GRANT COUNTY
LAND USE HEARING EXAMINER

IN THE MATTER OF	)	**FINDINGS OF FACT,**
	)	**CONCLUSIONS OF LAW,**
P16-0159	)	**DECISION AND**
Grant County Public Works	)	**CONDITIONS OF APPROVAL**

THIS MATTER having come on for hearing in front of the Grant County Hearing Examiner on June 15, 2016, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. This conditional use permit application from Grant County Public Works Department 124 Enterprise St. SE, Ephrata, WA 98823, to enable the expansion of an existing Grant County Public Works Department equipment storage yard/maintenance facility on a portion of an approximately 7.45-acre parcel in the Urban Residential 3 zoning district of Grant County. Expansion will include demolition of an existing fire-damaged shop, and construction of a new 45-ft. x 72-ft. (approximately 3,240 square ft.) shop building with a 24-ft. x 45-ft. approximately 1,080 square ft.) outdoor open storage area.

2. The contact is Jerome Wawers, Assistant Director of Grant County Public Works.

3. The proposed project area location is an approximately 3.8-acre portion of Parcel #15-0050-000. The site address of the subject parcel is 24378 Broadway Ave. SW, Mattawa, WA. The subject area is located south and east of the city limits of Mattawa, WA, and approximately 1 mile southeast of the intersection of State Highway 243 and Road 24 SW, and in the NE quarter of Section 2, Township 14 North, Range 23 East, WM, Grant County, WA.

4. The zoning for the subject property is Urban Residential 3.

5. The zoning for neighboring parcels is: To the north, Urban Residential 3; to the south, Agriculture; to the east, Urban Commercial 2 and Urban Heavy Industrial; and to the west, Urban Residential 3.

6. The Comprehensive Plan designation for the subject property is Medium Density Residential.

7. Pursuant to GCC § 24.04.090(a)(3), this project is exempt from SEPA review.

8. Pursuant to and in compliance with Chapter 24.08 "Critical Areas and Cultural Resources" of the Grant County Unified Development Code, a critical areas review of the project site was conducted as part of the application process for this proposal. The subject parcel is not located in, nor does it contain, any Critical Areas as defined by Grant County Code.

9. A Public Notice of Application & Public Hearing containing information about this project was published in the Columbia Basin Herald newspaper on May 6, 2016, was mailed to property owners within 300 ft. of the subject parcel on May 2, 2016, was posted on the subject site on May 2, 2016, and

remained posted until the open record public hearing date. Information about this project was also sent to all applicable agencies of jurisdiction for their review and comments on April 29, 2016. The public comment period ended on May 23, 2016. The following agencies and departments responded:

9.1 Grant County Building Department responded on May 3, 2016
9.2 Grant County Fire Marshal responded on May 2, 2016
9.3 Grant County Public Works Department responded on May 2, 2016
9.4 Grant County Assessor's Office responded on May 2, 2016
9.5 Grant County Noxious Weed Control Board responded on May 18, 2016
9.6 U.S. Bureau of Reclamation responded on May 19, 2016

10. The following agencies were notified but did not respond:

10.1 Grant County Health District
10.2 Grant County Emergency Management
10.3 Grant County Auditor's Office
10.4 Grant County Treasurer's Office
10.5 Grant County Sheriff's Office
10.6 Grant County Fire District #5
10.7 Grant County PUD
10.8 City of Mattawa, WA
10.9 South-Columbia Basin Irrigation District
10.1 WA State Department of Transportation

11. The following is a summary of comments received:

11.1 **Grant County Building Department:**
New structure subject to Building Permit and must comply with all federal, state, and local codes.

11.2 **Grant County Fire Marshal:**
All real property development shall comply with all applicable local, state, and federal laws. A Demo Permit is required to remove the fire-damaged shop.

11.3 **Grant County Public Works Department:**
1. Grant County Public Works has no comment at this time.

11.4 **Grant County Assessor's Office:**
Parcel #15-0050-000 is a 7.45-acre parcel with a County Shop; owner is Grant County Public Works.

11.5 **Grant County Noxious Weed Control Board:**
No noxious weeds were present at time of inspection (05-12-16).

