deemed Complete
- 14.11 Ex. 11 Affidavit of Posting & Pictures
- 14.12 Ex. 12 Publishing Notice of Application
- 14.13 Ex. 13 Notice of Application - Legal
- 14.14 Ex. 14 Confirmation of NOA Legal Receipt from Daily Record
- 14.15 Ex. 15 Confirmation of NOA Legal Receipt from Northern Kittitas County Tribune
- 14.16 Ex. 16 Notice of Application
- 14.17 Ex. 17 Affidavit of Mailing & Publication - NOA
- 14.18 Ex. 18 Comments: Department of Health – Office of Drinking Water
- 14.19 Ex. 19 Comments: Department of Archeology & Historic Preservation
- 14.20 Ex. 20 Comments: Washington State Department of Transportation
- 14.21 Ex. 21 Comments: Kittitas County Public Health
- 14.22 Ex. 22 Comments: Kittitas County Public Works
- 14.23 Ex. 23 Comments: Department of Ecology
- 14.24 Ex. 24 Transmittal of Comments
- 14.25 Ex. 25 Applicant Response to Comments
- 14.26 Ex. 26 Email Correspondence between CDS & PW
- 14.27 Ex. 27 Publishing Notice of SEPA Action & Public Hearing
- 14.28 Ex. 28 Notice of SEPA Action & Public Hearing Legal
- 14.29 Ex. 29 Confirmation of Notice of SEPA Action & Public Hearing Legal Receipt from Daily Record
- 14.30 Ex. 30 Notice of SEPA Action & Public Hearing
- 14.31 Ex. 31 Affidavit of Mailing & Publication- Notice of SEPA Action & Public Hearing
- 14.32 Ex. 32 SEPA Determination of Nonsignificance
- 14.33 Ex. 33 Presentation
- 14.34 Ex. 34 Staff Report
- 14.35 Ex. 35 All email correspondence with applicant

- 27. Appearing and testifying on behalf of the applicant was Ryan Cruth. Mr. Cruth testified that he was the property owner and applicant. Mr. Cruth indicated that he had no objection with 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, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.

3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. Public use and interest will be served by approval of this proposal.
5. 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.
6. 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-20-00004 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 17, 2020 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.
4. All buildings with storage units facing property boundaries shall have a minimum setback of thirty-five (35) feet.
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. A copy of all lease documents shall be provided to Kittitas County CDS for final CUP approval.
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. 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 and Historic Preservation (DAHP). Work shall remain suspended until the find is 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.

9. Snow shall be contained on-site or transported off site. Snow storage shall not encroach on the WSDOT right-of-way.
10. The applicant shall obtain all necessary permits required by Kittitas County Public Works for this development.
11. Any proposed lighting shall be directed downwards and away from Interstate 90.
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 of the approval date pursuant to KCC 17.60A.090.

Dated this 12th day of March, 2021.

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.