

**GRANT COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW AND,
P 20-0005(CUP) & P 20-0006(SEPA))	DECISION AND
King)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Grant County Hearing Examiner on June 4, 2020, 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 is an application for a Conditional Use permit application proposing the construction of one (1) mini-storage structure. The storage unit is planned to be 70' X 144' (10,080 Sq. Ft.) on a 66.63 acre parcel in the Shoreline Development 3 zoning district.
2. The Applicants are Wade and Teresa King, 31215 Moore Rd NE, Coulee City, WA 99115-9609.
3. The site address of the subject parcel is located at 31313 Moore Rd NE, Coulee City, WA and is approximately one half mile east of the intersection of Moore Rd NE and State Route 17 North. Further described as being in the Southwest quarter of the Southeast quarter of Section 29, Township 24 North, Range 27 East, W. M., Grant County, WA. Parcel #16-2189-001.
4. The zoning for neighboring parcels is North: Shoreline Development 3; South: Rural Resource; East: Rural Remote; West: Shoreline Development 3.
5. The Comprehensive Plan designation for the subject property is Shoreline Development.
6. SEPA Review was completed for this project and a Determination of Non-Significance was issued by Grant County on February 26, 2020.
7. 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 found to be located near a Priority Habitat and Species area, but due to the structures location on already disturbed and fenced pasture the determination was made that this proposal will not affect the habitat area. Additionally, information was provided to the county indicating the possible presence of cultural resources to be present in the area. A review of the county's cultural resource mapping did not indicate any sites to be located within 300 feet of the proposed construction site, thus no trigger to require the additional study.

8. A Public Notice containing information on this project was published in the Columbia Basin Herald on February 10, 2020, 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.

<i>Agencies Notified</i>	<i>Response Received</i>	<i>Agencies Notified</i>	<i>Response Received</i>
Grant County Fire Marshal	2/6/2020	Grant County Treasurer's Office	None
Grant County Building Department	None	U.S. Bureau of Reclamation	None
Grant County Health District	None	Grant County Sheriff Office	None
Grant County Public Works Department	2/6/2020	Grant County Auditor	None
Grant County P.U.D.	None	Grant County Fire District #5	None
Grant County Assessor's Office	2/6/2020	WA State Dept. of Fish & Wildlife	2/6/2020
Grant County Emergency Management	None	WA State Dept. of Ecology	2/24/2020
Grant County Noxious Weed Control Board	None	WA State Dept. of Archaeology	2/7/2020

9. The following is a summary of comments received:

9.1 Grant County Assessor's Office:

- 9.1.1 Parcel 16-2189-001 is a 66.63 acre parcel with 2-4 storage units.
 9.1.2 The owner is Wade King.
 9.1.3 No issues.

9.2 Grant County Fire Marshal:

- 9.2.1 For this project the 25' setback will be applied unless waived by the Fire Chief of Fire District #7.
 9.2.2 Fire flow can be provided from a drafting point at the lake that has already been established.
 9.2.3 No other comments or concerns.

9.3 Grant County Public Works:

- 9.3.1 An approach permit shall be obtained for County Road access.

- 9.4 State of Washington Department of Fish and Wildlife:
- 9.4.1 The parcel where the proposed development will occur, outside the area already disturbed by storage buildings and parking lots, contains sagebrush steppe habit. A site assessment report should be developed for the proposed additional impacts to the site, and potentially a Habitat Management Plan, according to the Grant County Critical Areas Ordinance.
- 9.5 State of Washington Department of Ecology:
- 9.5.1 The applicants must implement and maintain erosion and sediment controls on the construction site throughout the project.
- 9.6 State of Washington Department of Archaeology and Historic Preservation:
- 9.6.1 A desktop review of our Statewide Predictive Model has identified the proposed project area as having high potential for archaeological resources. This is due in part, in part, to the proximity of the proposed project area to several lakes. Further, numerous previously recorded archaeological sites are present in the general area, suggesting that additional sites may be present. Finally, the scale of the proposed ground disturbing actions would destroy any archaeological resources present. Identification during construction is not a recommended detection method because inadvertent discoveries often result in costly construction delays and damage to the resource. Therefore, we recommend a professional archaeological survey of the project area be conducted prior to ground disturbing activities. We also recommend consultation with the concerned Tribes' cultural committees and staff regarding cultural resource issues.
10. The application was determined to be Technically Complete on February 6, 2020.
11. 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.
12. 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 found to be located near a Priority Habitat and Species area, but due to the structures location on already disturbed and fenced pasture the determination was made that this proposal will not affect the habitat area. Additionally, information was provided to the county indicating the possible presence of cultural resources to be present in the area. A review of the county's cultural resource mapping did not indicate any sites to be located within 300 feet of the proposed construction site, thus no trigger to require the additional study.
13. The proposal is not located within any Urban Growth Area.
14. Pursuant to Grant County Code 23.04, Table 3, the construction of a mini-storage facility is allowable subject to a Conditional Use Permit.

