

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF PORT ORCHARD**

In the Matter of the Application of)	No. LU18-CUP-01
)	
Jeff Oldright, on behalf of)	Bethel Heated Storage
Daffodil Storage)	
)	
For a Major Adjustment to)	FINDINGS, CONCLUSIONS,
<u>A Conditional Use Permit Site Plan</u>)	AND DECISION

SUMMARY OF DECISION

The request for a major adjustment to the site plan of a previously issued conditional use permit to expand a 77,800 square foot self-service storage facility to 86,301 square feet at 1590 SE Lundberg Road is **GRANTED**. Conditions are necessary to mitigate specific impacts of the project.

SUMMARY OF RECORD

Hearing Date:

The Hearing Examiner held an open record hearing on the request on April 24, 2018.

Testimony:

The following individuals presented testimony under oath at the open record hearing:

Stephanie Andrews, City Associate Planner
Mark Dorsey, P.E., City Public Works Director / City Engineer
Brad Wiggins, South Kitsap Fire & Rescue, Deputy Fire Marshal
Jeffrey Oldright, for Applicant
Patsy Van Cleef
Celeste Van Cleef

Exhibits:

The following exhibits were admitted into the record:

1. Application submittal, including the following documents:
 - A. Master Permit Application Form, dated January 22, 2018
 - B. Conditional Use Permit Application, received January 23, 2018
 - C. Surrounding Property Owners List Verification, dated January 9, 2018
 - D. SEPA Environmental Checklist, dated January 22, 2018
 - E. Site Plans
 - i. Sheet Index, undated
 - ii. Existing Conditions & Topographic Survey (Sheet C2.0), dated July 8, 2016

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- iii. Site Plan (Sheet 3.0), dated January 17, 2018
- iv. Grading Plan (Sheet C4.0), dated January 17, 2018
- v. Storm Plan (Road Surface Runoff) (Sheet C5.0), dated January 17, 2018
- vi. Infiltration Trench, Roof Drainage and Bypass Conveyance Plan (Sheet C5.1), dated January 17, 2018
- vii. Utility Plan (Sheet C6.0), dated January 17, 2018
- F. Landscape plans, dated October 20, 2016
 - i. Landscape Planting Plan (Sheet L2.0)
 - ii. Landscape Planting Plan (Sheet L2.1)
 - iii. Landscape Secs: Irrigation and Landscape Plans (Sheet L3.0)
- G. Site Plans, revised January 16, 2018
 - i. Site Plan (Sheet A1.00)
 - ii. Building A Elevations (Sheet A3.01)
 - iii. Building B Elevations (Sheet A3.02)
 - iv. Building C Elevations (Sheet A3.03)
 - v. Building D Elevations (Sheet A3.04)
 - vi. Building E Elevations (Sheet A3.05)
 - vii. Building F Elevations (Sheet A3.06)
 - viii. Building G Elevations (Sheet A3.07)
 - ix. Building G Elevations (Sheet A3.08)
 - x. Building H Elevations (Sheet A3.09)
 - xi. Building A Ceiling Plan (Sheet A8.10)
 - xii. Building B Ceiling Plan (Sheet A8.11)
 - xiii. Building C Ceiling Plan (Sheet A8.12)
 - xiv. Building D Ceiling Plan (Sheet A8.13)
 - xv. Building E Ceiling Plan (Sheet A8.14)
 - xvi. Building F Ceiling Plan (Sheet A8.15)
 - xvii. Building G North Ceiling Plan (Sheet A8.16)
 - xviii. Building G South Ceiling Plan (Sheet A8.17)
 - xix. Building H Ceiling Plan (Sheet A8.18)
- H. Storm Drainage Analysis, N.L. Olson & Associates, Inc., dated January 2018
- I. Letter from Jeff Oldright to City of Port Orchard, dated January 10, 2018
- J. Property reports and aerial photos, dated January 23, 2018
- 2. Determination of Technical Completeness, dated February 20, 2018
- 3. Notice of Application, issued March 9, 2018
- 4. Affidavit of Mailing, dated March 9, 2018, with Notice of Application
- 5. Affidavit of Publication, *Port Orchard Independent*, dated March 9, 2018, with published ad, Notification of Application, published March 9, 2018
- 6. Affidavit of Posting, Notice of Application, dated March 8, 2018
- 7. Determination of Nonsignificance (DNS) Addendum, dated March 23, 2018
- 8. Email from Stephanie Andrews, Determination of Nonsignificance (DNS) Addendum, dated March 23, 2018, with SEPA Checklist Distribution, dated March 23, 2018

