

**KITTITAS COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF

**CU-20-00003
Carey Storage**

) **FINDINGS OF FACT,**
) **CONCLUSIONS OF LAW,**
) **CONDITIONS OF APPROVAL**
) **AND DECISION**

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on May 13, 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 9 Mini Warehouse facilities covering 1 parcel in the General Commercial zone on approximately 6 acres. The proposed use is permitted in this zone with a Conditional Use Permit. The proposal includes 9 structures of various sizes ranging in size from 30'x135' to 30'x200'. These facilities are described in more detail in the application materials.
2. Location: Parcel 15889 located at mile post .702 Salmon La Sac Road, Ronald, WA. In the SW1/4 of Section 34, Township 21N, Range 14E.
3. Site Information:

Total Property Size:	6 Acres
Number of Lots:	1
Domestic Water:	Existing Well (not being used)
Sewage Disposal:	Existing On-Site Septic (not being used)
Fire Protection:	Fire District 6 (Ronald)
Irrigation District:	N/A
4. Site Characteristics:

North: Primarily forested privately-owned lands with residential and Commercial uses.
South: Privately owned forested land, primarily residential uses.
East: Privately owned forested land, primarily residential uses.
West: Privately owned forested land, primarily residential uses.
5. Access: The site is accessed from Domerie Bay Road, a private road, approximately 4.5 miles northwest of the city of Roslyn.
6. The parcel involved in this proposal is in a land use designation of Rural Recreation and zoning designation of General Commercial. The proposed project is classified as a "Mini-Warehouse" use. Mini-Warehouses are an allowed use within General Commercial Zone

under KCC 17.15.060.1 with a conditional use permit when consistent with footnote #14 of this section. The footnotes outline specific criteria for approval of these uses. These criteria are examined in this decision.

7. A conditional use permit application for Carey Storage (CU-20-00003) was submitted to Kittitas County Community Development Services department on July 28, 2020. The application was deemed complete on August 28, 2020. The site was posted in accordance with KCC 15A.03.110 on September 2, 2020.
8. A notice of application for the Carey Storage Conditional Use Permit (CU- 20-00003) 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 September 15, 2020, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period concluded on September 30, 2020.
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 in close proximity to other commercial uses which include a hotel, an event facility, gas station and recreational rental shop.
 - 9.2 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.
 - 9.2.1 The proposed project will service rural residential developments, outdoor recreation, tourism and other open space activities by supplying storage options for residents and recreational users.
 - 9.3 This application is consistent with the goals, policies, and objectives of the Kittitas County Comprehensive Plan as outlined above.
10. A SEPA Checklist was submitted with the conditional use application and processed concurrently using the Optional DNS process under WAC 197-11-355. During the combined comment period environmental concerns were raised by public agencies 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 Determination of Non-Significance on January 7, 2021. The appeal period for the SEPA DNS

concluded on January 22, 2021. No appeals were filed. In addition, CDS performed a critical area review of the properties. No critical areas were found.

11. Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review. The following parties provided substantive comments during the comment period: Washington State Department of Archeology and Historic Preservation, Washington State Department of Health, Kittitas County Public Health, and Kittitas County Public Works
 - 11.1 Washington State Department of Archeology and Historic Preservation (DOE):
DAHP provided comments requesting an Archeological Survey be performed on the project site due to a high probability of cultural resources due to previously recorded archaeological resources nearby and recommended a professional archaeological survey of the project area be conducted prior to ground disturbing activities.
 - 11.2 Washington State Department of Health – Office of Drinking Water (WSDOH-ODW):
WSDOH provided comment requesting additional information in regards to the use of the two previously installed wells on the property and if these wells are part of an existing water system, and is water provided to the public via any restroom, sink, or water fountains facilities.
 - 11.3 Kittitas County Public Health:
The Kittitas County Public Health requested additional information regarding the onsite well and septic system. After additional information was received by the applicant stating there will be no use of the well on site or septic system, Public Health had no further comments or concerns.
 - 11.4 Kittitas County Public Works:
Kittitas County Public Works described access permit, grading permit, and stormwater requirements and thresholds. Additionally, Public Works described the threshold for a Traffic Concurrency study requirement.
12. The following public comments were received:
 - 12.1 Jeanne Schreuder submitted comments regarding a storage facility being placed near several residences and asked that the access be located directly off Salmon La Sac rather than the private road Domerie Bay Road.
 - 12.2 Mark and Jill Marcell submitted comments opposing the storage facility and concerns about the commercial development entrance using the privately maintained dead end road. The road is maintained by the residence and was not designed for commercial use.
 - 12.3 Stephen and AnnMarie Lawler submitted comments regarding being opposed and concerned with a commercial business entrance on a private gated road and concerns with additional public traffic. They would like to see the entrance be located directly off Salmon La Sac Road.
 - 12.4 Thomas and Claudine Siedler submitted comments with concerns for impervious surfaces, water Drainage, Screening and Density.
 - 12.5 Tom and Jan Ward submitted comments with concerns for Environmental Health and light and glare.
 - 12.6 William and Evelyn Allen submitted comments objecting to the proposal due to environmental and esthetical reasons, the use of the facility by recreationalist looking for trail access, drainage, need for fencing and site screening, and