11.6 **U.S. Bureau of Reclamation:**
Thank you for the opportunity to review and comment on the proposed project. The Bureau of Reclamation (Reclamation) currently has surface irrigation facilities (WB48D and WB48D3 laterals) that are in close proximity to the proposed project site located in Section 2 of Township 14 North, Range 23 East. These facilities are distribution and return flow facilities

for irrigation water to the Project. The proponent should be aware of several matters that could impact Project objectives.

Storm water or non-agricultural runoff of any type must not be allowed to enter any of Reclamation's facilities without a Non-Agricultural Discharge Permit from Reclamation. However, construction storm water or runoff of any type from a construction site should not enter any of Reclamation's facilities 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 WA State Dept. of Ecology will be needed for any project one acre or greater. Construction should be conducted in a manner that minimizes adverse effects to the lands, operations, waters, facilities, and resources of the Project.

Landowners should be aware of existing Reclamation and the District rights to construct, reconstruct, operate, and maintain Project facilities as necessary. Reclamation and the District 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 Reclamation's and the District's prior approval. 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 assumption 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 the District's ability to apply the aquatic and terrestrial herbicides needed to maintain Project facilities. The District must be able to operate and maintain Project facilities in order to accomplish Project objectives.

If you have any questions, please contact Ms. Gina Hoff, Water Quality Specialist, at ghoff@usbr.gov or (509)754-0254.

12. This application was determined to be Technically Complete on April 27, 2016.

13. This proposal was processed as a Type III Quasi-Judicial Decision, in accordance with Chapter 25.04 "Permit Application Review Procedures" and Chapter 25.08 "Conditional Uses and Variances" of the Grant County Unified Development Code.

14. The subject area is located within the Urban Growth Area boundary of Mattawa, WA.

15. The subject parcel is in the Urban Residential 3 (UR3) zoning district of Grant County. Pursuant to GCC § 23.04, Table 3, industrial uses in general and outdoor storage yards are prohibited in the UR3 zoning district.

16. The applicant, the Grant County Public Works Department, purchased the subject parcel on June 1, 1983, and has operated a satellite facility on the site since that time. According to Grant County Building Department records, a Building Permit for the existing (fire-damaged) shop building was issued on June 1, 1984. Development of the existing facility pre-dates the adoption of present-day Grant County Code. The facility is a legal pre-existing, non-conforming use.

17. Pursuant to GCC § 23.04.100(d), the expansion, modification, or intensification of a non-conforming use is allowable subject to a Conditional Use Permit (CUP). As such, a CUP has been required for this proposal. Such an expansion of a non-conforming use is allowable, subject to a CUP, provided that:

    a) New nonconformities with the standards of the GCC shall not be created;

    b) The proposed expansion shall comply with the requirements of the GCC to the maximum extent feasible;

    c) The proposed expansion shall not have an adverse impact on a critical area or cultural resource as designated in GCC § 24.08; and

    d) A non-conforming use shall not be permitted to expand beyond the lot on which it is located.

    When reviewing a proposed expansion, modification, or intensification of non-conforming use as a conditional use, the total impact of the non-conforming use shall be considered as well as the added impact of the incremental changes being proposed and the consistency of the changes with the requirements of the applicable zoning district.

18. Pursuant to GCC § 23.04.140(c)(2), development within the UR3 zoning district is subject to Site Plan Review. As such, expansion of the existing facility must comply with all applicable requirements of GCC § 23.04.140 "Site Plan Review," 23.08.230 "Industrial Uses—Standards for Site Development," and GCC § 23.12 "Development Standards." As demonstrated in the submitted application materials, and subject to the proposed Conditions of Approval, this project appears to comply with all applicable requirements of Grant County Code.

19. Pursuant to GCC § 23.12.080, all clearing and grading activities shall be conducted so as to minimize potential adverse effects on off-site properties, surface water quality, and critical areas. Stormwater runoff from developments shall not adversely affect off-site properties, surface water quality and quantity, and/or critical areas. Provisions shall be made to control the release of surface water runoff from the development both during and following construction. Clearing and grading, including drainage and erosion control measures, shall conform to the requirements of the WA State Dept. of Ecology Stormwater Management Manual for Eastern Washington. All development shall ensure that soil erosion and sedimentation of drainage ways will be controlled to prevent damage to adjoining properties. Surface drainage shall not be directed to or discharged onto County Roads or ditches within County rights-of-way unless approved by the Grant County Engineer. Application materials submitted for this proposal indicate that all stormwater run-off will be contained on-site.

