

BEFORE THE OKANOGAN COUNTY HEARINGS EXAMINER

IN THE MATTER OF)
CONDITIONAL USE PERMIT NO. 2013-3)
MONTE AND BARBARA DRUMMOND)

FINDINGS OF FACT, CONCLUSIONS, AND DECISION

This matter, an application for a conditional use permit to cover the existing mini-storage facility and an additional building was heard by the Okanogan County Hearings Examiner on January 23, 2014.

FINDINGS OF FACT

1. Monte & Barbara Drummond, submitted for a conditional use permit to have a Mini Storage yard. An existing 50' X 200' X 17' Mini storage unit and an existing Home and detached Garage. They want to add another 50' X 150' X 17' Mini storage unit or covered parking area of the same dimension.
2. The subject property, tax parcel number 4027080070, is 2 acres. The parcel is located on west side of Highway 97.
3. The comprehensive plan designation of the property is Urban.
4. The zoning designation of the property is Agricultural-Residential.
5. Okanogan County Code, Chapter 17.21, District Use Chart identifies that within the Agricultural-Residential zone, Mini Storages are permitted by Conditional Use Permit.
6. The Conditional Use Permit process is authorized by the Okanogan County Zoning Ordinance, Chapter 17.33 "Conditional Use Permits".
7. October 25, 2013: Conditional Use Permit application was received by the Office of Planning and Development.
8. November 10, 2013: After reviewing the application and supplemental information, staff vested the application.
9. November 19, 2013: Notice of application and Threshold SEPA, Determination of Non-Significance (DNS) was mailed to adjacent landowners and E-Mailed to commenting agencies for their respective review and comment.
10. November 20, 2013: Notice of application and notice of Threshold SEPA, Determination of Non-Significance (DNS) was published in the Omak Chronicle (Okanogan County's

periodical of record).

11. December 10, 2013: Final SEPA, Determination of Non-Significance (DNS) was mailed to adjacent landowners and E-Mailed to commenting agencies for their respective reviews and comments.
12. December 18, 2013: Final SEPA, Determination of Non-Significance (DNS) was published in the Omak Chronicle (Okanogan County's periodical of record).
13. December 31, 2013: Notice of public hearing was mailed to adjacent landowners.
14. January 8, 2014: Notice of public hearing was published in the Oroville Gazette Tribune & Omak Chronicle (Okanogan County's periodical of record).
15. January 13, 2014: Public notice must be physically posted a minimum 10 days prior to the Okanogan County Hearing Examiners, public hearing on January 23, 2014. An affidavit of public notice must be submitted to Planning and Development prior to the hearing. The affidavit of posting was submitted at the hearing.
16. Testimony at the hearing was given by the applicant describing the nature of the application. Mr. Drummond was accompanied by Clyde Andrews who operates the existing business on the property. All testimony at the hearing, including that of County staff was taken under oath.
17. At the hearing, Mr. Jim Prince, owner of the property immediately to the south of the subject site testified that he was opposed to an open storage building on the property, but not opposed to an enclosed facility, his concern being that spray drift from orchard operations could be detrimental to vehicles or other items stored in an open covered building. He further testified that over the long term, the properties along this stretch of Highway 97 would likely become residential and this application, if approved, could be inconsistent with that likelihood. Mr. Prince was unable to cite any law, regulation, or code that would prohibit the granting of this conditional use permit.
18. At the hearing, Mr. Drummond submitted an approved WSDOT highway approach permit

CONCLUSIONS

1. The Comprehensive Plan designation is Urban and the zone designation is Agricultural-Residential District.
2. In accordance with OCC 17.21, District Use Chart, the proposed Mini Storage facility requires a Conditional Use Permit. The Okanogan County Zone Code identifies 4 "Standards and Criteria" (OCC 17.33.080) to be used when evaluating conditional use

permits.

3. The proposal can be made consistent with the surrounding area and comprehensive plan by imposing appropriate conditions of approval.
4. The proposal, as conditioned, is consistent with the Agricultural-Residential zoning, if the Okanogan County Hearing Examiner grants approval of the application. Conditions imposed are reasonably calculated to insure the Conditional Use Permit is compatible with the surrounding area.
5. The conditions imposed are not unnecessarily onerous.
6. The conditions imposed will protect public health, safety, morals, and general welfare.
7. The provisions set forth in Okanogan County Code Chapter 17.33 “Conditional Use Permits”, have been met.
8. All applicable goals, policies, and provisions of the Okanogan County Comprehensive Plan and Okanogan County Zone Code were considered in analysis of this proposal.
9. A threshold SEPA, Determination of Non-significance (DNS) was issued by the Okanogan County SEPA responsible official. Comments were received during the comment period. A final SEPA Determination of Non-Significance (DNS) was issued by the Okanogan County SEPA responsible official. No comments were received and the determination stands.
10. Comments from state and local agencies were received, reviewed by the Okanogan County Hearing Examiner, and considered in analysis of this proposal.

DECISION

Based upon the information contained in the application materials, and additional information provided at the hearing, Conditional Use Permit No. 2013-3 is hereby APPROVED, subject to the conditions noted below:

CONDITIONS OF APPROVAL

1. Any expansion in the nature and scope of the operation will require review by the Okanogan County Planning Director to determine whether the expansion is consistent with that allowed

by this permit. Any expansion beyond the intent and scope of this permit will require approval by the Okanogan County Hearing Examiner through a revision to this permit.

2. All appropriate State and County permits shall be obtained and maintained current throughout the life of this project. If a permit requirement is discovered at any point in the operation of this project, the Office of Planning and Development shall be notified immediately of the permit requirement.
3. All outdoor lighting must be downcast or shielded.
4. Prior to issuance of building permits, the conditions of the WSDOT permit shall be satisfied and evidence provided to Okanogan County that such conditions have been met.

Approved this 27th day of January, 2014.

OKANOGAN COUNTY HEARING EXAMINER



DAN BEARDSLEE

Any aggrieved party of record that believes the final decision of the examiner is unsound based upon errors in procedure, law, interpretation of adopted policy, fact, judgment, or the discovery of new factual evidence which, by due diligence, could not have been found prior to the examiner hearing may make a written request for reconsideration by the examiner within 14 days of the filing of the written record of decision. The request for reconsideration shall be submitted to the planning department on forms provided by the department. Reconsideration of the decision is wholly within the discretion of the examiner; if the examiner chooses to reconsider, he may revise the decision as he deems appropriate, and may issue a revised record of decision within 10 days of the reconsideration heard by the examiner. A request for reconsideration is not a prerequisite to an appeal.

Any aggrieved party of record has twenty one (21) days from the issuance of this decision to file an appeal with Okanogan County Superior Court as provided for under the Judicial Review of Land Use Decisions, RCW 36.70C.040(3).

Anyone considering a request for reconsideration or appeal of this decision is encouraged to seek legal advice.