

**KITTITAS COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
CU-20-00006)	CONDITIONS OF APPROVAL
Swiftwater Storage)	AND DECISION

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on July 22, 2021, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law and Decision:

I. FINDINGS OF FACT

1. The proposed project will establish 12 Mini Warehouses totaling 84,800 sq. ft., 21,600 sq. feet of covered RV and boat parking under 3 carport style roof-over-concrete structures, uncovered boat and RV storage, as well as a single-family residence covering 1 parcel in the Forest and Range zone on approximately 18.18 acres. The proposed uses are permitted in this zone with a Conditional Use Permit. These facilities are described in more detail below.
2. Location: Parcel 15445 located at mile post 1.84 of State Route 970, Cle Elum, WA. In a portion of Section 32, Township 20N, Range 16E.
3. Site Information:

Total Property Size:	18.18 Acres
Number of Lots:	1
Domestic Water:	Existing Well (For Residential Use Only)
Sewage Disposal:	On-Site Septic (For Residential Use Only)
Fire Protection:	Fire District 7 (Cle Elum)
Irrigation District:	N/A
4. Site Characteristics:

<u>North:</u>	Primarily forested privately-owned lands with residential uses.
<u>South:</u>	Primarily forested privately-owned lands with residential uses.
<u>East:</u>	Privately owned land, with mixed commercial and residential uses.
<u>West:</u>	Primarily forested privately-owned lands with residential uses.
5. Access: The site is accessed from State Route 970, a State Highway, approximately 1.70 miles southeast of the city of Cle Elum.

6. The parcel involved in this proposal is in a land use designation of *Rural Working* and zoning designation of *Forest and Range*. The proposed project is classified as a “Mini-Warehouse” and “Recreational Vehicle Storage” uses. Mini-Warehouses and Recreational Vehicle Storage are allowed uses within the Forest and Range Zone under KCC 17.15.060.1 with a conditional use permit when consistent with footnotes #26 and #59 of this section. The footnotes outline specific criteria for approval of these uses.
7. A conditional use permit application for Swiftwater Storage (CU-20-00006) was submitted to Kittitas County Community Development Services Department on December 21, 2021. The application was deemed complete on February 18, 2021. The site was posted in accordance with KCC 15A.03.110 on February 18, 2021.
8. A notice of application for the Swiftwater Storage Conditional Use Permit (CU-20-00006) 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 March 2, 2021, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period concluded on March 17, 2021.
9. The Kittitas County Comprehensive Plan has established specific goals and policies associated with Rural Resource lands. The Rural Working land use designation “encourage farming, ranching and storage of agriculture products, and some commercial and industrial uses compatible with the rural environment and supporting agriculture and/or forest activities.” 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-G9: The County should continue to explore ways to provide rural economic opportunity.
 - 9.1.1 The proposed project is intended to provide storage services to meet local and recreational storage demands. Recreational activities are abundant in the Northern County 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 adjacent to an existing mini storage use that largely caters to recreational visitors.
 - 9.2 RR-G8: The County should strive to sustain and protect the westerly mountainous, recreational open space, and its easterly non-resource agricultural and rangeland activities.
 - 9.2.1 The proposed project will not negatively impact the westerly mountainous, recreational open-space, or easterly non-resource agricultural and rangeland activities. The project site is located off of a State Highway and is adjacent to an established mini storage use. Kittitas County has identified the proposed uses as appropriate in the Forest and Range zone when adjacent to a State Highway pursuant to KCC 17.15.060.
 - 9.3 RP-15: Give preference to land uses in Rural designated areas that are related to agriculture, rural residential development, tourism, outdoor recreation, and other open space activities.