9. Notice of Public Hearing, issued April 13, 2018
10. Affidavit of Mailing and Emailing, dated April 12, 2018, with Notice of Public Hearing
11. Affidavit of Publication, *Port Orchard Independent*, dated April 15, 2018, with published ad, Notice of Public Hearing, published April 13, 2018
12. Letter from Jeff Oldright to City of Port Orchard, dated April 16, 2018
13. Staff Report
14. Email from Ellen Ferguson to Stephanie Andrews, dated April 24, 2018, with email string
15. Proposed condition
16. Public Notices Index

The Hearing Examiner enters the following findings and conclusions based upon the testimony and exhibits admitted at the open record hearing:

FINDINGS

Application and Notice

1. Jeff Oldright,¹ on behalf of Daffodil Storage (Applicant), requests a major adjustment to the site plan of a previously issued conditional use permit (CUP), No. LU16-CUP-01, to expand a 77,800 square foot self-service storage facility to 86,301 square feet. The property is located at 1590 SE Lundberg Road.² *Exhibits 1.A, .B, .E, .F, .G, and .I; Exhibit 13, Staff Report, page 1.*
2. The City of Port Orchard (City) determined that the CUP application was complete on February 20, 2018. The City posted notice of the application on the property on March 8, 2018. The next day, the City mailed or emailed notice of the application to the Applicant Representative, interested parties, and reviewing agencies, and also published notice in the *Port Orchard Independent*, with a comment deadline of March 23, 2018. City Associate Planner Stephanie Andrews testified that notice was mailed to property owners within 300 feet of the proposed use. The City posted notice of the open record hearing on the property on March 8, 2018. The City mailed notice of the hearing to the Applicant, Representative, and published notice in the *Port Orchard Independent on April 13, 2018*. City Associate Planner Stephanie Andrews testified that notice was mailed to property owners within 300 feet of the proposed use. *Exhibit 1.C; Exhibits 2, 3, 5, 6, 9, and 10; Exhibit 13, Staff Report, pages 1 and 5; Exhibit 16; Testimony of Ms. Andrews.*

State Environmental Policy Act

3. The City acted as lead agency and analyzed the environmental impact of the proposal, as required by the State Environmental Policy Act (SEPA), Chapter 43.21C RCW. The City

¹ Jeff Oldright is authorized to act as agent for William Goodwin, property owner. *Exhibit 1.B.*

² The self-storage facility expansion would take place on property identified by tax parcel numbers 4625-00-005-0507 and 4625-000-0606. *Exhibit 13, Staff Report, page 1.* A legal description of the property is provided in Exhibit 1.E.i.

reviewed the Applicant's SEPA Environmental Checklist and other available information. The Environmental Checklist did not identify any birds or animals as having been observed or known to be on or near the site, or likewise any threatened or endangered species. The City reviewed the Determination of Nonsignificance (DNS), issued April 22, 2016, for CUP No. LU16-CUP-01. The City determined that the proposed expansion would not have a probable significant adverse impact on the environment. As provided for under WA 197-11-625, the City issued a Determination of Nonsignificance (DNS) Addendum on March 23, 2018, to reviewing agencies and interested parties, with a comment deadline of April 6, 2018, and an appeal deadline 14 days from the date of the end of the comment period. No comments were received, and the DNS was not appealed. *Exhibit 1.D; Exhibit 7; Exhibit 8; Exhibit 13, Staff Report, pages 1 and 2; Exhibit 16.*

Comprehensive Plan, Zoning, and Surround Properties

4. Ms. Andrews testified that the City Comprehensive Plan and zoning code has been amended since the issuance of the original CUP and is now in Title 20. She clarified, however, that none of the updates affect this application. She testified that no changes have been made since the date of complete application on February 20, 2018. The property is designated Commercial by the City Comprehensive Plan (Comprehensive Plan 2016). The project site is within the Lund/Bethel designated Center of Local Importance. The City identified Policy CN-4 of the Comprehensive Plan, which encourages commercial services that serve the population of the Center and surrounding neighborhoods, as relevant to the proposal. *Exhibit 13, Staff Report, page 2; Testimony of Ms. Andrews.*
5. The site proposed for the expanded facility is zoned Commercial Retail and Office (Co) and is partially developed with a stormwater pond. The purpose of the Co zone is to provide for the broadest mix of retail, service, office, and commercial recreation/cultural uses serving the Port Orchard and surrounding market areas, and to offer significant employment opportunities. *POMC 20.34.160(1)*. Self-service storage is a conditional use within the Co zone. *POMC 20.46.030, Table 20.46.030*. An undeveloped property and a single-family residence to the north, and a medical office and car wash to the east are also zoned Co. Property to the south is zoned Co and Residential (12 units/acre) and includes a small office building. Property to the west is zoned Residential (12 units/acre) with single-family residences. The City determined that the proposed use would meet the development standards set out in Title 20 POMC. *Exhibit 13, Staff Report, pages 2 and 6.*

