



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

STAFF REPORT BUTLER REZONE (RZ-14-00001)

TO: Kittitas County Hearing Examiner
FROM: Kittitas County Community Development Services Staff
RE: Butler Rezone (RZ-14-00001)
DATE: July 24, 2014 [hearing date]

I. GENERAL INFORMATION

Requested Action:

Vicki Butler has submitted a rezone application with associated site plan and project narrative to change the current zoning from Highway Commercial to Light Industrial in the Cle Elum Urban Growth Area, and to construct mini-storage units in three (3) phases. This proposed use is an allowed use in the light industrial zone per KCC 17.15.080.1.D – mini-warehouse.

Location: The subject property consists of one (1) parcel, located just east of the City of Cle Elum in the Cle Elum Urban Growth Area between Airport Road and SR 970, in a portion of Section 36, T20N, R15E, WM in Kittitas County, bearing Assessor's map number 20-15-36058-0003.

II. SITE INFORMATION

Total Project Size: 2.51 acres
Number of Lots: 1 (no new lots being proposed)
Domestic Water: None requested/proposed at this time.
Sewage Disposal: Proposing to use sani-can(s) if necessary.
Power/Electricity: Puget Sound Energy
Fire Protection: Fire District 7 (Cle Elum)
Irrigation District: N/A

Site Characteristics: The site is a relatively flat vacant land located within the Cle Elum UGA. The area is comprised of commercial, industrial, agricultural, and residential uses.

Surrounding Property:

North: Residential/Agriculture

South: undeveloped and state highways

East: Residential/Agriculture

West: Cle Elum Urban Growth Area/Light Industrial/Cle Elum City Limits

Access: The proposed project will have access from Airport Road; per WSDOT, no direct access from the SR 903 Spur will be allowed at this time.

Zoning and Development Standards: The subject property is currently located within the Highway Commercial zoning district and is within the Cle Elum Urban Growth Area. Light Industrial zoning is being requested, which is an appropriate zoning designation within the UGA and Urban land use designation. The purpose and intent of the Light Industrial zone is to preserve areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses and to protect such zones from encroachment by conflicting land uses.

III. ADMINISTRATIVE REVIEW

Rezone Application with associated site plan: Application for a rezone from Highway Commercial to Light Industrial was received on January 9, 2014. The application was deemed complete on March 25, 2014. A Notice of Application was issued on April 14, 2014. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners within 500 feet and other interested parties.

Posting of Site: The signed Affidavit of Posting was returned to CDS on March 26, 2014 indicating that the site had been accurately posted with the “Land Use Action” sign as provided by CDS and required per KCC 15A.03.110.

IV. COMPREHENSIVE PLAN

The current land use designation is **Urban**, specifically it is located within the Cle Elum Urban Growth Area (UGA). Under the 2013 Comprehensive Plan, Kittitas County has established the following goals and policies to guide future development through a 20 year planning window, assuming developed areas will be annexed into the adjacent cities. These goals and policies were developed in an effort to ensure consistency and coordination with the future annexing jurisdiction while still under County jurisdiction, and support the County Wide Planning Policies:

GPO 2.30A Consideration for all future development should be the adaptability of a proposal to both public and private utilities such as municipal water and sewer systems.

GPO 2.32A Encourage and accommodate future expansion of utilities and roadways in a logical manner for new development in urban growth areas. Expansion of utilities and roadways shall not be made exclusively to accommodate new development outside of urban growth areas.

GPO 2.32B Adopt urban growth area (UGA) boundaries to accommodate residential and employment increases projected within the boundaries over the next 20 years.

GPO 2.34 The UGAs shall be consistent with the following criteria: *[emphasis on provided excerpts]*

- b. Lands included within UGAs shall either be already characterized by urban growth or directly adjacent to such lands;
- d. UGAs shall provide a balance of industrial, commercial, and residential lands.
- f. Protect natural resource and critical areas.
- g. Encourage the conversion of undeveloped lands into urban densities (infill).

