

**GRANT COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF P 20-0043 Ledezma))))	FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND CONDITIONS OF APPROVAL
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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 to establish a seasonal food service trailer at the applicant's home location to serve agricultural service workers during the farming season. The food service trailer will be located at an existing gravel parking area approximately one acre in size. No additional structures will be constructed.
2. The Applicant is Hugo Ledezma, P.O. Box 586, Royal City, WA 99357.
3. The site address of the subject parcel is 11961 Road A SW Royal City, WA. SW ¼ of Section 36, Township 17N, Range 26E, W.M., Grant County, WA. Farm Unit 18 Block 87 Tax Parcel #31-2955-000.
4. The zoning for the property is Agricultural.
5. The zoning for neighboring parcels is Agriculture.
6. The Comprehensive Plan designation for the subject property is Agricultural-Irrigated.
7. Review of this project did not meet any threshold for criteria consideration of a SEPA Environmental Checklist Review. 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.
8. A Public Notice containing information on this project was published in the Columbia Basin Herald on February 21, 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. No public comments were received.

<i>Agencies Notified</i>	<i>Response Received</i>	<i>Agencies Notified</i>	<i>Response Received</i>
Grant County Fire Marshal	2/25/20	Grant County Noxious Weed Control Board	none

Grant County Building Official	none	Grant County P.U.D.	none
Grant County Treasurer's Office	none	U.S. Bureau of Reclamation	3/05/20
Grant County Health District	none	Grant County Auditor's Office	none
Grant County Public Works Department	2/25/20	Grant County Emergency Management	none
Grant County Assessor's Office	2/25/20	Grant County Fire District 10	none
Grant County Sheriff's Office	none	Quincy Columbia Basin Irrigation & Rehabilitation District	none

9. The following is a summary of comments received:

9.1 Grant County Assessor's Office:

9.1.1 Parcel 31-2955-000 is a 2.49 acre parcel of land only, owners are Hugo and Margo Ledezma with Randy Niessner as a contract holder. No issues.

9.2 Grant County Fire Marshal:

9.2.1 No adverse comments or concerns about this project

9.3 Grant County Public Works:

9.3.1 An approach permit shall be obtained from public works.

9.4 US Bureau of Reclamation:

9.4.1 Thank you for the opportunity to review and comment on the subject proposal located at 11961 Road A SW Perm Unit 18 of Irrigation Block 87. Royal City, Grant County, Washington. This letter is in response to your request for comments due March 9, 2020.

The Bureau of Reclamation currently has surface irrigation facilities; the W72.5, W72.5E, W72.5E 1, and the W72.5G laterals, on and neat the proposed project site. The surface laterals, are for distribution water to the Columbia Basin Project (Project). The proponent should be aware of several matters that could impact Project objectives.

Constriction storm water or runoff of any type from a construction site should not enter any of Reclamation's facilities or lands at any time and must be contained on site. Surface water runoff resulting from construction activities can potentially enter Project facilities and adversely affect water quality. A General Construction Storm Water Permit from the Washington State Department of Ecology will be needed for any construction project one acre or greater in size. Construction should be conducted in a manner that minimizes adverse effects to the lands, operations,

waters, facilities, and resources of the Project. Upon completion of construction activities, no connections to Project facilities will be allowed that would collect or discharge storm water or any other non-agricultural discharges.

Landowners should be aware of existing Reclamation and Quincy-Columbia Basin Irrigation District (QCBID) rights to construct, reconstruct, operate, and maintain Project facilities as necessary. Reclamation and QCBID must review and approve any work that will involve these facilities or the existing rights-of-way prior to commencing such work. Structures are prohibited from encroaching upon existing rights-of-way corridors without prior approval from Reclamation and QCBID. This includes, but is not limited to, temporary improvements such as on-site sewage disposal systems, drain fields, domestic wells, paving, fencing, and landscaping. It is important to note that Reclamation's concurrence to this proposal is conditioned upon the assurance that there are no encroachments upon Project facilities or rights-of-way.

Should the proponent develop the property with the intent of installing a well for public or private use, please be advised that such a well providing groundwater to the public will typically have a wellhead protection zone delineated on the development plans. Wellhead protection zones cannot overlap Reclamation rights-of-way or interfere with Project operations, since they would constrain QCBID's ability to apply aquatic and terrestrial herbicides needed to maintain Project facilities. The QCBID must be able to operate and maintain Project facilities in order to accomplish Project objectives.

The agricultural water that supports Farm Unit 18 in Block 87 must only be used for agricultural purposes that do not include the production of marijuana. The proposed project may render the proposed land ineligible for the agricultural water entitlement authorized by the Project. The proponent is advised to initiate discussions regarding the release of the agricultural water entitlement, by contacting the QCBID headquarters in Quincy, Washington. The proponent would be relieved of the future obligations for payment of annual assessments to the QCBID for these acres if determined ineligible.

10. The Mobile food trailer will be self-contained with regards to water and power sources.
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 not found to be located within 300 ft. of any existing Critical Areas.
13. The proposal is not located within an Urban Growth Area (UGA).
14. The project site is located in the Agricultural Zoning District.