Existing Site and Proposed Development

6. The Applicant's Environmental Checklist identified the site as flat, with the steepest slope approximately 15 percent. Deciduous and evergreen trees, as well as shrubs and grass, are located on the site, most of which would be removed. Native soils on the site are typically Kapowsin Gravelly Loam, 0-6 percent slopes, and Norma Fine Sandy Loam.

Approximately 1.49 acres of the site is developed for commercial use, with an office-building parking lot and car wash with access from Bethel Road SE.³ *Exhibit 1.D; Exhibit 1.H.*

7. On June 23, 2016, the Hearing Examiner granted a Conditional Use Permit (No. LU16-CUP-01) to allow a 77,800 square foot self-storage facility with nine self-service storage buildings on a 4.3 acre site. Jeff Oldright, Applicant Representative, testified that, after the granting of this CUP, adjacent property was purchased for expansion of the self-storage facilities. The proposed development would now take place on two parcels, with the larger, northernmost parcel containing a stormwater facility. The southern parcel contains a paved parking lot, which would be removed. The Applicant proposes to construct eight self-service storage buildings on 4.69 acres, as follows: Bldg. A, 10,207 square feet, including an office and caretaker's unit; Bldg. B, 16,560 square feet; Bldg. C, 4,800 square feet; Bldg. D, 18,514 square feet; Bldg. E, 2,046 square feet; Bldg. F, 3,280 square feet; Bldg. G, 29,303 square feet; and Bldg. H, 2,700 square feet. A caretaker's unit above the office in Bldg. A, proposed in the original CUP, has been deleted. As depicted on the site plan elevations, the building heights would range from 25 feet for Bldg. A to 11 feet 10 inches for Bldg. E. The proposal would create impervious areas, with 2.01 acres (87,770 square feet) of building footprint and 1.13 acres (49,400 square feet) of asphalt/concrete. Pervious areas would include 1.06 acres (46,200 square feet) of storm pond and 0.52 acres (22,805 square feet) of landscaping. *Exhibit 1.D; Exhibit 1.E; Exhibit 13, Staff Report, page 2; Testimony of Mr. Oldright.*

Stormwater, Utilities, and Public Services

8. N.L. Olson & Associates, Inc., prepared a "Storm Drainage Analysis" (SDA) for the Applicant, dated January 2018. An existing 24-inch culvert conveys bypass runoff from the south property line to the north property line. The site then drains to an existing drainage ditch on the south side of SE Lundberg Road, then through an 18-inch culvert under SE Lundberg Road and eventually to Blackjack Creek and associated wetlands. The Applicant would install a system of pipes and catch basins to intercept and convey on-site developed runoff to the existing stormwater pond and use an infiltration trench for proposed roof runoff. The SDA re-analyzed the existing project and determined that the existing detention pond would be augmented with multi-orifice control and one control structure. The contractor would be responsible for implementing erosion control and stormwater management control structures. Ms. Andrews testified that the City has adopted a new stormwater manual and that the Applicant's site plan revisions would meet the new stormwater requirements. *Exhibit 1.H; Testimony of Ms. Andrews.*

³ The application and the Applicant's site plan cover sheet refer to Bethel Avenue SE. *Exhibit 1.A; Exhibit 1.E.i.* The Applicant's Landscape Planting Plan refers to Bethel Road SE. *Exhibit 1.F.i.* The Applicant's Environmental Checklist and Stormwater Drainage Analysis refer to SE Bethel RD. *Exhibit 1.D; Exhibit 1.H.* This decision will use Bethel Road SE.