GPO 2.44 Location of Industrial Land. The County should designate sufficient industrial land located in areas convenient to utilizes, fire protection, and to major transportation facilities (air, rail, freeway). Industrial developments may be permitted beyond urban growth areas, when zoning allows.

GPO 2.45 Compatibility. Industry located adjacent to residential areas or along scenic routes should be situated so as to minimize impacts on those areas and should provide screening and other measures to achieve compatibility.

V. REZONE CRITERIA

The following criteria must be met per KCC 17.98.020.6 (a-h).

- a) The proposed amendment is compatible with the comprehensive plan; and
- b) The proposed amendment bears a substantial relation to the public health, safety or welfare; and

- c) The proposed amendment has merit and value for Kittitas County or a sub-area of the county; and
- d) The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property; and
- e) The subject property is suitable for development in general conformance with zoning standards for the proposed zone; and
- f) The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property; and
- g) The proposed change in use of the subject property shall not adversely impact irrigation water deliveries to other properties; and
- h) The proposed amendment is in full compliance with KCC 17.13 Transfer of Development Rights.

Staff responds to the above criteria with the following:

- a) The proposed amendment is compatible with the comprehensive plan.

Staff Response: This project proposes to build mini-warehouse style storage units which are an allowed use in the Light Industrial Zone. Additionally, this proposal is currently located in the Cle Elum Urban Growth Area with a comprehensive plan designation of Urban and is adjacent to the east of property currently zoned light industrial. The requested zone change from highway commercial to light industrial is compatible with the 2013 Comprehensive Plan.

- b) The proposed amendment bears a substantial relation to the public health, safety or welfare.

Staff Response: This amendment will not be detrimental to the health, safety, or welfare of the public. It is proposing to provide ADA approved sani-can(s) and will be fully fenced with security card access to ensure limited access. Additionally, the applicant has proposed to provide a variety of pine trees along Airport Road and the back side of the building as a site buffer.

- c) The proposed amendment has merit and value for Kittitas County or a sub-area of the county.

Staff Response: The proposed amendment will provide for a new business opportunity in the County that will be landscaped and secure. This also meets the goals, policies, and objectives of the Comprehensive Plan by adding to the mix of uses in the UGA.

- d) The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property.

Staff Response: The proposed rezone is appropriate for reasonable development of the subject property. This rezone to light industrial will make the property more conforming to the adjacent property to the west, which is already zoned light industrial.

- e) The subject property is suitable for development in general conformance with zoning standards for the proposed zone.

Staff Response: The existing zoning designation is highway commercial and the proposed zoning designation is light industrial; both zoning designations are compatible within the UGA. Further, the proposed use of mini-storage is a permitted use in the proposed light industrial zone.

- f) The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property.

Staff Response: The proposed amendment will not be materially detrimental to the properties in the immediate vicinity of the subject property. Adjacent to the west is property currently used for landscape materials storage. The property is bordered by Airport Road to the north. North and east of the proposal is property that is used for residential and agricultural purposes; this area is located outside of the UGA. Adjacent to the south is the SR 903 Spur and Interstate-90. This proposal is compatible with the existing uses in the area.

- g) The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties.

Staff Response: There are no irrigation districts in this area. Irrigation will not be impacted.

- h) The proposed amendment is in full compliance with KCC 17.13 Transfer of Development Rights.

Staff Response: Upon review of KCC 17.13 Transfer of Development Rights, staff has determined that the request to rezone from highway commercial to light industrial is outside of the scope of consideration and the legislative intent of KCC 17.13 when it was adopted in 2009 and further amended in 2010 and 2011. Therefore, TDRs are not required for this rezone proposal.

V. ENVIRONMENTAL REVIEW

Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 30 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on July 3, 2014. The appeal period ended on July 18, 2014 at 5:00 p.m. No appeals were filed.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments have been included as Exhibits in the Hearing Examiner packet.

VII. PROJECT ANALYSIS

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

Comprehensive Plan Consistency:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section IV of this staff report, the following Comprehensive Plan GPOs apply to this proposal: GPO 2.30A; 2.32A; 2.32B; 2.34 (b, d, f, & g); 2.44; and 2.45. This proposal is consistent with the intent of the Urban Growth Areas of Kittitas County.