- 9.3.1 The proposed project will service outdoor recreation, tourism and other open space activities by supplying storage options for recreational users.
- 9.4 This application is consistent with the goals, policies, and objectives of the Kittitas County Comprehensive Plan as set forth above.
10. Critical areas on the project parcel include a Type 2 stream with Shoreline Jurisdiction of the State, including multiple wetlands contiguous with the Shoreline Jurisdiction. The southern boundary wetland is categorized as a Category III wetland with a use associated buffer of 150 feet for High Intensity use and development (KCC 17B.05.020G-1) and the northern boundary wetland is categorized as a Category II wetland with a use associated buffer of 110-feet for Moderate Intensity use and development (KCC 17B.05.020G-1).
11. 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 and 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 Mitigated Determination of Non-Significance on July 1, 2021. The appeal period for the SEPA MDNS concluded on July 16, 2021. No appeals were filed.
12. 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.
13. Agency Comments: Washington State Department of Health – Office of Drinking Water, Yakama Nation Cultural Resources Program, Yakama Nation Department of Natural Resources, Yakama Nation CRP, Kittitas County Public Health, Washington State Department of Ecology, Washington State Department of Natural Resources, Washington State Department of Archeological and Historical Preservation, Washington State Department of Transportation, Kittitas County Public Works and Washington Department of Fish and Wildlife:
- 13.1 Washington State Department of Archeology and Historic Preservation (DAHP):
DAHP provided comments requesting the applicant prepare an inadvertent discovery plan and prepare construction crews for the possibility of encountering archaeological material during ground disturbance.
- 13.2 Washington State Department of Health – Office of Drinking Water (WSDOH-ODW):
WSDOH provided comment in regards to the on-site well and if the well was intended to serve the public the applicant would need either a Group A or Group B permit.
- 13.3 Kittitas County Public Health:
The Kittitas County Public Health commented that the application does not propose water for public use and since the applicant has been working with their department on the septic for the residence, they have no further comments or concerns.
- 13.4 Kittitas County Public Works:
Kittitas County Public Works described access permit, grading permit, stormwater requirements and thresholds, and flood plain development permits. Additionally, Public Works described the threshold for a Traffic Concurrency study requirement.

- 13.5 Washington State Department of Fish and Wildlife:
Washington State Department of Fish and Wildlife provided comments regarding the need to review the final site grading plans to understand the changed topography and impacts to the flood plains, the need for final stormwater management plans, comments in regards to the RV repair facilities and primitive campground areas and their impact on critical areas, the need for downward lighting in compliance with DarkSky best practices, and the use of native vegetation within the landscaping.
 - 13.6 Washington State Department of Natural Resources:
Washington State Department of Natural Resources provided comments regarding the conversion of the property to non-forestry and the need to require an approved Forest Practices Application/Notification form DNR.
 - 13.7 Washington State Department of Ecology:
Washington State Department of Ecology provided comments in regards to the possible fill in wetlands, Discharges into Waters of the State, the critical areas located on the property and the Critical Area Report provided by the applicant from Sewall Wetland Consulting, Inc. WSDOE raised concerns with the reports wetland buffers widths, mitigation, and the lack of a detailed map demonstrating the delineated wetland boundaries and requested a joint onsite visit.
 - 13.8 Yakama Nation DNR:
 - 13.9 Yakama Nation CRP:
14. The following public comments were received:
- 14.1 Jordan Howell and Bree Boudreaux submitted comments regarding impacts on neighboring property owners and the environmental impacts including tree removal and the need for replanting of trees to reduce the impacts to neighbors.
 - 14.2 Mark Olsen submitted comments in regards to the commercial traffic, requested the applicant move the commercial access down to All Season Garage through an easement, increased traffic on the state route with a total of 724 storage units between 3 storage facilities within a small distance and need for widening and a turn lane.
 - 14.3 Tyler Jensen submitted comments regarding the aesthetic beauty impacts to neighboring properties and asked that the developers consider remedies such as 6' tree relocation, shrubbery and other natural coverage.
 - 14.4 William (Bill) Rohde, Also noting property owners- Mark Olsen, T.J. Bloomingdale, Daniel McCaddon, Todd Crooks, Larry Long, Tyler Jensen, and Jordan Howell, submitted comments regarding access, fire, security, environmental and wildlife concerns.
15. 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.
16. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The following Comprehensive Plan goals and policies apply to this proposal: RR-G9, RR-G8, RP-15.
17. Provided the applicant follows and maintains the goals and policies, they shall be in compliance with the Kittitas County Comprehensive Plan.