9. Puget Sound Energy would provide electricity, Cascade Natural Gas would provide natural gas, West Sound Utilities would provide water and sewer, and Waste Management would provide refuse service to the site. *Exhibit 1.D.*

Traffic and Parking

10. Harold Drive SE runs north/south and abuts the storm pond along the west property line. SE Lundberg Road runs east/west along the north property line. Bethel Road SE abuts the property along the east property line. The Applicant would provide access to the property from SE Lundberg Road. The Applicant relies on the Transportation Engineering NorthWest (TENW) Traffic Scoping Memo prepared for the original CUP. No additional measures to reduce or control transportation impacts are proposed. Ms. Andrews testified that a reduction to 12 parking spaces was approved as part of the original CUP and that the Applicant's parking reduction request to 13 parking spaces as part of the major adjustment to the CUP would be approved as part of this decision as shown on the revised site plan.⁴ *Exhibit 1.D; Exhibit 1.E.i; Exhibit 12; Testimony of Ms. Andrews.*

Landscaping

11. Conditions of the original CUP included submittal of a landscape plan; planting of street trees; providing full screening along Harold Drive SE and the shared property lines with 2973 Harold Drive SE and 3057-3059 Harold Drive SE; providing filtered screening along the shared property lines with 3010 Bethel Road SE and 2988-2990 Bethel Road SE; constructing sidewalk improvements along SE Lundberg Road; and implementing a stormwater system. The City approved a Site Development Application Permit (SDAP) on April 26, 2017. The City determined that the above conditions are being met and did not propose any additional conditions. *Exhibit 13, Staff Report, pages 2, 4, and 5.*

Testimony

12. Ms. Andrews testified generally about the application review process. She addressed an email comment from James Van Cleef, dated April 23, 2018. Mr. Van Cleef raised concerns about the poor condition of SE Lundberg Road due to its use by the developer as access to the site for development. Ms. Andrews testified that the City agrees that this portion of the road has been adversely impacted. She discussed this with Mr. Van Cleef via telephone. The City agreed that a condition was needed to address and mitigate this concern. The proposed condition would read: "Prior to issuance of an occupancy permit, the developer shall repair subgrade on SE Lundberg Road related to construction equipment and traffic impacts, as determined by the City Engineer, and perform a two-inch asphalt overlay from Bethel Road SE to the westerly edge of the construction entrance." Public Works Director / City Engineer Mark Dorsey testified that this proposed condition would address improvements needed for the existing road. Ms.

⁴ The Applicant's site plan cover sheet depicts 14 total parking stalls, including one ADA van staff. *Exhibit 1.E.i*

Andrews testified that the deletion of the caretaker's unit did not change her review of the application. She testified that the major adjustment to the site plan is subject to the City's new stormwater manual and that the landscape plan submitted with the application meets the City code. She testified that the City has determined that the Applicant has met the conditions attached to the 2016 CUP. *Exhibit 14; Exhibit 15; Testimony of Ms. Andrews and Mr. Dorsey.*

13. Mr. Oldright testified for the Applicant to explain that the adjustment to the approved CUP site plan is due to the Applicant's purchase of an adjacent property and would add approximately 8,000 square feet of storage. He referenced the revised landscape plan drawings in Exhibit 1.F. He testified that the road is damaged along the construction entrance to the site. He agreed that this should be repaired and that all damaged asphalt should be replaced. *Testimony of Mr. Oldright.*

14. Patsy Van Cleef testified that she had lived kitty corner to the development since 1964. She testified about her concerns with the development, and asked whether this would be a 24-hour facility. She expressed concerns about noise, as well as conflicts with the entrance along SE Lundberg Road where parents park to drop off students for school bus pick-up. Celeste Van Cleef supported the testimony of Patsy Van Cleef. Mr. Oldright testified that the hours of operation would be 6:00 AM to 9:00 PM. An access gate would close and storage unit doors would no longer open after 9:00 PM. The facility would utilize LED lights that would not spill off of the property and that would turn off around 10:00 PM, except for security. He testified that no outside speakers for phones would be used. He noted that the proposed permanent access to the facility on SE Lundberg Road would be located further to the east (toward Bethel Road SE), that the original CUP approval provided access from SE Lundberg Road, and that road improvements would positively impact the availability of parking for student pick-up. Mr. Dorsey testified for the City that parking on the shoulder of SE Lundberg Road for student pick-up by school buses would not be a permitted use of the south side of that street, and frontage improvements would replace the shoulder with a sidewalk. The Van Cleefs were encouraged to contact the School District to determine if another pick-up area is available. Mr. Oldright offered to allow some parking for student pickup on the front parking area of the facility. South Kitsap Fire & Rescue, Deputy Fire Marshal Brad Wiggins testified concerning fire code requirements. *Testimony of Patsy and Celeste Van Cleef; Mr. Dorsey; Mr. Oldright; Mr. Wiggins.*