20. The applicant has indicated that one person reports to the existing shop on a daily basis. In addition, up to fifteen personnel may use the shop for short-duration jobs on a yearly basis during routine road maintenance activities. Pursuant to GCC § 23.12.100(c), a traffic impact study based on the most current edition of the Highway Capacity Manual shall be performed for any proposed development that will result in an increase of one hundred (100) or more one-way trips per day onto a county road. As such, a traffic impact study was not required for this proposal.

21. Pursuant to GCC § 23.12.150(c), signs that are equal to or less than 32 square ft. in size shall be allowed outright. Signs greater than 32 square ft. in size shall be processed as a Discretionary

Use. The submitted application materials indicate no plans for new or additional signage at this time. If signage should become necessary at a later time, it must conform to the Development Standards of GCC § 23.12.150.

22. Pursuant to GCC § 23.12.170 and GCC § 23.12.180, the Planning Department has determined that the typical requirements for landscaping and visual screening are not applicable in this particular instance, and thus were not required for this proposal. The subject area is not in close proximity to any residential uses. Also, it should be noted herein, as indicated in the application materials, that there are existing large evergreen trees and shrubs along most of the west property line, and that the developed area will be enclosed with the same type of chain-link fence already in use on-site. The new shop is to be located approximately 100 ft. from the west property line, and, as was evident to Planning Department staff during an on-site visit, the existing pine trees and dense shrubs effectively provide landscaping and visual screening between the existing mobile/manufactured home park to the west and the subject area.

23. Pursuant to GCC § 23.12.190, exterior lighting for all uses and signs shall be energy-efficient and shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel. Exterior lighting shall be directed downward and away from adjoining properties and public rights-of-way. No lighting shall blink, flash, or be of unusually high intensity or brightness. All lighting fixtures are to be appropriate in scale, intensity, and height to the use they are serving. The submitted application materials demonstrate intended compliance on the part of the applicant with the requirements of GCC § 23.12. Conditions of Approval #2 and 9.4 have been included to ensure that the requirements of GCC § 23.12.190 are met.

24. Domestic water for the site is provided by the City of Mattawa. Sewage disposal facilities will be provided on-site.

25. The existing shop was destroyed by fire on December 10, 2015. Construction of a new shop will require a Building Permit. Approval of a Building Permit by the Planning Department is contingent upon approval and issuance of this Conditional Use Permit.

26. Planning Department staff conducted a site visit on May 6, 2016.

27. Information about this application was sent to all applicable agencies of jurisdiction for their review and comments. Agency comments and/or requirements specific/applicable to this proposal have been included as Conditions of Approval. All comments received have been included as part of the Staff Report and have been made available to the applicant. No adverse comments were expressed by any agency that would prohibit development.

28. The applicant, Grant County Public Works (GCPW), has submitted an application for a Conditional Use Permit (CUP) for consideration by the Grant County Hearing Examiner. If approved, the requested CUP will allow the expansion of a non-conforming use on a portion of the subject parcel in the UR3 zoning district. Specifically, the requested CUP will enable GCPW to construct a new building to replace the existing fire-damaged shop on the subject parcel. Replacement of the fire-damaged shop will facilitate continued GCPW services in the Mattawa/Wahluke Slope area.

29. The existing facility has served as a satellite shop for GCPW since 1983. The existing facility is a legally permitted, pre-existing non-conforming use in the UR3 zoning district. Pursuant to GCC § 23.04.100(d), a CUP is required to expand or intensify an existing non-conforming use.

30. Based on the review, comments, and analysis, and subject to the following proposed Conditions of Approval, the Planning Department has determined that the requested proposal complies with the Criteria for Approval as listed below. As such, the Planning Department recommended approval of the proposed Conditional Use Permit subject to the suggested Conditions of Approval.

31. Applicable Criteria for Approval that should be considered were reviewed by the Hearing Examiner.

32. The proposed use will not be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan.

    32.1 The proposed use is the same as the current use, and is within the regulatory oversight of the Grant County Code and the Comprehensive Plan.