15. The project, at completion, will provide 24 parking spaces in addition to the existing parking spaces for the previously approved mini-storage units, which is consistent with the minimum required number of parking spaces for mini-storage facilities.
16. The project, at completion, will provide the required 20 feet of landscaping as indicated in Grant County Code §23.08.330 (a)(2), staff has determined the amount of landscaping to be appropriate for the proposal.
17. Grant County issued a SEPA Mitigated Determination of Non-Significance for the proposed mini-storage facility. This MDNS was issued on February 26, 2020 (File P 20-0006).
18. Conditional Use Permits were issued for this same location on March 11, 2004 (File 03-3745) for a 240' x 40' mini-storage building and on June 19, 2007 (File 07-4760) for a 280' x 30' mini-storage building. This site has been operating as such since.
19. No public comments were received.
20. The proposed use will not be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan.
 - 20.1 The building proposal will not be contrary to the intent, purpose, regulations of Grant County Code, or Comprehensive Plan.
 - 20.2 The Hearing Examiner has reviewed the purpose of a Conditional Use Permit as stated in Grant County Code § 25.08.010. Based on the Hearing Examiner's review of said purpose, and upon his review of the application materials submitted for this proposal, and subject to the proposed Conditions of Approval, the Hearing Examiner has determined that the requested Conditional Use Permit conforms to and is consistent with the requirements, purpose, and intent of the Comprehensive Plan and the Unified Development Code.
21. 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.
 - 21.1 The building 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, adjoining our existing mini storage buildings.
 - 21.2 The proposal appears to be appropriate in design, character, and appearance with the goals and policies for the applicable land use designation. The property has two existing mini-storage buildings present that were allowed pursuant to previously approved Conditional Use Permits in 2004 and 2007. The Hearing Examiner believes that construction of an additional Mini-Storage building on the subject site as proposed by this project does in fact consider human uses and needs, and in so doing will serve to enhance rural residential development within an area already characterized by similar development. As such, this proposal has been deemed appropriate for the land-use designation in which it is located.
22. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.

- 22.1 The proposed use will not cause adverse impact on the human or natural environment as it will be adjoin our existing mini storage buildings.
 - 22.2 Based on the Hearing Examiner's review of this proposal, the Hearing Examiner has determined that, as conditioned, approval and/or completion of this project will not cause any significant adverse impacts to the natural or human environments. This project has been planned, proposed, and will be conditioned in such a manner that will reduce or eliminate any such adverse impacts.
23. 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.
- 23.1 The cumulative impact will not have any significance or adverse effects to the environment and will be next to our existing mini storage buildings.
 - 23.2 The Hearing Examiner considered cumulative impacts of this proposal, including access, land use, aesthetics, transportation, purpose, appropriateness and justification of scope, and degree of use. The Hearing Examiner believes that this proposal in and of itself will have only minimal impact, that any such impact will be mitigated by conditions of approval, and that the cumulative impact of additional requests for like actions in the area will not produce any significant adverse effects to the environment.
24. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
- 24.1 The proposal will comply with access and fire protection.
 - 24.2 Information about this application was mailed to all applicable agencies of jurisdiction for their review and comments. These applicable agencies included the Grant County Fire Marshal, Grant County Fire District #7, the Grant County Health District, and the Grant County Public Works Department. Those agency comments and/or requirements received that are specific/applicable to this proposal have been included as Conditions of Approval. As such, this proposal has been conditioned in such a manner so as to comply with requirements received from these agencies in regards to access, fire protection, water, stormwater control, and sewage disposal.
25. 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.
- 25.1 The location will be adjacent to existing mini storage building at 31313 Moore Rd NE Coulee City, WA 99115. 70' x 144' all steel building. This building will not interfere with neighboring properties allowable development.
 - 25.2 Any buildings or structures erected on the subject site must comply with Development Standards of Grant County Code. The proposed Mini-Storage Park facility, as described in the application materials, complies with applicable Development Standards of GCC § 23.12. As such, it will not interfere with allowable uses of neighboring properties.

26. The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood.
 - 26.1 This is a recreational area and the proposed building will meet the needs of neighbors and the public recreating at Blue Lake and would reduce the traffic traveling to farther locations for storage.
 - 26.2 Information about this application was sent to the Grant County Public Works Department for their review and comments. Comments received from the Public Works Department included requirements specific/applicable to this proposal that were included as a Condition of Approval. Therefore, it can be reasonably concluded that, as so conditioned, this proposal will have no hazardous impacts to existing or anticipated traffic in the area. Information about Conditional Use Permit applications is typically also mailed to the WA State Department of Transportation (WSDOT) for review and comments whenever the subject parcel is on or near a state highway. Review of projects by the WSDOT ensures compliance with all WSDOT regulations when applicable. In this instance, WSDOT did not reply on this proposal indicating that they had no concerns.