18. KCC 17.60A.015 provides the following review criteria to be considered in a conditional use analysis:
- 18.1 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.
- 18.1.1 Applicant Response: "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. Our company has consistently documented that storage units are often unavailable to rent in and around Cle Elum. Waiting lines have formed at numerous local storage facilities. The market rate for storage space rental is significantly higher in and around Cle Elum than in many areas of the nation. Modern building practices have resulted in various local subdivisions being erected with restrictive covenants and Home Owners Association requirements limiting the amount of storage new owners are allowed on their primary properties. Construction of new storage units has lagged behind demand. Thus, the proposed use is essential or desirable to the public convenience in the location where it is proposed.
- 18.1.2 The proposed use is also not injurious to public health as the proposed construction is to be done in a zone where similar use is already permitted, where zoning assumes that the proposed use inappropriately located according to the Kittitas County master plan, and the proposed buildings will all meet or exceed all safety codes and standards for both building construction and ecology protection. The proposal includes appropriate security measures, including fencing and building a residential caretaker's unit alongside the proposed commercial storage facilities. The colocation of such a residential unit is intended to allow the ownership of these facilities to appropriately secure, manage and monitor the property to a close degree. The proposed use is exactly consistent with the use and/or building permits already issued with respect to the two adjacent parcels at the Southern boundary of the property which also front Highway 970. The proposed use appropriately blends the use of the land between residential and commercial uses. Thus, the proposed use will not be detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood."
- 18.1.3 Hearing Examiner Finding: The proposal for mini warehouses and ORV's and boat storage is an allowed use within the general commercial zone. Upper Kittitas County is highly used by recreationalists. The proposal is located near many residential structures, along with many general commercial uses. CDS does not anticipate the proposed use as conditioned will be detrimental or injurious to the public health, peace or safety or to the character of the surrounding neighborhood.
- 18.2 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.
- 18.2.1 Applicant Response: “The proposed use at the proposed location will not be unreasonably detrimental to the economic welfare of the county. It will also not create excessive public cost for facilities and services. This is because:
- 18.2.1.1 It is adequately serviced by the fronting highway and existing residential access roadway off highway 970 per DOT comments; no safety or access concerns have been identified by law enforcement or fire department officials which will also have easy access directly off the highway; irrigation is not generally needed for the proposal as the proposed land surfaces will be covered primarily in gravel; an appropriate groundwater drainage pond has been designed and proposed within the project; the ownership of the project will provide for appropriate refuse disposal; water and sewers will not be included for public use as storage renters will not be expected to frequent the project location over extended periods of time; and the project’s approval will involve no significant additional demand on public schools because it involves only one residential living unit.
 - 18.2.1.2 The proposal requires no additional public facilities to be created; and
 - 18.2.1.3 The proposed use of the project has such sufficient projected economic benefits to the County that any public costs or economic detriments will be offset.”
- 18.2.2 Hearing Examiner Finding: As proposed, the project will be adequately serviced by existing facilities and will not require additional public costs. The Hearing Examiner finds no indication that the project will have a detrimental economic impact.
- 18.3 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.
- 18.3.1 “The proposed use complies with all applicable development standards, requirements and codes. The proponents have not asked for any variances or deviations from such standards, requirements or codes. The proponents have also given written assurances to the county that they will meet or exceed all applicable construction standards, requirements and codes.”
 - 18.3.2 Hearing Examiner Finding: The mini warehouse use and Recreational vehicle storage are consistent with the relevant development standards and criteria including KCC 17.15.060. The mini-warehouse and recreational vehicle storage uses are permitted in the Forest and Range zone through a Conditional Use Permit.
- 18.4 The proposed use will mitigate material impacts of the development, whether environmental or otherwise.
- 18.4.1 Applicant Response: “The proposed requirement mitigates all material impacts of the development, whether environmental or otherwise, because

the project has been reviewed and a finding has been made of no significant environmental impact, and in addition, the proponents have agreed in writing to comply with all construction standards, requirements and codes. This includes that the proponents have agreed in writing that they will implement construction procedures designed to notify all involved workers of applicable environmental and cultural responsibilities, and to ensure that if culturally-significant artifacts are found during any phase of construction, all construction will immediately stop until such time as appropriate Tribal and County officials have reviewed the circumstances then present and determined that it is appropriate for construction to resume.”