    32.2 Planning Department staff reviewed the purpose of a CUP as stated in GCC § 25.08.010. Based upon their review of said purpose, and upon their review of the application materials submitted for this proposal, and subject to the proposed Conditions of Approval, the Planning Department has determined that the requested CUP, and the proposed use that will be enabled by its approval, conforms to and is consistent with the requirements, purpose, and intent of the Comprehensive Plan and the Unified Development Code. GCC § 23.04.100(d) specifically allows expansion of a pre-existing non-conforming use as a Conditional Use, provided that four conditions are met (as have been outlined in Staff Comment #6 above). The Planning Department determined that this proposal also meets these four particular conditions.

33. The proposal <u>is</u> appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.

    33.1 The proposed structure will be an engineered steel structure, substantially the same in design, character, and appearance as the fire-damaged building proposed to be replaced. It is our belief that the proposed land use will be characteristic of other uses in the general area.

    33.2 Applicable portions of the Grant County Comprehensive Plan, including its goals and policies, were taken into consideration by Planning Department staff. The Comprehensive Plan has established "unincorporated portions of urban growth areas" as one of five principal land use classes in Grant County. Comprehensive Plan Land-Use Designations in the "Urban Growth Areas" class include residential designations. The Comprehensive Plan Land-Use Designation of the subject area is Medium Density Residential. Comprehensive Plan policies specifically state that infilling of areas already characterized by urban growth should be encouraged, and that such development should be configured so that urban development may eventually infill and become urban. The subject parcel is in the Urban Growth Area boundary of Mattawa, and, consequently, is in an area already characterized by urban growth. Although the proposed use is prohibited in the UR3 zoning district, the Planning Department has determined that the proposed expansion of an already-existing facility, as is allowable subject to a CUP, is justified in an area characterized by similar development.

34. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.

34.1 The impacts created will be no different than those caused by the original construction and usage beginning in 1983 as such they have not created any adverse impact on humans or the natural environment in the general area.

34.2 Based upon the review and analysis, and subject to the proposed Conditions of Approval, the Planning Department determined that approval and/or completion of this project will not cause any permanent or long-term 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.

35. 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.

35.1 Although the proposed use is outside the regular uses (as currently defined), it is not unreasonable to assume that each proposed use must be judged independently and in aggregate to arrive at the most effective mitigated condition of approval.

35.2 Planning Department staff considered cumulative impacts of this proposal, including access, land use, aesthetics, transportation, purpose, appropriateness and justification of scope, and degree of use. The Planning Department determined that impacts caused by this proposal can be mitigated by the proposed 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.

36. The proposal will be served by adequate facilities including access, fire protection, water, stormwater control, and sewage disposal facilities.

36.1 The proposed construction and usage will be serviced in the following manner:

36.1.1 The proposal is accessed off of Broadway Street, Mattawa. If needed, additional approaches will be granted by Grant County Public Works.

36.1.2 Fire protection is provided by Grant County Fire Protection District #8.

36.1.3 Domestic water is provided by City of Mattawa, State ID #520009, with 643 connections and approval for 1,016 connections.

36.1.4 Mattawa is in a very arid climate with 7.4 inches of annual precipitation. If stormwater control is required, it will be accomplished on-site.

36.1.5 Sewage disposal facilities will be provided on-site.

36.2 The project site is accessed via Broadway Avenue SW in Mattawa, WA. Fire protection will be provided by Grant County Fire District #8. Domestic water for the site is provided by the City of Mattawa. Sewage disposal facilities will be provided on-site. All stormwater will be controlled and absorbed on-site. Information about this application was mailed to all applicable agencies of jurisdiction for their review and comments. Applicable agencies included the Grant County Fire Marshal, Grant County Fire District #8, the Grant County Health District, Grant County Public Works, Grant County Emergency Management, and the WA State Department of Transportation. Agency comments and/or requirements received that are specific/applicable to this proposal have been included as Conditions of Approval. Therefore, this project has been conditioned in such a manner so as to comply with all requirements received from these agencies in regards to access, fire protection, water, stormwater control, and sewage disposal.

37. The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the proposed use will not unreasonably interfere with allowable development or use of neighboring properties.