concerns for reduced property values of adjacent properties.

- 12.7 Kevin and Deanna Silver submitted comments after the comment period had ended, with concerns regarding the maintenance and upkeep of the private road Domerie Bay by the homeowner's association and strongly oppose the use of the roadway for commercial access.
- 12.8 This Decision includes conditions of approval to address the comments submitted
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. As referenced above in Section V of this staff report, the following Comprehensive Plan goals and policies apply to this proposal: RR-G9 and RP-15.
15. Provided the applicant follows and maintains the goals and policies, they shall be in compliance with the Kittitas County 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: "These storage units are desirable to the surrounding community because they are close, allow storage of off-road vehicles with direct access to surrounding ORV trails, and will feature deep storage bays for RV & boats. access."
 - 16.1.2 Hearing Examiner Finding: The proposal for mini warehouses and ORV's and boat storage is an allowed use within the general commercial zone. Recreational Vehicle Storage is not an allowed use and will not be allowed within the facility. Upper Kittitas County is highly used by recreationalist. The proposal is located near many residential structures, along with many general commercial uses to the west. 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.
 - 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: "Reasonably priced local storage units that are also low maintenance and have very little detrimental effect to the surrounding properties will prove themselves to be beneficial in the area."

- 16.2.2 Hearing Examiner Finding: As proposed, the project will be adequately serviced by existing facilities and will not require additional public costs. CDS finds no indication that the project will 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 “Kittitas County Code will be followed in the development of these storage units.”
- 16.3.2 Hearing Examiner Finding: The mini warehouse use is consistent with the relevant development standards and criteria including KCC 17.15.060. 1 footnote 14 as described below. The Recreational Vehicle Storage Use is not permitted within the General Commercial Zone and the applicant has been made aware this use will not be permitted. 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: “Being a low traffic facility while also providing local convenience to homeowners, these storage units will not affect environmental impacts.”
- 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.
- 16.5 The proposed use will ensure compatibility with existing neighboring land uses.
- 16.5.1 Applicant Response: “We will be leaving natural buffers around property lines to separate the storage units from neighboring properties, and storage units will be providing a service to the community.”
- 16.5.2 Hearing Examiner Finding: : Neighboring land uses to the northwest include other General Commercial uses including storage facilities, restaurant, gas station, event facility, and outdoor recreational rentals. 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: “Yes, the proposed use is consistent with the intent and character of the zoning district in which it is located.”
- 16.6.2 Hearing Examiner Finding: The proposed use of mini warehouse facilities are allowed in the General Commercial zone with a Conditional Use approval. Recreational Vehicle Storage is not permitted within the zone and the Conditional Use permit has been conditioned that Recreational Vehicle Storage will not be allowed on site. Kittitas County has established mini warehouse use to be appropriate in the General Commercial zone subject to standards outlined in KCC 17.15.060.1
- 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 use of these facilities complies with the Kittitas County Comprehensive plan, preserves rural character, requires only rural government services and does not compromise long term viability of designated, resource lands.”
 - 16.7.2 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.
 - 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.
17. Consistency with KCC 17.15.060.2, Allowed Uses in Rural Non-LAMIRD Lands, Footnote #14:
- 17.1 The following standards shall apply to the approval and construction of mini warehouses:
 - 17.1.1 “A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;”
 - 17.1.1.1 This decision is conditioned to require sight screening through use of fencing no shorter than five feet.
 - 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 This decision is conditioned to note this setback requirement. As submitted this application does not indicate any proposed storage structures facing property boundaries.
 - 17.1.4 No commercial or manufacturing activities will be permitted within any building or storage unit.
 - 17.1.4.1 The application does not include any commercial or manufacturing activities within the mini warehouse facilities. These facilities are for storage purposes only. The application did include Recreational Vehicle storage, which is not a permitted use within the General Commercial Zone and this decision has been conditioned that RV storage shall not be permitted onsite.
 - 17.1.5 Lease documents shall spell out all conditions and restrictions of the use.
 - 17.1.5.1 This decision is conditioned to require copies of these leasing documents for final approval.
 - 17.1.6 “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.”
 - 17.1.6.1 A condition of this decision addresses this issue
 - 17.1.7 The Hearing Examiner finds the application, as conditioned, is consistent with KCC 17.15.070.1 footnote #14.
18. Consistency with the provisions of the KCC Title 17A, Critical Areas:

- 18.1 CDS conducted an administrative critical area review in accordance with KCC 17A and found no critical areas on the project site.
19. Consistency with the provisions of the KCC Title 14.04, Building Code:
 - 19.1 Any future buildings must be consistent with International Building Codes.
20. Consistency with the provisions of KCC Title 12, Roads and Bridges:
 - 20.1 As conditioned, the proposal is consistent with the provisions of KCC Title 12.
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. Consistency with the provisions of KCC Title 13, Water and Sewers:
 - 22.1 As conditioned, the proposal is consistent with the provisions of KCC Title 13.
22. The following agencies provided comments during the comment period:
 - 22.1 Kittitas County Public Works;
 - 22.2 Washington State Department of Health – Office of Drinking Water;
 - 22.3 Department of Archaeology and Historic Preservation;
 - 22.4 Kittitas County Public Health;
 - 22.5 Kittitas County Public Works.
23. Public Comments were received by:
 - 23.1 Jeanne Schreuder,
 - 23.2 Mark and Jill Marcell,
 - 23.3 Stephen and AnnMarie Lawler,
 - 23.4 Thomas and Laudine Siedler,
 - 23.5 Tom and Jan Ward,
 - 23.6 William and Evelyn Allen; and
 - 23.7 Deanna Silver.
24. All comments are available for public review through Kittitas County Community Development Services.
25. An open record public hearing after due legal notice was held on May 13, 2021 via video conferencing due to the ongoing Covid-19 pandemic.
26. At the open record public hearing the following exhibits were entered into the record:
 - 26.1 Ex. 1 Application
 - 26.2 Ex. 2 Receipt
 - 26.3 Ex. 3 SEPA Checklist
 - 26.4 Ex. 4 Site Plan
 - 26.5 Ex. 5 Statutory Warranty Deed
 - 26.6 Ex. 6 Easement
 - 26.7 Ex. 7 Deemed Complete
 - 26.8 Ex. 8 Affidavit of Posting
 - 26.9 Ex. 9 Affidavit of Mailing and Publication NOA

- 26.10 Ex. 10 Comments - DAHP
- 26.11 Ex. 11 Comments – Kevin & Deanna Silver
- 26.12 Ex. 12 Comments – DOH-ODW
- 26.13 Ex. 13 Comments – Jeanne Schreuder
- 26.14 Ex. 14 Comments – Mark and Jill Marcell
- 26.15 Ex. 15 Comments – KCPH Holly Erdman
- 26.16 Ex. 16 Comments – KCPH Jesse Cox
- 26.17 Ex. 17 Comments - KCPW
- 26.18 Ex. 18 Comments – Stephen and AnnMarie Lawler
- 26.19 Ex. 19 Comments Thomas and Claudine Siedler
- 26.20 Ex. 20 Comments – Tom and Jan Ward
- 26.21 Ex. 21 Comments – William and Evelyn Allen
- 26.22 Ex. 22 Transmittal of Comments
- 26.23 Ex. 23 PH Response to additional information
- 26.24 Ex. 24 SEPA DNS
- 26.25 Ex. 25 Affidavit of Mailing and Publication SEPA Determination
- 26.26 Ex. 26 Request for Additional Information
- 26.27 Ex. 27 Site Screening Plans
- 26.28 Ex. 28 Email Correspondence
- 26.29 Ex. 29 Affidavit of Mailing and Publication NOPH
- 26.30 Ex. 30 Staff Report
- 26.31 Ex. 31 Public Hearing Presentation