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

All roads and accesses are required to meet all Kittitas County Road Standards as outlined in the May 2, 2104 memorandum issued by the Department of Public Works. Additionally, the applicant must also abide by the requirements of Washington State Department of Transportation in their May 7, 2014 letter. As conditioned, the proposal is consistent with the provisions of KCC Title 12.

Consistency with the provisions of KCC 13 Water and Sewers Code:

This proposal with the recommended conditions is consistent with the Kittitas County Code for Water and Sewers.

Consistency with the provisions of KCC Title 14 Buildings and Construction:

This proposal with the recommended conditions is consistent with Kittitas County Code Title 14 for Building and Construction.

Consistency with the provisions of KCC 17.48, Light Industrial zoning:

This proposal is consistent with the Kittitas County Zoning Code 17.48. The proposal is compatible with KCC 17.48.020 referring to the uses table in KCC 17.15. Specifically, the proposed mini storage units are compatible as a permitted use with 17.15.080 (D) mini-warehouse.

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

Staff has conducted an administrative critical area review in accordance with KCC 17A and found critical areas present on-site. There is a DNR stream type 9 – unknown along the southern edge of the subject parcel. Additionally, there is a 100 year floodplain located in the southern area of the parcel. The proposed activities will take place north of the floodplain and unknown stream.

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

This proposal with the recommended conditions is consistent with the Kittitas County Code for Fire Life Safety.

Agency Comments:

The following agencies provided comments during the comment period: Washington State Department of Transportation, Washington State Department of Health, Washington State Department of Ecology, Kittitas County Environmental Health, and Kittitas County Public Works. Additional comments were provided during the pre-application meeting held on December 18, 2013 from Kittitas County Fire Marshal and Building Department. These comments have been integrated into the SEPA MDNS and the recommended conditions of approval.

Public Comments:

No comments have been received from the public.

VIII. RECOMMENDATION

As conditioned below, the application is not detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Titles 12, 13, 14, 17, 17A, and 20 of the Kittitas County Code and the Kittitas County Comprehensive Plan. Staff recommends approval of the Butler Rezone (RZ-14-00001) and associated site plan, subject to the following findings of fact and conditions:

Suggested Findings of Fact

1. Vicki Butler has submitted a rezone application with associated site plan and project narrative to change the current zoning from Highway Commercial to Light Industrial in the Cle Elum Urban Growth Area, and to construct mini-storage units in three (3) phases. This proposed use is an allowed use in the light industrial zone per KCC 17.15.080.1.D – mini-warehouse.
2. The subject property consists of one (1) parcel, located just east of the City of Cle Elum in the Cle Elum Urban Growth Area between Airport Road and SR 970, in a portion of Section 36, T20N, R15E, WM in Kittitas County, bearing Assessor's map number 20-15-36058-0003.
3. Total Project Size: 2.51 acres

Number of Lots:	1 (no new lots being proposed)
Domestic Water:	None requested/proposed at this time.
Sewage Disposal:	Proposing to use sani-can(s) if necessary.
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District 7 (Cle Elum)
Irrigation District:	N/A