37.1 The proposed building of similar design and height as the existing fire-damaged structure will be more centrally placed within the lot, thereby having less impact on sight lines. The neighboring properties include, on the north boundary, livestock pens; on the west boundary, approximately 90% of the length of the property line has large evergreen trees; on the east boundary, approximately ½ the length is a salvage yard, the other ½ is two manufactured homes; and the south boundary is County Road 24.5 SW and agricultural land. The proposed site will be fenced with the same type of fence currently in use, chain-link.

37.2 Buildings or structures erected on the subject site must comply with Development Standards of Grant County Code. The proposed structure and use, as described in the application materials, and subject to the proposed Conditions of Approval, will comply with applicable Development Standards of GCC § 23.12, and will not interfere with allowable uses of neighboring properties.

38. The pedestrian and vehicular traffic associated with the conditional use *will not* be hazardous to existing and anticipated traffic in the neighborhood.

38.1 The pedestrian and vehicular traffic will be similar in nature to historical usage dating back to 1983. This is a satellite shop for Grant County Public Works. One person reports to this shop on a daily basis with up to 15 personnel for short duration jobs on a yearly basis during routine road maintenance activities.

38.2 Pursuant to GCC § 23.12.100(c), a traffic impact study based on the most current edition of the Highway Capacity Manual shall be performed for proposed development that will result in an increase of one hundred (100) or more one-way trips per day onto a county road. Therefore, a traffic impact study was not required for this proposal. 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 indicated that they have no further requirements for this project.

Therefore, it can be reasonably concluded that this proposal will not have 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 such projects by the WSDOT ensures compliance with all WSDOT regulations when applicable. In this particular instance, however, the WSDOT rendered no comments on this project during the specified comment period. Therefore, pursuant to GCC § 25.04.170(a)(4), it is presumed that the WSDOT has no comments (or specific requirements) for this proposal.

39. The proposed conditional use will comply with all required performance standards specified in GCC § 23.08.

    39.1 This proposal complies with GCC § 23.08.230.

    39.2 Subject to the proposed Conditions of Approval, the Planning Department has determined that this project, as proposed, conforms to, is consistent with, and meets the applicable requirements of GCC § 23.04.100 "Nonconforming Uses," GCC § 23.04.140 "Site Plan Review," 23.08.230 "Industrial Uses—Standards for Site Development," and GCC § 23.12 "Development Standards," as well as all other relevant sections of Grant County Code.

40. 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).

    40.1 The proposal is not adjacent to an airport or airfield.

    40.2 Pursuant to GCC § 23.04.100(g), no structures or obstructions of any kind or nature whatsoever constituting a non-conforming use shall be rebuilt, repaired, or replaced where such repairing, rebuilding, or replacement constitutes an airport hazard. The subject area is not located in close proximity to any known airport, airfield, or Airport Safety Overlay Zone. Implementation of this project as proposed will not constitute an airport hazard.

41. The proposal does conform to the standards specified in GCC § 23.12.

    41.1 The proposal will comply with the standards.

    41.2 As outlined above, Planning Department staff has determined that this project, as proposed and conditioned, complies with the applicable Development Standards of GCC § 23.12.

42. An open record public hearing after due legal notice was held on June 15, 2016.

43. The entire Planning Staff file was admitted into the record at the public hearing.

44. The Grant County Planning Department recommended approval of the requested permit, subject to the recommended conditions of approval.

45. Appearing and testifying on behalf of the applicant was Jerome Wawers. Mr. Wawers testified that he was an agent authorized to appear and speak on behalf of the applicant and property owner. He testified that the property was damaged in the 1980s by a fire and since then has been used as equipment storage and staging area. The expansion of the facility will not change the past use of the property. He also testified that all of the Proposed Conditions of Approval were acceptable.

46. No member of the public appeared at the hearing.

47. 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.

48. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.

49. 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.

50. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.

51. The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the proposed use will not unreasonably interfere with allowable development or use of neighboring properties.

52. The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood.

53. Land uses, activities, and structures that are allowed by this conditional use permit will comply with the required performance standards specified in GCC 23.08.

54. 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 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-16-0159, 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 landowner/applicant is responsible to determine if other permits and/or licenses will be required by other local, state, and federal agencies. The landowner/applicant shall acquire all such permits and/or licenses as required.

3. No use shall be made of equipment or material which produces unreasonable vibrations, noise, dust, dirt, smoke, odor, glare, steam, electrical interference, excessive hazards, or pollution to the detriment of adjoining properties.