27. Appearing and testifying on behalf of the applicant were Nick and Derald Carey. They both testified that they were authorized to appear and speak on behalf of the property owner and Applicant. They indicated that the proposed Conditions of Approval were acceptable. Derald Carey indicated that they had no objection to having direct access onto Salmon La Sac Road, but that the County had indicated this direct access was not preference. Nick Carey indicated that all lighting would be downward and they agreed to a height limitation of lights on the property. They also indicated that they make the lights movement activated. They agree there is no recreational vehicle or travel trailer storage on the property, whether inside or outside of the building. There may be some motorcycle or snowmobile storage, but that would have to be done within a storage unit and not outside storage. They agreed that there would be no repair activities within the storage units. The units are to be used strictly for storage and not for a repair garage or something similar. They agreed there would be no commercial uses inside of any of the storage units. They indicated that the property would be gated with locks. There was no testimony as to their hours of operation. Finally, they indicated that they may change the layout, if allowed, so that the rear buildings are acting as a type of fencing.

28. Testifying from the public were the following individuals:

- 28.1 Kevin Silver. Mr. Silver testified regarding access to the property, stating the preference that the access to this commercial establishment be off of Salmon La Sac Road. He indicated that neighbors would cooperate with the Careys to get this new access point.
- 28.2 Stephen Lawler. Mr. Lawler also testified regarding the preference that the access to the facility be off of Salmon La Sac Road because Salmon La Sac is designed to be a commercial road.

- 28.3 Tom Ward. Mr. Ward's main concerns were regarding lighting and hours of operation. He was concerned that persons may be entering the facility during the night time and early morning hours, which may disruptive to the neighbors.
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, 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-20-00003 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 July 28, 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. Unless direct access from Salmon La Sac Road can be achieved, and no access from Domerie Bay Road is provided, current and future owners of the storage facility shall be responsible for the maintenance of the entire portion of Domerie Bay Road located on tax parcel 15889.

4. No commercial or manufacturing activities shall be permitted on-site. 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. The applicant shall adhere to all standards established in KCC Title 17.15.060.2 Footnote #14.
9. All proposed lighting shall be directed downwards and away from Salmon La Sac Road and neighboring parcels.
10. Under KCC Title 17.15.060.1, Recreational Vehicle Storage is not a permitted use within the General Commercial Zoning. Therefore, recreational vehicles as defined in KCC 17.08.465, are not allowed to be stored on-site. All allowed motor vehicle storage (cars, snowmobiles, jet skis, boats, etc.) shall be stored inside of storage units.

Water and Sewer

11. 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

12. 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.
13. All buildings shall be made accessible per the latest adopted edition of the ICC/ANSI A117.
14. 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

15. The Carey Storage will require an access permit for a commercial entrance.

16. Salmon La Sac is a Federal roadway. Proof of access is required.
17. A grading permit is required for any dirt work exceeding 100 cubic yards of excavation and/or fill.
18. 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

19. 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.

Cultural Resources

20. Because in the SEPA checklist, the Applicant indicates that they did no investigation regarding archeological resources on the property, and because the Washington State Department of Archeology and Historical Preservation has recommended a professional archeological survey of the project area, the Hearing Examiner hereby conditions this project on the Applicant securing a professional archeological survey of the project area to be conducted prior to ground disturbance activities, and that the Applicant comply with all recommendations contained within said study, and as may be issued by the Washington State Department of Archeology and Historic Preservation.
21. 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.
22. 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.
23. If agreed to by Kittitas County, the Applicant, and any other agency with jurisdiction, the Hearing Examiner would allow direct access from this site onto Salmon La Sac Road.
24. The hours of operation for this facility shall be limited to 6:00 a.m. to 11:00 p.m. daily.
25. All lighting on the site shall be downward facing. No lighting shall be higher than 10 feet above grade.

Dated this 18th day of May, 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.