Staff Recommendation

15. City staff determined that the proposed CUP major adjustment would be consistent with the Comprehensive Plan, the Municipal Code, and other applicable City and state regulations and that one new condition to the original CUP is necessary. The Applicant agreed with the proposed condition. *Exhibit 13, Staff Report, page 6; Testimony of Mr. Oldright.*

CONCLUSIONS

Jurisdiction

The City of Port Orchard Hearing Examiner is authorized to hold a hearing on a conditional use permit (CUP) application or major adjustment to an existing CUP. Based on the evidence in the record, the Hearing Examiner may grant, grant with conditions, or deny the application. *Port Orchard Municipal Code (POMC) 2.76.080; POMC 2.76.100; POMC 2.76.110; POMC 20.50.050(1)*.

Criteria for Review

POMC 20.50.040(3)(b) provides that the submittal requirements and review and approval process for a major adjustment to the site plan of an approved conditional use permit shall be substantially the same as that required for the original conditional use permit:

- (1) Hearing Examiner Findings. The hearing examiner shall not grant a conditional use permit unless the hearing examiner finds that the request meets all of the following criteria and the hearing examiner makes written findings to that effect:
 - (a) That the conditional use is consistent with the objectives of the zoning code and the purpose of the zoning district in which the subject site/property is located;
 - (b) Granting the conditional use will not have a substantively greater adverse effect on the health, safety or welfare of persons living or working in the area and will not be substantively more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the zone. Among matters to be considered are traffic flow and control, access to and circulation within the property, off-street parking and loading, refuse and service area, utilities, screening and buffering, signs, yards and other open spaces, height, bulk, and location of structures, location of proposed open space uses, hours and manner of operation, and noise, lights, dust, odor, fumes, and vibration;
 - (c) The proposal is in accordance with the goals, policies, and objectives of the comprehensive plan;
 - (d) The proposal complies with all requirements of this title;
 - (e) The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area, or conditions can be established to mitigate adverse impacts on such facilities; and
 - (f) Existing conditions of approval required as part of a prior land division or permit shall be met.
- (2) Conditions of Approval. The Hearing Examiner may impose specific conditions upon the use, including increasing the standards of this title, which are

found necessary to find that the required approval criteria in this section have been met. Possible conditions on use include, but are not limited to:

- (a) Limiting the hours, days, place and/or manner of operation;
- (b) Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
- (c) Requiring larger setback areas, lot area, and/or lot depth or width;
- (d) Limiting the building or structure height, size or lot coverage, and/or location on the site;
- (e) Designating the size, number, location and/or design of vehicle access points or parking areas;
- (f) Requiring street right-of-way to be dedicated to the public and street(s), sidewalks, bicycle facilities, curbs, planting strips, pathways or trails to be improved;
- (g) Requiring landscaping, screening, drainage, water quality features and/or improvement of parking and loading areas;
- (h) Limiting the number, size, location, height and/or lighting of signs;
- (i) Limiting or setting standards for the location, design and/or intensity of outdoor lighting;
- (j) Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
- (k) Requiring and designating the size, height, location and/or materials for fences; and
- (l) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands.

POMC 20.50.050

The criteria for review adopted by the Port Orchard City Council are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with City development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

Conclusions

1. **With a new condition, the proposed conditional use will be consistent with the objectives of the zoning code and the purpose of the zoning district in which the subject site/property is located.** This is a major adjustment to the site plan of a CUP issued in 2016. The adjustment consists of adding 8,501 additional square feet of storage by expanding onto an adjacent tax parcel. The proposed use is consistent with the Co zoning for the site with a conditional use permit. A new condition is necessary to ensure that the Applicant repairs SE Lundberg Road and Bethel Road SE. *Findings 1, 5-15.*

