

**GRANT COUNTY  
LAND USE HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
P 17-0353	)	<b>DECISION AND</b>
Grant	)	<b>CONDITIONS OF APPROVAL</b>

THIS MATTER having come on for hearing in front of the Grant County Hearing Examiner on December 13, 2017, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law and, Decision and Conditions of Approval as follows:

**I. FINDINGS OF FACT**

1. This Conditional Use Permit from Skylyer Grant, is to allow an Outdoor Storage Yard. The applicant will be storing shipping containers on-site.
2. The proponent is Skylyer Grant, 3411 Rd. F NE, Moses Lake, WA 98837.
3. The project site is located at 14884 Wheeler Rd. NE, at the intersection of Wheeler Rd. NE and Front St. NE, adjacent to the township of Wheeler. The site is located in the SE ¼ of Section 16, Township 19N, Range 29E, W.M., Grant County, WA. Parcel #18-0198-000.
4. The zoning for the property is Rural Community.
5. The zoning for neighboring parcels is: to the north, Rural Community; to the south, Agriculture; to the east, Rural Light Industrial; to the west, Rural Heavy Industrial.
6. The Comprehensive Plan designation for the subject property is Rural Community.
7. This project is SEPA exempt.
8. The subject parcel was reviewed for Critical Areas and not found to be located within 300 feet of any Critical Area as defined by Grant County Code.
9. A Public Notice containing information on this project was published in the Columbia Basin Herald on November 6, 2017, was mailed to property owners within 300 feet of the subject property, and was posted on the subject property. Information on this project was also mailed to applicable agencies of jurisdiction for their review and comment.
10. The following agencies and County departments provided comments:
  - 10.1 Grant County Fire Marshal/Building Official responded on November 7, 2017
  - 10.2 Grant County Public Works Department responded on November 7, 2017
  - 10.3 Grant County Assessor's Office responded on November 13, 2017
11. The following agencies were notified but did not respond:
  - 11.1 Grant County Fire District #5;
  - 11.2 Grant County Health District;
  - 11.3 Grant County P.U.D.;
  - 11.4 Grant County Treasurer's Office;
  - 11.5 Grant County Emergency Management;

- 11.6 Grant County Sheriff's Office;
  - 11.7 Grant County Auditor;
  - 11.8 Grant County Noxious Weed Control Board;
  - 11.9 Bureau of Reclamation;
  - 11.10 East Columbia Irrigation District.
12. No public comments were received.
  13. The application was determined to be Technically Complete on November 1, 2017.
  14. This proposal was processed as a Type III Quasi-Judicial Decision, in accordance with Chapter 25.04 "Permit Application and Review Procedures" and Chapter 25.08 "Conditional Uses and Variances" of the Grant County Unified Development Code.
  15. This proposal was reviewed for compliance with Chapter 24.08 "Critical Areas and Cultural Resources" of Grant County Unified Development Code. The project site was not found to be located within 300 ft of any Critical Areas.
  16. The proposal is not within an Urban Growth Area (UGA).
  17. The project site is located in the Rural Community Zone.
  18. Pursuant to Grant County Code 23.04, Table 5, an Outdoor Storage Yard is allowed as a Conditional Use in the Rural Community Zone.
  19. Grant County Code 25.02 defines a Storage Yard as "an outdoor area used for the storage of equipment, vehicles, and materials."
  20. The storage yard will not be open to the public.
  21. There will be a maximum of two employees on-site.
  22. The applicant expects to have 40-60 conex style containers on-site. They will be stored a maximum of two containers high.
  23. No agency comments were received that would prohibit the proposed development.
  24. No public comments were received for the proposed development.
  25. Grant County Planning Staff reviewed and considered the application materials and the comments received for the proposal. Based on the proposed Conditions of Approval, and the current design of the project, staff recommended approval of subject Conditional Use Permit.
  26. The proposed use will not be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan because:
    - 26.1. The equipment storage facility we plan to place on this property will comply with all regulations of the Grant County Code and Comprehensive Plan. The equipment storage facility we plan to place on the property falls under commercial light industrial which is allowable in the Rural Community zone.
    - 26.2. The proposed use will not be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan. The project will be required to comply with all relevant development and performance standards of the Grant County Unified Development Code. Additionally, the project will comply with the goals of the Comprehensive Plan, one of which is to provide for residential, commercial, and industrial uses in the Rural Community zone.

27. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
  - 27.1 The equipment storage facility we plan to place on this property will be appropriate in design, character and appearance with the goals and policies for the land use designation. It should fit in with the surrounding properties as some of them are zoned Rural Light Industrial.
  - 27.2 The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located because the Comprehensive Plan states (5RU-12) "it is intended that these areas continue to be a mixture of land uses including residential, commercial, and industrial. New residential development will be allowed at a maximum density of one dwelling unit per acre provided the land can physically support it without providing public sewer or water services if not currently available. The Rural Communities will also accommodate needed commercial and light industrial uses, but only after a site specific review process to determine and address potential impacts." This CUP application is that site specific review process.
28. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
  - 28.1 The equipment storage facility will not cause any significant adverse impact on the human or natural environment as it will blend in with the surrounding Rural Light Industrial companies.
  - 28.2 The proposed use will not cause significant adverse impacts on the human or natural environment. Conditions of Approval have been suggested below that will ensure that the project, if approved, will not negatively impact the environment.
29. The cumulative impact of additional requests for like actions (the total of the conditional uses over time or space) will not produce significant adverse effects to the environment that cannot be mitigated by conditions of approval.
  - 29.1 The equipment storage facility will not have any adverse effects to the environment.
  - 29.2 The cumulative impact of additional requests for like actions will not produce significant adverse effects to the environment.
30. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
  - 30.1 Not applicable to this project.
  - 30.2 This proposal will be served by adequate facilities. Water and sewer are not necessary for the proposal. The site has access from a County road. All storm water will be required to be retained on-site (in compliance with the Eastern Washington Storm Water manual) and the property is served by the local Fire District (No. 5).
31. The location, size, and height of buildings, structures, walls and fences and screening vegetation for the proposed use shall not unreasonably interfere with allowable development or use of neighboring properties.
  - 31.1 The equipment stored on this property will not interfere with allowable development or use of neighboring properties. The fence we will place on this property will be a

- cyclone fence that will not interfere with allowable development or use of neighboring properties.
- 31.2 This project will not unreasonable interfere with development or use of neighboring properties. The proposal is located in the Rural Community zone which is a “mixed use” zone. It allows for residential and small scale commercial or industrial uses. The project as designed and conditioned will comply with all relevant development standards and will not unreasonably interfere with any neighboring properties. All fences exceeding four feet in height will meet the appropriate setbacks for the zone.
  32. The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood.
    - 32.1 The amount of traffic for this conditional use permit will not pose a hazardous impact on the existing and anticipated traffic in the neighborhood.
    - 32.2 Pedestrian and vehicular traffic resulting from this project will not be hazardous to the existing traffic in the area. This proposal will produce no pedestrian traffic and will produce limited vehicle traffic as containers are moved weekly.
  33. Land uses, activities, and structures that are allowable as conditional uses must also comply with any required performance standards in GCC § 23.08.
    - 33.1 The equipment storage facility will comply with all required performance and use standards as specified in GCC 23.08.
    - 33.2 The application will be conditioned so as to comply with the relevant performance standards found in 23.08.280, Outdoor Storage Yards.
  34. The proposal does not include any use or activity that would result in the siting of an incompatible use adjacent to an airport or airfield (RCW 36.70).
    - 34.1 The land is not located next to an airport and the proposal doesn’t include any use or activities that would result in the siting of an incompatible use adjacent to an airfield.
    - 34.2 The project site is not located adjacent to an airport or airfield.
  35. The proposal conforms to the standards specified in GCC § 23.12
    - 35.1 The equipment storage conforms to the standards specified in GCC 23.12.
    - 35.2 The project, as conditioned, complies with all applicable development standards found in GCC § 23.12.
  36. The entire Planning Staff file was admitted into the record at the public hearing.
  37. An open record public hearing after due legal notice was held on December 13, 2017.
  38. The Grant County Planning Department recommended approval of the requested permit, subject to the recommended conditions of approval.
  39. Appearing and testifying on behalf of the applicant was Skylyer Grant. Mr. Grant testified that he is the applicant and property owner. Mr. Grant indicated that all of the proposed Conditions of Approval were acceptable.
  40. No member of the public appeared at the hearing.
  41. 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 proposed use is consistent with the intent, purposes and regulations of the Grant County Code and Comprehensive Plan.
3. As conditioned, the proposal does conform to the standards specified in Grant County Code Section 23.12.
4. As conditioned, the use will comply with all required performance standards as specified in Grant County Code 23.08.
5. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan.
6. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
7. 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, Conditional Use Permit Application P 17-0353 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. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.
2. The Applicant shall obtain all permits required by all federal, state and local agencies with jurisdiction.
3. The Applicant shall comply with all federal, state and local laws and regulations.
4. Construction shall proceed substantially as shown on the application materials on file with Grant County, except as modified by conditions below.
5. This proposal shall be subject to and comply with all standards and requirements of GCC 23.12 "Development Standards."
6. This proposal shall be subject to and comply with all standards and requirements of GCC 23.08.280, "Performance and Use Standards" for Outdoor Storage Yards.
7. The applicant shall manage any dust or debris that may become airborne during high wind events with appropriate application of water or other dust control measures.

8. All/any on-site lighting shall be designed so as to not create an optical illusion of the airport landing area at night or in low visibility situations. All lighting fixtures shall be designed to avoid glare and pointed down to prevent light leakage upwards in order to avoid confusion, lack of visibility, or blindness to pilots during hours of darkness.
9. An Approach Permit shall be obtained for County Road Access.

Dated this 20<sup>th</sup> day of December, 2017.

GRANT COUNTY HEARING EXAMINER



---

Andrew L. Kottkamp

**Anyone aggrieved by this decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Grant County Superior Court, as provided for under the Judicial Review of Land Use Decisions, RCW 36.70C.040(3). The date of issuance is defined by RCW 36.70C.040 (4)(a) as “(t)hree days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available” or if this section does not apply, then pursuant to RCW 36.70C.040(3) (c) “...the date the decision is entered into the public record.” Anyone considering an appeal of this decision should seek legal advice.**