15. Pursuant to Grant County Code 23.04, Table 3, Eating Establishments are an allowed as a Conditional Use in the Agricultural Zoning District.
16. Grant County Code 25.02 defines an Eating Establishment as a use providing preparation and retail sale of food and beverages.
17. A site visit was conducted on February 21, 2020 by Grant County Development Services.
18. Information about this application was sent to all applicable agencies of jurisdiction for their review and comments. Agency comments and/or requirements applicable to this proposal have been included as Conditions of Approval. No adverse comments were expressed by any agency that would prohibit development.
19. The proposed use will not be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan.
 - 19.1 The proposed use will not be contrary to the intent or purposes and regulation because we will be following Grant County Code or Comprehensive Plan.
 - 19.2 The proposed use will not be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan. Eating Establishments are allowed in the Agricultural Zoning District as a Conditional Use. The project is in the Agricultural Zoning District. The project will be required to comply with all relevant development and performance standards of the Grant County Unified Development Code.
20. 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.
 - 20.1 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.
 - 20.2 The proposal is appropriate in design, character and appearance with the goals and policies for the applicable land use designation. The proposed development will be similar in design to the existing uses in the area. Additionally, the project will comply with the goals of the Comprehensive Plan, one of which is to provide for provide for food vending for Agricultural Workers the County's rural Agricultural Zone.
21. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
 - 21.1 The proposed use will not cause significant adverse impact on human or natural environment that cannot be mitigated by conditions of approval.
 - 21.2 The proposed use will not cause significant adverse impacts on the human or natural environment.
22. 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.
 - 22.1 The cumulative impact of additional requests for like actions will not produce significant adverse effects to the environment that cannot be mitigated by conditions of approval

- 22.2 The cumulative impact of additional requests for like actions will not produce significant adverse effects to the environment.
23. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
- 23.1 The food vending trailer will have adequate equipment and provisions in regards to fire protection, water, sewage disposal all up to code.
- 23.2 This proposal will be served by adequate facilities. The trailer is designed to be self-supporting. The trailer will contain its own source of water. The food trailer will occupy a small surface area so storm water will not be a substantial factor and should pose no issues to be retained on-site (in compliance with the Eastern Washington Storm Water manual). The property is served by the local Fire District (No.10) and Grant County Sherriff's Office.
24. 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.
- 24.1 The size of the food vending trailer will in no way interfere with the development of neighboring properties.
- 24.2 This project will not unreasonably interfere with development or use of neighboring properties. The project as designed and conditioned will comply with all relevant development standards and will not unreasonably interfere with any neighboring properties. Specifically, fencing and screening are conditioned so as to obscure the view of the food trailer from neighboring properties.
25. The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood.
- 25.1 The traffic both vehicular and pedestrian will not be hazardous to existing and anticipated traffic in the area.
- 25.2 Pedestrian and vehicular traffic resulting from this project will not be hazardous to the existing traffic in the area. Being in a rural area the pedestrian traffic is anticipated to be nominal. This proposal will be establishing county road access. Through conditions and standards set forth by the Grant County Engineer. Application materials were sent to Grant County Public Works and their comment stated that approaches and access would need to be established.
26. Land uses, activities, and structures that are allowable as conditional uses must also comply with any required performance standards in GCC § 23.08.
- 26.1 The building will comply with all performance standards specified in GCC. 23.08
- 26.2 The application will be conditioned so as to comply with the relevant performance standards found in 23.08.
27. 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).

- 27.1 The proposal is not adjacent to an airport or airfield and will have no effect on said area.
- 27.2 This proposal is not adjacent to an airport/airfield. The proposal does not include any use or activity that would result in the siting of an incompatible use adjacent to an airport of airfield.

28. The proposal conforms to the standards specified in GCC § 23.12.
 - 28.1 The proposal conforms to the standards specified by following required building and land use conditions.
 - 28.2 The project, as conditioned, complies with all applicable development standards found in GCC § 23.12.

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

30. At this hearing, the staff report and the entire Planning file of record was admitted into the record.

31. Appearing and testifying at this hearing was Hugo Ledezma, the applicant and owner of the property. Mr. Ledezma testified that he had a concern regarding proposed Condition of Approval No. 3, wondering why a concession trailer located on a gravel driveway would have any impact on irrigation rights. He also indicated that both access points to the property would be used as both ingress and egress.

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

33. Staff indicated that they had no objection to the Hearing Examiner striking proposed Condition of Approval No. 3.

34. The Hearing Examiner has reviewed and considered the application materials and the comments received for the proposal.

35. 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 §§ 23.04, 23.08, 23.12, 25.02, 25.04 and 25.08.

4. Granting of the proposed variance would be in harmony with the intent and spirit of GCC Titles 23, and 25.

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 20-0043 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 applicant shall comply with all requirements as deemed necessary by the Grant County Planning Division, including but not limited to:
 - 1.1 Applicant shall comply with any/all applicable requirements found in Grant County Code Chapter 23.12. Development Standards and Chapter 23.08, Performance and Use Standards including but not limited to;
 - 1.1.1 Pursuant to GCC 23.12.130 Off-Street Parking: with allotment of parking spaces as stipulated in Table 5 Commercial Uses-Eating Establishments providing 1 parking space per 100 square feet of assembly area.
 - 1.1.2 Pursuant to GCC 23.12. 150 Signage about advertising the food van shall comply with GCC Ch. 23.12.150 Signs.
 - 1.2 Any further development, beyond the scope of this project as proposed, may require additional review and/or permitting.
 - 1.3 Pursuant to GCC § 25.08.070(a), development authorized as a Conditional Use shall be completed within five (5) years of the date of approval or the approval shall become null and void. An extension of up to one year may be granted by the Decision Maker if the permittee demonstrates good cause for an extension.
2. The applicant shall comply with all requirements as deemed necessary by the Grant County Public Works Department, including but not limited to:
 - 2.1 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.