

**KITTITAS COUNTY  
LAND USE HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
<b>CU-21-00001</b>	)	<b>CONDITIONS OF APPROVAL</b>
<b>Siderits Storage</b>	)	<b>AND DECISION</b>

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on April 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 would add 25 storage units to an existing 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 an additional 4,320 square feet of enclosed storage, to be built in three phases as demand dictates.
2. Location: Parcel 281634 located at 2591 East Railroad St, Easton, WA. In the NW1/4 of Section 13, Township 20, Range 13, Kittitas County.
3. Site Information:

Total Property Size:	3.17 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 0.5 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 Siderits Storage (CU-21-00001) was submitted to Kittitas County Community Development Services department on January 21, 2021. The application was deemed complete on February 18, 2021. The site was posted in accordance with KCC 15A.03.110 on February 20, 2021.
8. A notice of application for the Siderits Storage Conditional Use Permit (CU-21-00001) 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 February 25, 2021, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period concluded on March 12, 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-G30: Establish areas of community pattern that accommodate community activities without having to incorporate.
    - 9.1.1 The proposed project is an expansion to an existing mini warehouse facility. It is consistent with the community pattern as one of its neighboring properties also has a mini-warehouse storage facility on it and provides 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.
  - 9.5 This application is consistent with the goals, policies, and objectives of the Kittitas County Comprehensive Plan as outlined above.

10. CDS performed a critical area review of the properties. No critical areas were found. The application is exempt from SEPA review under KCC 15.04.090 (1)(c).
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 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.
  - 11.2 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.
  - 11.3 Kittitas County CDS- Building: Kittitas County Building Department provided comment expressing building code compliance requirements for existing and future structures.
  - 11.4 Kittitas County Public Works: Kittitas County Public Works described access permit, grading permit, stormwater requirements and thresholds and the potential requirement of a transportation impact analysis.
  - 11.6 Department of Archeology and 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.
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.
14. 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-G30, RR-G31, and RR-G32.
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: "Based on the high call volume of people seeking Storage Units and the 100% occupancy an increase in available Units is desirable to the

local population. Location of the Proposed Project is in an area with a long history of commercial usages, existing Mini-Warehouse business has been in continuous operation since 1994. The proposed Project will fit the character of the surrounding neighborhood: it is bordered by Interstate 90 on one side and an active BNSF Railroad (opposite side of East Railroad St.) the 190 traffic and Railroad noise makes location undesirable for most other usages. Exterior lighting would be of a type to limit light trespass/pollution and be the minimum needed for safety and security. The proposed Expansion would be similar in architecture to existing building (a common design for the area).”

- 16.1.2 Hearing Examiner Finding: The project site is within a commercial zone adjacent to several businesses that service recreational visitors and local customers. The proposed use 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: “Access would be from an existing permitted Commercial Drive (2013) to East Railroad St. The existing business does not have history of being a burden on Police resources. No change is anticipated with proposed expansion. Security camera system would be enlarged to cover the proposed Project. There is an existing Fire hydrant on this parcel's road frontage and a second 40' away from parcel comer closest to proposed project. The proposed building would be 100% metal siding and roofing to reduce fire danger. Existing gravel drives and parking provide fire brakes and defensible space. No irrigation. Drainage will be directed to an existing underutilized Infiltration Pond engineered by Encompass Engineering and County approved. No refuse is generated by business activities. Refuse from maintenance activities will be minimal and self-transported to local Transfer Station. Building is designed to minimize construction waist. Construction waist will be self-transported to local Transfer station. No water, sewer or septic system for the proposed project or existing business. No impact on schools from this none residential Proposed Project. 0.4 miles from Easton School.”
- 16.2.2 Hearing Examiner Finding: 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 “Mini storage business is allowed in Kittitas County General Commercial. Under the GMA rules Mini Storage business is allowed in General Commercial zoning with a Conditional Use Permit.”
- 16.3.2 Hearing Examiner Finding: The use is consistent with the relevant development standards and criteria including KCC 17.15.070.1 footnote 22 as described



below. The mini-warehouse use is permitted in the General Commercial zone through a Conditional Use Permit.

- 16.4 The proposed use will mitigate material impacts of the development, whether environmental or otherwise.
- 16.4.1 Applicant Response: "The proposed project will be Pole Building type to minimize ground work and project completion time. Construction will be during normal business hours. The building is designed to minimize construction waste."
- 16.4.2 Hearing Examiner Finding: 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 and retain stormwater on-site.
- 16.5 The proposed use will ensure compatibility with existing neighboring land uses.
- 16.5.1 Applicant Response: "It is an area with a long history of commercial usages. There is another storage business two parcels to the "north" (towards town) and a Tow Truck yard three parcels to the "south". The existing business has been in continuous operation since 1994. The parcel is bordered by Interstate 90 on one side and an active BNSF Railroad (opposite side of East Railroad St.). The I90 traffic and Railroad noise makes location undesirable for most other usages."
- 16.5.2 Hearing Examiner Finding: 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: "Mini-Warehouse is allowed in General Commercial zoning and with a Conditional use permit in GMA Lam type 1."
- 16.6.2 Hearing Examiner Finding: The proposed project is a permitted use in General Commercial Zoning with a Conditional Use Permit and 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: "The proposed project is an allowed use (with conditional use permit) in its GMA Type 1 LAMIRD and Parcel is zoned General Commercial. The parcel has an existing Mini-Warehouse business in continuous operation since 1994. The proposed project will only require existing rural government services. The proposed project does not compromise the long term viability of designated resource land."
- 16.7.2 The proposal is consistent with the Kittitas County Comprehensive Plan as described above. The Hearing Examiner finds that the project will preserve rural character as defined in the GMA, will require only existing rural