- 18.4.2 Hearing Examiner Finding: The proposal, as conditioned, will mitigate material impacts of the development. Environmental impact mitigation has been addressed in the SEPA MDNS.
- 18.5 The proposed use will ensure compatibility with existing neighboring land uses.
- 18.5.1 Applicant Response: “The proposal ensures compatibility with existing neighborhood land uses because it proposes no such land uses other than those already included on bordering properties. The proposed uses are also expressly compatible with the zoning allowances in place for the subject parcel.”
- 18.5.2 Hearing Examiner Finding: Neighboring land uses to the east include other mini warehouse facilities adjacent to a state route. The character and scale of the proposed use will be compatible with adjacent uses.
- 18.6 The proposed use is consistent with the intent and character of the zoning district in which it is located.
- 18.6.1 Applicant Response: “The proposal is exactly consistent with the zoning district in which it is located. The present zoning of the subject parcel allows for both single family dwelling and storage facilities. This proposal includes no other form of proposed developments.”
- 18.6.2 Hearing Examiner Finding: The proposed use of mini warehouse facilities and recreational vehicle storage are allowed in the Forest and Range zone with a Conditional Use approval. Kittitas County has established mini warehouse and recreational vehicle storage uses to be appropriate in the Forest and Range zone subject to standards outlined in KCC 17.15.060.1.
- 18.7 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.
- 18.7.1 Applicant Response: “Although located outside a designated Urban Growth Area, the proposal 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. The Forest and Range zoning of this parcel allows the exact uses which have been proposed. The proposal also preserves the rural character of the region in which it is located. It concentrates needed storage facilities in an easily-accessed area which already provides for that use, thereby mitigating the need for other rural lands elsewhere to be

burdened and developed with storage facilities. The proposed use requires only rural government services and does not compromise the long term viability of designated resource lands.”

18.7.2 Hearing Examiner Finding: The proposal is consistent with the Kittitas County Comprehensive Plan. The use will not conflict with rural character, requires only rural government services and will not compromise resource lands.

18.7.3 The Kittitas County Hearing Examiner finds the application, as conditioned, is consistent with KCC 17.60A Conditional Uses. The use will only require rural government services and does not compromise the long-term viability of any resource lands.

19. Consistency with KCC 17.15.060.2, Allowed Uses in Rural Non-LAMIRD Lands, Footnote #59:

19.1 The following standards shall apply to the approval and construction of mini warehouses in the Forest and Range zone:

19.1.1 The site shall either be contiguous to a State Highway or contiguous to a designated urban arterial or rural collector road located near a highway intersection or freeway interchange. It is not necessary for the site to have direct access to such arterial, collector or highway to meet this requirement.

19.1.2 Findings shall be made that the use does not require urban government services such as municipal sewer or water service and does not compromise the long-term viability of designated resource lands.

19.1.3 Additional setbacks, physical barriers or site-screening may be required on sites that border resource lands in the Commercial Agriculture or Commercial Forest zoning districts.

19.1.4 Measures shall be taken to protect ground and surface water.

19.1.5 A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening.

19.1.6 No commercial or manufacturing activities will be permitted within any building or storage unit except for RV storage when authorized under KCC 17.15.060.2.

19.1.7 Lease documents shall spell out all conditions and restriction of the use.

19.1.8 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.

19.2 This Decision has been conditioned to address these requirements.

20. Consistency with KCC 17.15.060.1, Allowed Uses in Rural Non-LAMIRD Lands, Footnote #26: Recreational vehicle storage may be enclosed or outdoor storage of recreational vehicles or both. Permitted where the use is only serving a residential PUD or in the Rural Recreation and Forest and Range zoning districts and subject to the following standards and conditions:

20.1 All stored vehicles must be licensed if required by law, and operational. This land use does not include vehicle sales.

20.2 Unless it is limited to serving a residential PUD and otherwise permitted or authorized, recreational vehicles shall not be stored outside when the site is contiguous to a residential zoning district.