27. Land uses, activities, and structures that are allowable as conditional uses must also comply with any required performance standards in GCC § 23.08.
 - 27.1 This proposal complies with GCC 23.08.
 - 27.2 Grant County Code § 23.08 “Performance and Use Standards” contains no specific requirements for the use proposed by this project. However, as proposed, the Mini-Storage Park facility will comply with the applicable Development Standards of GCC § 23.12.

28. 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).
 - 28.1 The proposal is not adjacent to an airport or airfield.
 - 28.2 Whenever a subject site is in close proximity to an airport, information about Conditional Use Permit applications is typically mailed to said airport for review and comments. Review of the projects by the airport ensures that implementation of the proposal will not result in siting of an incompatible use adjacent to, or in the vicinity of, said airport. In this instance, however, the subject site is not located in close proximity to any airport, airfield, or Airport Safety Overlay Zone. As such, no airports were included in the applicable agencies of jurisdiction to which information about this particular project was sent for review and comments.

29. The proposal conforms to the standards specified in GCC § 23.12
 - 29.1 The proposal will comply with the standards.
 - 29.2 As outlined above, the Hearing Examiner has determined that this project, as proposed and conditioned, complies with applicable Development Standards of GCC § 23.12.

30. An open record public hearing after due legal notice was held on June 4, 2020.

31. Appearing and testifying at this hearing was Wade King. Mr. King testified that he was the applicant and property owner. Mr. King testified that he had reviewed the proposed conditions of approval and had no objection to any of them.

32. No member of the public testified at this hearing.

33. The Hearing Examiner has reviewed and considered the application materials and the comments received for the proposal.
34. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein 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. The proposal conforms to the standards specified in Grant County Code § 25.08.010.
4. The use will comply with all required performance standards as specified in Grant County Development Standards of GCC § 23.12.
5. 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 20-0005 (CUP) and P 20-0006 (SEPA) are 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 Conditional Use Permit is issued solely for the scope of work described in the project description. Any other intended scope of work shall require additional land use permitting and review under Grant County Code.
2. The landowners/applicants are responsible to determine if any other permits and/or licenses will be required by other local, state, and federal agencies. The landowners/applicants shall acquire all such permits and/or licenses as required.
3. Best Management Practices (BMPs) shall be utilized as necessary during development and implementation of this proposal in order to minimize temporary disturbances to the subject area, to lessen the risk of erosion, and to stabilize the site during construction. Proper erosion and sediment control practices must be used to prevent upland sediments from entering surface water. Dust and emissions to the air will be controlled by using water on-site for dust control as needed.
4. All development improvements shall be installed in such a manner so as to prevent run-off from the site from entering adjoining properties. Surface water run-off must be contained and absorbed on-site.

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5. The proposed development shall not inflict upon adjacent land(s) smoke, dust, glare, dirt, steam, vibration, noise, electrical interference, excessive hazards, odors, or pollution which exceeds applicable local, state, or federal standards.
6. This proposal shall comply with Unified Development Code Chapter 23.08 "Performance and Use Standards" § 330 Residential (Mini) Storage Facilities.
7. This proposal shall comply with Unified Development Code Chapter 23.12 "Development Standards" including but not limited to:
 - 7.1 23.12.080 Clearing, Grading and Drainage Standards
 - 7.2 23.12.130 Parking
 - 7.3 23.12.170 Landscaping
 - 7.4 23.12.180 Visual Screening
 - 7.5 23.12.190 Lighting Standards
8. If any Native American Grave site(s) or archaeological/cultural resources (Indian Artifacts) are found all construction activity shall stop and the owner/developer shall immediately notify the Grant County Planning Department, the Colville Confederated Tribes and the Washington State Office of Archaeology and Historic Preservation.
9. Structures shall maintain a twenty five foot (25') setback between structures and lot lines unless waived by the Fire Chief of Grant County Fire District #7.
10. An approach permit shall be obtained for County road access.

Dated this 5th day of June, 2020.

GRANT COUNTY HEARING EXAMINER



Andrew L. Kottkamp

EXCEPT AS PROVIDED BY GRANT COUNTY UNIFORM DEVELOPMENT CODE, SECTION 25.32.150, THE DECISION OF THE HEARING EXAMINER IS FINAL AND CONCLUSIVE UNLESS APPEALED TO THE GRANT COUNTY SUPERIOR COURT WITHIN TWENTY-ONE (21) DAYS AFTER THE ISSUANCE OF THIS DECISION AS PROVIDED BY RCW 36.70C.040 AND GRANT COUNTY UNIFORM DEVELOPMENT CODE, SECTIONS 25.32.160 AND 25.04.430.