4. Surrounding Property:
 - North: Residential/Agriculture
 - South: undeveloped and state highways
 - East: Residential/Agriculture
 - West: Cle Elum Urban Growth Area/Light Industrial/Cle Elum City Limits
5. Site Characteristics: The site is a relatively flat vacant land located within the Cle Elum UGA. The area is comprised of commercial, industrial, agricultural, and residential uses.
6. The Comprehensive Plan designation is Urban.
7. The subject property is zoned “Highway Commercial” and is proposing to be rezoned to “Light Industrial,” which allows for mini-warehouses as a permitted use.
8. A complete Rezone and Short Plat application was submitted to Community Development Services on March 27, 2013. A Notice of Application for said applications was issued on April 19, 2013. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. A complete application for a rezone from Highway Commercial to Light Industrial with associated site plan was received on January 9, 2014. The application was deemed complete on March 25, 2014. A Notice of Application was issued on April 14, 2014. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners within 500 feet and other interested parties.
9. Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 30 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on July 3, 2014. The appeal period ended on July 18, 2014 at 5:00 p.m. No appeals were filed.
10. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section IV of this staff report, the following Comprehensive Plan GPOs apply to this proposal: GPO 2.30A; 2.32A; 2.32B; 2.34 (b, d, f, & g); 2.44; and 2.45. This proposal is consistent with the intent of the Urban Growth Areas of Kittitas County.
11. As conditioned, this proposal is consistent with the provisions of Kittitas County Roads and Bridges Title 12.
12. As conditioned, this proposal is consistent with the provisions of KCC 13 Water and Sewers Code.
13. This proposal, as conditioned, is consistent with Kittitas County Code Title 14 Building and Construction.
14. This proposal is consistent with the Kittitas County Zoning Code Title 17, more specifically KCC 17.48.
15. This proposal is consistent with Kittitas County Code Title 17A Critical Areas.
16. This proposal, as conditioned, is consistent with Kittitas County Code Title 20 Fire Life Safety.

17. This proposal is a project specific rezone and will require that the mini-storage units be constructed in substantial conformance with the plans and application materials (RZ-14-00001 Butler Rezone) on file dated January 9, 2014 prior to the rezone on the County map taking effect.
18. Upon review of KCC 17.13 Transfer of Development Rights, it has been determined that the request to rezone from highway commercial to light industrial is outside of the scope of consideration and the legislative intent of KCC 17.13 when it was adopted in 2009 and further amended in 2010 and 2011. Therefore, TDRs are not required for this rezone proposal.
19. The following agencies provided comments during the comment period: Washington State Department of Transportation, Washington State Department of Health, Washington State Department of Ecology, Kittitas County Environmental Health, and Kittitas County Public Works. Additional comments were provided during the pre-application meeting held on December 18, 2013 from Kittitas County Fire Marshal and Building Department. These comments have been integrated into the SEPA MDNS and the recommended conditions of approval. No comments have been received from the public.

Suggested Conclusions:

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public use and interest will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 12 Roads and Bridges, Title 13 Water and Sewer, Title 14 Building and Construction, Title 15 Environmental Policy, Title 17 Zoning, Title 17A Critical Areas, and Title 20 Fire Life Safety.

Suggested Conditions of Approval:

1. The project shall proceed in substantial conformance with the plans and application materials (RZ-14-00001 Butler Rezone) on file dated January 9, 2014, and all submitted revisions except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. The rezone from Highway Commercial to Light Industrial does not become effective until such time that the final occupancy permit is issued by Kittitas County Building Department on phase one of this proposal.
4. Based on comments received during the public comment period and other information submitted with this project permit application, A SEPA Mitigation Determination of Non-Significance (MDNS) was issued by Community Development Services on October 31, 2013. The following are the mitigation contained within the MDNS and shall be conditions of approval:
 - I. Transportation**
 - A. Access: This project proposes to change the use of the existing access from the county road. The access must be improved to meet commercial standards. An access permit must be applied for

and issued prior to beginning any work within the county right of way. Access must be completed prior to issuance of an occupancy or final approval.

- B. The Subject property has frontage along both Airport Road and the State Highway 903 Spur (SR 903 Spur). SR 903 Spur is a Class 3 access managed highway with a posted speed limit of 45 miles per hour. The applicant proposes all access from Airport Road; WSDOT is in agreement. For the safety and security of the highway, no direct access to the SR 903 Spur will be allowed.
 - i. Future access to the SR 903 Spur will only be allowed when a two-way left turn lane is built on the spur between the SR 903 and SR 970 intersections. There is no State funding for this improvement and the cost is anticipated to be paid for by the developer(s).
- C. All loads transported on WSDOT right-of-ways must be within the legal size and load limits, or have a valid oversize and/or overweight permit.