4. Proper erosion and sediment control practices must be used to prevent upland sediments from entering surface water. Best Management Practices (BMPs) shall be implemented as necessary during development and implementation of this proposal, in order to minimize disturbances to the subject area, to lessen the risk of erosion, and to stabilize the site during operations.

5. Dust and emissions to the air associated with the development will be controlled by utilizing Best Management Practices (BMPs) and dust control as necessary during construction.

6. The applicant shall install facilities in such a manner so as to prevent run-off from the site from entering adjoining properties. All development shall ensure that soil erosion and sedimentation of drainage ways will be controlled to prevent damage to adjoining properties. Surface water run-off will be contained and absorbed on-site.

7. The applicant shall comply with all requirements as deemed necessary by the Grant County Building Department, including, but not limited to:
   a) The new structure is subject to a Building Permit.

8. The applicant shall comply with all requirements as deemed necessary by the Grant County Fire Marshal, including, but not limited to:

   8.1 A Demolition Permit is required to remove the fire-damaged shop.

9. The applicant shall comply with all requirements as deemed necessary by U.S. Bureau of Reclamation, including, but not limited to:

   9.1 Stormwater or non-agricultural runoff of any type must not be allowed to enter any Reclamation facilities without a Non-Agricultural Discharge Permit from Reclamation.

   9.2 Construction stormwater or runoff of any type from a construction site should not enter any Reclamation facilities at any time and must be contained on site. A General Construction Storm Water Permit from the WA State Dept. of Ecology is needed for any project one acre in size or larger.

   9.3 Construction should be conducted in a manner that minimizes adverse effects to the lands, operations, waters, facilities, and resources of the Columbia Basin Irrigation Project.

   9.4 The landowner should be aware of existing Reclamation and District rights to construct, reconstruct, operate, and maintain Project facilities as necessary. Any work that will involve these facilities or the existing rights-of-way must be reviewed and approved by Reclamation and the District prior to commencing such work.

   9.5 Structures are prohibited from encroaching upon existing rights-of-way corridors without prior approval from Reclamation and the District. This includes, but is not limited to, temporary improvements such as on-site sewage disposal systems, drainfields, domestic wells, paving, fencing, and landscaping. It is important to note that Reclamation's concurrence to this proposal is conditioned upon the assumption that there are no encroachments upon Project facilities or rights-of-way.

   9.6 Wellhead protection zones cannot overlap Reclamation rights-of-way or interfere with Project operations. The District must be able to operate and maintain Project facilities in order to accomplish Project objectives.

10. The applicant shall comply with all requirements as deemed necessary by the Grant County Planning Department, including, but not limited to:

   10.1 This proposal is subject to and shall comply with all standards and requirements of GCC § 23.04.100 "Nonconforming Uses," GCC § 23.04.140 "Site Plan Review," GCC § 23.08.230 "Industrial Uses—Standards for Site Development," GCC § 23.12 "Development Standards," and with all other relevant sections of Grant County Code.

   10.2 All development shall comply with the requirements of GCC § 23.12.080 "Clearing, Grading, and Drainage Standards." All stormwater run-off from the subject parcel shall be absorbed on-site.

   10.3 If any signage becomes necessary at a later time, it must conform to the Development Standards of GCC § 23.12.150. Pursuant to GCC § 23.12.150(c), signs greater in size than 32 square feet shall be processed as a Discretionary Use.

   10.4 Pursuant to GCC § 23.12.190, exterior lighting for all uses and signs shall be energy-efficient and shielded or recessed so that direct glare and reflections are contained within the boundaries of the project site. Lighting shall be of direct cutoff design so

that the light source is not visible from adjacent properties.

10.5 Pursuant to GCC § 23.12, Table 1, the maximum allowed height for any/all structures for this proposal is 35 feet.

10.6 Upon approval of a Conditional Use Permit, the applicant shall acquire a Building permit, as required, prior to the onset of construction of the proposed new shop building.

10.7 The applicant shall acquire a Demolition Permit, as required, prior to the onset of removal of the existing fire-damaged shop.

10.8 Any further development, beyond the scope of this project as proposed, may require additional review and/or permitting.

Dated this 21st day of June, 2016.

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.