- 20.3 No commercial or manufacturing activities are permitted except when recreational vehicle/equipment service and repair has been permitted subject to the requirements of KCC 17.15.060.2 Footnote 60.
- 20.4 In the Forest and Range zoning district, and when not limited to serving a recreational planned unit development, the site shall either be:
 - 20.4.1 Contiguous to a State Highway, or
 - 20.4.2 Contiguous to a designated urban arterial or rural collector road located near a highway intersection or freeway interchange.
 - 20.4.3 It is not necessary for the site to have direct access to such arterial, collector or highway to meet this requirement.
- 20.5 Recreational vehicle storage shall be designed to be compatible with the surrounding rural character, subject to the following standards:
 - 20.5.1 Storage areas shall be enclosed with a minimum five-foot-high, security fence. The applicant may be required to provide additional plans for aesthetic improvements and/or site-screening.
 - 20.5.2 Additional setbacks, physical barriers or site-screening may be required on sites that border resource lands in the Commercial Agriculture or Commercial Forest zoning districts.
 - 20.5.3 Findings shall be made that the proposal does not require urban governmental services such as municipal sewer or water service and does not compromise the long-term viability of designated resource lands.
 - 20.5.4 Measures shall be taken to protect ground and surface water
- 20.6 This Decision has been conditioned to address these requirements.
21. Consistency with the provisions of the KCC Title 14.04, Building Code:
 - 21.1 Any future buildings must be consistent with International Building Codes.
22. Consistency with the provisions of KCC Title 12, Roads and Bridges:
 - 22.1 As conditioned, the proposal is consistent with the provisions of KCC Title 12.
23. Consistency with the provisions of KCC Title 20, Fire and Life Safety:
 - 23.1 As conditioned, the proposal is consistent with the provisions of KCC Title 20.
24. Consistency with the provisions of KCC Title 13, Water and Sewers:
 - 24.1 As conditioned, the proposal is consistent with the provisions of KCC Title 13.
25. Consistency with the provisions of the KCC Title 17A, Critical Areas:
 - 25.1 As Conditioned, the proposal is consistent with the provisions of KCC 17A.
26. The following agencies provided comments during the comment period:
 - 26.1 Washington State Department of Health – Office of Drinking Water;
 - 26.2 Department of Archaeology and Historic Preservation;
 - 26.3 Kittitas County Public Health;
 - 26.4 Kittitas County Public Works.
 - 26.5 Washington State Department of Fish and Wildlife,
 - 26.6 Washington State Department of Natural Resources,
 - 26.7 Washington State Department of Ecology,
 - 26.8 Washington State Department of Transportation,

- 26.9 Yakama Nation – Cultural Resources Program,
 - 26.10 Yakama Nation – Department of Natural Resources,
 - 26.11 Wetland Buffer Restoration Plan dated July 13, 2021 provided by Sewall Wetland Consulting, Inc.
27. Public Comments were received by:
- 27.1 Jordan Howell and Bree Boudreaux,
 - 27.2 Mark Olson,
 - 27.3 Tyler Jensen,
 - 27.4 William Rohde.
28. All comments are available for public review through Kittitas County Community Development Services.
29. An open record public hearing after due legal notice was held on July 22, 2021 via video conferencing due to the ongoing Covid-19 pandemic.
30. At the open record public hearing the following exhibits were entered into the record:
- 30.1 Ex. 1 Application
 - 30.2 Ex. 2 Narrative
 - 30.3 Ex. 3 Receipt
 - 30.4 Ex. 4 SEPA Checklist
 - 30.5 Ex. 5 Critical Areas Report
 - 30.6 Ex. 6 Critical Areas Wetland Survey Updates
 - 30.7 Ex. 7 Deemed Incomplete 12-12-20
 - 30.8 Ex. 8 Revised Site Plan
 - 30.9 Ex. 9 Revised Site Plan (Final) 6-9-21
 - 30.10 Ex. 10 Deemed Complete 2-18-21
 - 30.11 Ex. 11 Affidavit of Posting 2-19-21
 - 30.12 Ex. 12 Affidavit of Mailing and Publication
 - 30.13 Ex. 13 DAHP Comments
 - 30.14 Ex. 14 DOH-ODW Comments
 - 30.15 Ex. 15 Kittitas County Public Health Comments
 - 30.16 Ex. 16 Kittitas County Public Works Comments
 - 30.17 Ex. 17 William (Bill) Rohde Comments
 - 30.18 Ex. 18 Washington State Department of Natural Resources Comments
 - 30.19 Ex. 19 Washington State Department of Ecology Comments
 - 30.20 Ex. 20 Yakama Nation CRP Comments
 - 30.21 Ex. 21 Yakama Nation DNR Comments
 - 30.22 Ex. 22 Tyler Jensen Comments
 - 30.23 Ex. 23 Mark Olsen Comments
 - 30.24 Ex. 24 Jordan Howell
 - 30.25 Ex. 25 Washington State Department of Fish and Wildlife Comments
 - 30.26 Ex. 26 Washington State Department of Transportation Comments
 - 30.27 Ex. 27 Transmittal of Comments 3-18-21
 - 30.28 Ex. 28 Applicants Response to Comments 3-21-21
 - 30.29 Ex. 29 Request for Additional Information 5-7-21