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2. **Granting the conditional use would not have a substantively greater adverse effect on the health, safety, or welfare of persons living or working in the area and would not be substantively more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the zone.** The City reviewed the Applicant's Environmental Checklist and other information on file prepared for the original CUP application and determined that the proposed use would not have a probable significant adverse impact on the environment. The proposed development would manage stormwater runoff, using infiltration trenches as well as the existing storm pond in the northwest corner of the property. There would be no further development of the storm pond other than to receive some runoff from the proposed development. The proposed self-service storage use would be similar to other commercial uses along Bethel Road SE. The self-service storage buildings would be one-story, with the exception of Building A, which would have a maximum height of 25 feet. The Applicant submitted a Traffic Scoping memo for the original CUP. No additional project-specific, off-site transportation mitigation is required. The major adjustment to the site plan would delete the proposed caretaker's unit above the first floor office in Bldg. A. Vegetation would be removed from the site. The Applicant has submitted a revised landscape plan. Utilities are available to the site. At the hearing, the City and Applicant addressed concerns about on-going construction, noise, and future access to the site. Stormwater and traffic impacts would be mitigated in compliance with City code. The self-service storage facility would take access from SE Lundberg Road. The City reviewed the Applicant's traffic studies and determined that no additional project-specific traffic mitigation is required. The proposed use would provide self-service storage units for customers. No adverse impacts to public services in the surrounding area were identified. The facility would utilize LED lights that would not spill off of the property and would turn off around 10:00 PM, except for security. No noise, dust, or odor impacts were identified. *Finding 1, 3-15.*
3. **With a new condition, the proposed use would be in accordance with the goals, policies, and objectives of the comprehensive plan.** Policy CN-4 provides that commercial services in the Commercial designation should be provided. A new condition is necessary to ensure that the Applicant repairs SE Lundberg Road and Bethel Road SE. *Findings 1, 4, and 15.*
4. **With a new condition, the proposal would comply with all the requirements of Title 20 POMC.** This is a major adjustment to the site plan of a CUP issued in 2016. The City provided reasonable notice of the application and open record hearing. At the hearing, the City and Applicant addressed concerns about on-going construction, noise, and future access to the site. Stormwater and traffic impacts would be mitigated in compliance with City code. The Applicant submitted a revised landscaping plan. The City reviewed the Applicant's Environmental Checklist and other information on file prepared for the original CUP application and determined that the proposed use would not have a probable significant adverse impact on the environment. A new condition is

necessary to ensure that the Applicant repairs SE Lundberg Road and Bethel Road SE. *Findings 1, 2, 3, and 5 through 15.*

- 5. The conditional use would be supported by adequate public facilities or services and would not adversely affect public services to the surrounding area, or conditions can be established to mitigate adverse impacts on such facilities.** Puget Sound Energy would provide electricity, Cascade Natural Gas would provide natural gas, West Sound Utilities would provide water and sewer, and Waste Management would provide refuse service to the site. *Exhibit 1, 9, and 15.*
- 6. Existing conditions required as part of a prior land division or permit have been met.** City staff testified that the conditions of the original 2016 CUP are being met. *Finding 12.*

DECISION

Based on the above findings and conclusions, the request for a major adjustment to the site plan of a previously issued conditional use permit to expand a permitted 77,800 square foot self-service storage facility to 86,301 square feet at 1590 SE Lundberg Road is **GRANTED**.

The following conditions from the CUP granted in 2016 remain in effect:

1. Submit a Landscape Plan with Site Development Activity Permit application that is consistent with POMC 16.50.100, 16.50.130, and 16.50.296, summarized as follows:
 - Street trees shall be placed every 40' along Bethel Road SE and SE Lundberg Road
 - Provide full screening along Harold Drive SE and the shared property lines with 2973 Harold Drive SE and 3057-3059 Harold Drive SE (trees 15' o.c., shrubs 4' o.c.)
 - Provide filtered screening along the shared property lines with 3010 Bethel Road SE and 2988-2990 Bethel Road SE (trees 30' o.c., shrubs 5' o.c.)
2. Construct sidewalk improvements along SE Lundberg Road as shown/proposed on the site plan submitted (Exhibit 1.K).⁵
3. The Applicant shall implement the stormwater system described in the March 2016 Addendum Storm Drainage Analysis (Preliminary) (Exhibit 6.C).

The following new condition is added:

⁵ Exhibits 1.K and 6.C refer to exhibits admitted as part of the 2016 CUP hearing.

4. Prior to issuance of an occupancy permit, the developer shall repair subgrade on SE Lundberg Road related to construction equipment and traffic impacts, as determined by the City Engineer, and perform a two-inch asphalt overlay from Bethel Road SE to the westerly edge of the construction entrance.

Decided this 7th day of May 2018.



THEODORE PAUL HUNTER
Hearing Examiner
Sound Law Center