- government services, and will not compromise the long term viability of designated resource lands.
- 16.7.3 The Kittitas County Hearing Examiner finds the application, as conditioned, is consistent with KCC 17.60A Conditional Uses, as described above in section "VIII" of this decision. 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 17.15.070.1, Allowed Uses in Rural LAMIRD Lands, Footnote #22:
- 17.1 The following criteria are established in KCC 17.15.070.1 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;"
- 17.1.1.1 A condition of this decision addresses this issue.
- 17.1.2 "All buildings with storage units facing property boundaries shall have a minimum setback of thirty-five (35) feet;"
- 17.1.2.1 A condition of this decision addresses this issue.
- 17.1.3 "No commercial or manufacturing activities will be permitted within any building or storage unit;
- 17.1.3.1 A condition of this decision addresses this issue.
- 17.1.4 "Lease documents shall spell out all conditions and restrictions of the use;"
- 17.1.4.1 A condition of this decision addresses this issue.
- 17.1.5 "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."
- 17.1.5.1 A condition of this decision addresses this issue
- 17.1.6 "In Type 3 LAMIRDS, the use shall be conducted wholly within an enclosed building."
- 17.1.6.1 Not applicable.
- 17.1.7 The Hearing Examiner finds the application, as conditioned, is consistent with KCC 17.15.070.1 footnote #22.
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.
21. Consistency with the provisions of KCC Title 20, Fire and Life Safety:
- 21.1 As conditioned, the proposal is consistent with the provisions of KCC Title 20
22. The following agencies provided comments during the comment period:
- 22.1 Kittitas County Public Works;
- 22.2 Washington State Department of Transportation;
- 22.3 Kittitas County Community Development Services- Building;

- 22.4 Department of Archaeology and Historic Preservation;
  - 22.5 Kittitas County Public Works.
23. All comments are available for public review through Kittitas County Community Development Services.
24. An open record public hearing after due legal notice was held on April 22, 2021 via video conferencing due to the ongoing Covid-19 pandemic.
25. At the open record public hearing the following exhibits were entered into the record:
- 25.1 Ex. 1 Pre-Application
  - 25.2 Ex. 2 Application
  - 25.3 Ex. 3 Project Narrative
  - 25.4 Ex. 4 Legal Description
  - 25.5 Ex. 5 Site Plan
  - 25.6 Ex. 6 Record of Survey
  - 25.7 Ex. 7 CDS Staff Maps
  - 25.8 Ex. 8 Deemed Complete
  - 25.9 Ex. 9 Affidavit of Posting and Pictures
  - 25.10 Ex. 10 Publishing Notice of Application
  - 25.11 Ex. 11 Notice of Application - Legal
  - 25.12 Ex. 12 Notice of Application - Email
  - 25.13 Ex. 13 Notice of Application
  - 25.14 Ex. 14 Affidavit of Mailing and Publication - NOA
  - 25.15 Ex. 15 Washington State DOT Comments
  - 25.16 Ex. 16 Kittitas County Public Health Comments
  - 25.17 Ex. 17 Comments: Kittitas County CDS - Building
  - 25.18 Ex. 18 Comments: Kittitas County Public Works
  - 25.19 Ex. 19 Comments: Department of Archaeology & Historic Preservation
  - 25.20 Ex. 20 Transmittal of Comments
  - 25.21 Ex. 21 Publishing Notice of Public Hearing
  - 25.22 Ex. 22 Notice of Public Hearing Legal
  - 25.23 Ex. 23 Notice of Public Hearing Email
  - 25.24 Ex. 24 Notice of Public Hearing
  - 25.25 Ex. 25 Affidavit of Mailing & Publication- Notice of Public Hearing
  - 25.26 Ex. 26 Staff Report
  - 25.27 Ex. 27 Hearing Presentation
  - 25.28 Ex. 28 All email correspondence with applicant.
26. Appearing and testifying on behalf of the applicant was Raymond Siderits. Mr. Siderits testified that he is the property owner and Applicant. He testified that he is an experienced storage building operator. For fire safety, he stated that all exteriors would be metal. At the hearing, the proposed Conditions of Approval and indicated that he had no objection to any of them.
27. No member of the public testified at the hearing.



28. The Kittitas County Hearing Examiner considered all evidence within the record in rendering this decision.
29. 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-21-00001 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 January 21, 2021 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. The project site shall be site-screened with a continuation of the existing fence.
5. All buildings with storage units facing property boundaries shall have a minimum setback of thirty-five (35) feet.



6. No commercial or manufacturing activities will be permitted within any building or storage unit.
7. 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.
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. All signage for the site shall comply with WSDOT sign standards.
9. 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.
10. Snow shall be contained on-site or transported off site. Snow storage shall not encroach on the WSDOT right-of-way.
11. The applicant shall obtain all necessary permits required by Kittitas County Public Works for this development.
12. Any proposed lighting shall be directed downwards and away from Interstate 90.
13. Stormwater plans shall be designed in accordance with the Eastern Washington Storm Water Manual and shall be contained on-site.
14. All development, design and construction shall comply with International Fire Code requirements and KCC Title 20 Fire and Life Safety.
15. 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 23rd day of April, 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.