- 30.30 Ex. 30 Correspondence
 - 30.31 Ex. 31 Notice of SEPA Action & Public Hearing
 - 30.32 Ex. 32 Staff Report
 - 30.33 Ex. 33 Public Hearing Presentation
 - 30.34 Ex. 34 Wetland Buffer Restoration Plan
 - 30.35 Ex. 35 July 22, 2021 comment by Mark Olsen
 - 30.36 Ex. 36 March 9, 2021 comment by Yakama Nation
 - 30.37 Ex. 37 March 11, 2021 comment by Yakama Nation
 - 30.38 Ex. 38 July 22, 2021 comment from Applicant through its agents, Spencer Parr and Joshua Mitchell.
31. Appearing and testifying on behalf of the applicant was Spencer Parr. Mr. Parr is an attorney and he owns one-half of the company that is developing this property. He stated that the June 9, 2021 new site plan is the final site plan with 362 storage units and 43 covered RV spaces. He stated that the Applicant would do a cultural resource survey. He stated there would be no recreational vehicle repair facility on the property. He stated that they would comply with all agency requirements. He stated that there would be mitigation to address the visual impacts of those property owners that are co-easement holders, so as to shield the Applicant's use from the view of persons using the easement roadway. Upon question from the Hearing Examiner, Mr. Parr indicated that they would use earth tones for the fence, storage facility and roofs, unless the users of the easement area agree otherwise. He stated that the Applicant had no objection to any of the proposed conditions of approval.
32. Also present was co-owner Josh Mitchell. Mr. Mitchell did not provide any testimony.
33. Testifying from the public were the following individuals:
- 33.1 Mark Olson. Mr. Olson testified about preserving the stream on the property and somehow removing the reed canary grass on the site. He had concerns about access onto the property from SR970, given that this highway can be heavily used during the weekends.
 - 33.2 William Rohde. Mr. Rohde owns a lot on the hill overlooking the site. His concern related to security while he was not occupying his premises, as well as fire that may start within the storage facility, and what water is available to fight the fire. He stated his concerns regarding the removal of trees that have visually impacted the aesthetic beauty of the property.
 - 33.3 Todd Crooks. Mr. Crooks owns Lot 2 on the bluff overlooking the property. His primary concern regarding the safety of traffic exiting the easement roadway onto SR970. He did not believe that traffic safety had been adequately studied. He also had concerns regarding the color of the buildings, fences, and roofs. Mr. Crooks also had concerns about the water source to fight fires on the property.
 - 33.4 Planning staff member, Jeremy Johnston, stated that fire flow requirements will be addressed during the building permit stage and that International Fire Code standards would have to be met.
34. At the conclusion of this hearing, the Hearing Examiner kept the record open until 5:00 p.m. Monday, July 26, 2021, for the sole purpose of the Applicant addressing the written comments from Mr. Olson submitted the day of the hearing.