II. Water

- A. Activities such as road widening, stump pulling and clearing, grading and fill work and utility placements may require a NPDES Construction Stormwater Permit issued by the Department of Ecology prior to start of construction. This permit requires the preparation of a Stormwater Pollution Prevention Plan. It is the applicant's responsibility to contact the Department of Ecology.
- B. On-site stormwater management that conforms to the specifications of the most current version of the Stormwater management Manual for Eastern Washington is required of this development. Stormwater systems shall be designed to store stormwater generated by a 24-hour, 25-year storm event. Stormwater system designs shall be prepared and stamped by a civil engineer licensed in the State of Washington. The stormwater system design shall be presented to Public Works and reviewed by the County Engineer prior to issuance of a building permit. The stormwater system construction shall be certified by a licensed engineer prior to issuance of an occupancy permit.
- C. Withdrawals of groundwater on the subject property are subject to the rules and regulations adopted and administrated by the Washington State Department of Ecology; this includes the use of water for irrigation. Legally obtained water must be used on-site.
- D. Chapter 173-150 WAC provides for the protection of existing rights against impairment, i.e. interruption or interference in the availability of water. If water supply in an area becomes limited, use could be curtailed by those with senior water rights.
- E. Prior to receiving any type of building permit in Kittitas County, applicants shall be required to make appropriate provisions for potable water supplies per RCW 58.17.110 which includes, but is not limited to, the minimum requirements outlined in the Kittitas County Board of Commissioners Resolution 2012-027 (see attached).
- F. The Washington State Department of Health, Office of Drinking Water requires an approved water system for this project.

III. Air

- A. If the applicant plans to burn trees or debris from the property, the applicant shall obtain a burn permit from the Department of Ecology. Only natural unprocessed vegetation may be burned in

an outdoor fire. It is the applicant's responsibility to contact the Department of Ecology regarding this permit.

- B. Washington Administrative Code (WAC) 173-400-040 requires that reasonable precautions be taken to prevent dust from leaving the project site. Additionally, dust is prohibited from interfering unreasonably with the use and enjoyment of property, causing health impacts or damaging property or business. As a result, the applicant shall be responsible for creating a site-specific Fugitive Dust Control Plan (FDCP) before starting this project. The plan shall be followed throughout the duration of any activity and construction of the project.

IV. Septic

- A. As of the date of this determination, there are no permitted septic systems for this proposed project. The applicant will need to follow WAC 246-272A to comply with state and local regulations. Please contact the Kittitas County Public Health Department for assistance. Septic permits must be issued prior to issuance of any building permits.

V. Fire & Life Safety

- A. "No Parking" Signage will be required for apparatus access. If such signage is not posted, an additional 15' in width will be required for the roads.
- B. All future development must comply with the International Fire Code.
- C. A Knox key or switch is required on gate entrance for emergency services.
- D. The driveway for the new property must comply with Kittitas County Code, i.e. any driveway greater in length than 150' shall be no less than 16 feet in width.
- E. Addresses of all new residences shall be clearly visible from both directions at the county road.

VI. Irrigation Services

- A. The subject property is not within the boundaries of Irrigation.
- B. Irrigation delivery shall not be impaired at any time to the surrounding farming practices and all costs associated with any potential relocation of irrigation delivery routes shall be the burden of the developer and not that of the surrounding landowners.

VII. Light and Aesthetics

- A. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.
- B. RCW 17.10.140 Landowners are responsible for controlling and preventing the spread of noxious weeds. Accordingly, the Kittitas County Noxious Weed Board recommends immediate reseedling of areas disturbed by development to preclude the proliferation of noxious weeds.
- C. All landscaping in the development area and its immediate surroundings shall follow the landscaping plan submitted with the Rezone application.

VIII. Noise

- A. Development and construction practices for this project shall only occur between the hours of 7:00 am and 7:00 pm to minimize the effect of construction noise on nearby residential properties.

IX. Historic and Cultural Preservation

- A. Should ground disturbing or other activities related to the proposed conditional use permit 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.

X. Building

- A. Certificate of Occupancy must be granted by Kittitas County Building Department prior to final of Rezone.
- B. All structures will require full Washington State Engineering.
- C. All restrooms on site must meet ADA requirements.