35. On July 22, 2021, the Applicant, through its agents, Spencer Parr and Joshua Mitchell, submitted a written response to Mark Olson's comments of July 22, 2021. The Applicant's response is admitted into the record as Exhibit 38.
36. The Kittitas County Hearing Examiner considered all evidence within the record in rendering this decision.
37. 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, Title 13 Water and Sewers 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-20-00006 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 December 21, 2020 and subsequent information included in the complete file index except as amended by the conditions herein.

Land Use

2. The project shall adhere to all property line setbacks.
3. No commercial or manufacturing activities will be permitted within any building or storage unit.

4. Leasing documents outlining all restrictions and conditions shall be provided to CDS Planning for review prior to final CUP approval.
5. A site screening fence of a minimum five (5) feet in height shall be installed along the project boundary. Vegetation may be used in place of the site screening fence where desired, provided the vegetation adequately screens the site commensurate to or greater than the site screening fence described.
6. Any storage units facing property boundaries shall require a thirty-five (35) foot structural setback from the associated property boundary line.
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.
8. Any outdoor advertising or motorist signing considered for this project will need to comply with WSDOT criteria.
9. All stored vehicles must be licensed if required by law, and operational. This land use does not include vehicle sales.
10. No commercial or manufacturing activities are permitted on this site.
11. The applicant shall adhere to all standards established in KCC Title 17.15.060.2 Footnote #59
12. The applicant shall adhere to all standards established in KCC Title 17.15.060.2 Footnote #26.
13. All proposed lighting shall be directed downwards and away from State Route 970 and neighboring parcels in compliance with the DarkSky best practices.

Water and Sewer

14. The applicant shall adhere to all KCC Title 13 requirements for water and sewer/On-site septic to the satisfaction of Kittitas County Public Health and Kittitas County Public Works as noted in the comment letters submitted.

Building

15. All construction of buildings and fences shall conform to Kittitas County Code Title 14 and the International Building and Fire Codes adopted at the time of building permit submittal. This includes fire suppression and fire separations.
16. All buildings shall be made accessible per the latest adopted edition of the ICC/ANSI A117.
17. Hard surfaced accessible parking and a route to accessible spaces shall be provided. Signage and marking for accessible parking shall be provided.

Transportation and Access

18. The Swiftwater Storage will require a commercial access permit from Kittitas County Public Works and Washington State Department of Transportation.
19. A grading permit is required for any dirt work exceeding 100 cubic yards of excavation and/or fill.
20. A transportation impact analysis (TIA) shall be required for all development that will generate more than nine (9) peak hour vehicle trips unless the requirement for a study has been waived by the Public Works director.

Stormwater

21. Engineered Stormwater plans are required in compliance with the Eastern Washington Storm Water Manual. These plans shall be submitted to Kittitas County Public Works for review and approval prior to final CUP approval.

Flood

22. All activities within the floodplain must be permitted through the floodplain development permit process.

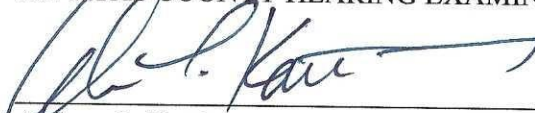
Cultural Resources

23. Should ground disturbing or other activities related to the proposed subdivision 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.
24. All development, design and construction shall comply with International Fire Code requirements and KCC Title 20 Fire and Life Safety. Please contact the Kittitas County Fire Marshal for specific requirements.
25. A revegetation plan shall be submitted to Community Development Services for the wetland buffer encroachment located in the primitive campsite areas on the northeast end of the property. This revegetation plan shall include mitigation consistent with KCC 17B. This report shall be submitted and approved prior to any ground disturbing activities associated with the project.
26. 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.

27. Unless there is unanimous agreement by the easement owners for the easement accessing this property and other property, the Applicant shall use neutral earth tones for all fencing, buildings, and roofs.
28. The Applicant shall complete a Cultural Resource Survey, shall submit this survey to Washington State Department of Archeology and Historic Preservation (DAHP), the Yakama Nation, and Kittitas County, and shall comply with all recommendations within the Cultural Resource Survey and those submitted by DAHP, the Yakama Nation and Kittitas County.

Dated this 27th day of July, 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.