

NOTICE OF FINAL ORDER
Union Self Storage

City of Camas

Community Development Department

To: Parties of Record and Applicants

From: Sarah Fox, Planner II

Date: July 10, 2009

This is to serve as notice that the Final Order was rendered for CUP 09-01, BSP 09-01, UUP 09-01 and DR 09-01 (Union Self-Storage).

Aggrieved parties may appeal any aspect of the Hearing Examiner's decision to Clark County Superior Court by filing with said court within *twenty-one* (21) days of the date of this Notice of Decision. Further, if any party of record believing that a decision of the hearings examiner is based on erroneous procedures, errors of law or fact, or the discovery of new evidence which could not be reasonably available at the public hearing, may make a written request to the examiner, filed with the city clerk, to be accompanied by an appeal fee, for reconsideration by the examiner. The request for reconsideration shall be filed within *fourteen* (14) calendar days of the date the decision was rendered.

The request for reconsideration shall contain the following:

1. The case number designated by the city and the name of the applicant;
2. The name and signature of each petitioner;
3. The specific aspect(s) of the decision being appealed (*reconsidered*), the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error. If the petitioner wants to introduce new evidence in support of the appeal, the written request must explain why such evidence should be considered.

For further information regarding this specific application, Hearing Examiner action in this matter, or planning issues in general, please contact me at (360) 817-1562.

Attachments: Final Order # CUP 09-01, BSP 09-01, UUP 09-01 and DR 09-01 (Union Self-Storage) and site plan.

**BEFORE THE LAND USE HEARINGS EXAMINER
FOR THE CITY OF CAMAS, WASHINGTON**

Regarding an application by Union Self-Storage, LLC)	<u>FINAL ORDER</u>
for approval of a conditional use and other permits to)	CUP 09-01, BSP 09-01,
construct a mini-storage facility east of Friberg Street,)	UUP 09-01 and DR 09-01
north of Lake Road, in the City of Camas, Washington)	(Union Self-Storage)

A. SUMMARY

1. The applicant, Union Self-Storage, LLC, requests approval of a Conditional Use Permit ("CUP") and Design Review approval to construct and operate a mini-storage facility on a 3.59-acre parcel located east of and abutting NW Friberg Street, north of its intersection with NW Lake Road. The legal description of the site is tax assessor's parcels No. 176162-000 and 176190-000, Section 29, Township 2 north, Range 3 east, WM, Clark County (the "site").¹ The applicant also requests approval of a Binding Site Plan to divide the site into two separate lots of record and an Unclassified Use Permit to allow a residence on the site for management and security of the facility. The site and the intervening CPU property are zoned CC (Community Commercial). Properties to the north, east and southeast are zoned LI/BP (Light industrial/Business Park). Properties to the south and across Friberg Street, are in the city limits of Vancouver and are zoned R-2 (Low Density Residential, 20,000 square foot minimum lot size).

2. City staff recommended that the examiner approve the application subject to conditions. See the Staff Report and Recommendation to the Hearings Examiner dated July 2, 2009 (the "Staff Report"). The applicant accepted those findings and conditions, as modified at the hearing, without exceptions. No one else testified orally or in writing.

3. Based on the findings provided or incorporated herein, the examiner approves the applications subject to the conditions at the conclusion of this final order.

B. HEARING AND RECORD HIGHLIGHTS

1. The examiner received testimony at a public hearing about this application on July 7, 2009. All exhibits and records of testimony are filed at the City of Camas. At the beginning of the hearing, the examiner described how the hearing would be conducted and how interested persons could participate. The examiner disclaimed any *ex parte* contacts, bias or conflicts of interest. The following is a summary by the examiner of selected testimony and evidence offered at the public hearing.

2. City planner Sarah Fox summarized the Staff Report. She noted that the City Design Review Committee reviewed the design of the facility and unanimously recommended approval of the application. She requested the examiner modify condition

¹ The site consists of two tax lots, totaling 7.5-acres; the 3.59-acre tax lot 176190-000 where the applicant proposes to construct the mini-storage facility, and a 3.91-acre parcel, tax lot 176162-000, located in the northeast quadrant of the Friberg Street/Lake Road intersection. The two parcels that make up the site are separated by tax lot 176189000, which is developed with an electrical substation owned by Clark Public Utilities ("CPU").

of approval 12 to allow the applicant to either install the wetland mitigation or provide a bond to ensure its installation and to require installation or bonding prior to final occupancy approval.

3. Camas deputy fire marshal Randy Miller testified that condition 21 requires that the applicant install automatic fire sprinklers or extend "B" Street and modify the design of Building "B" as described in the condition. He agreed with the applicant's request to authorize the Fire Marshall to approve other changes to address access for emergency personnel.

4. Professional engineer Kurt Stonex testified on behalf of the applicant. He accepted the findings and conditions in the Staff Report as modified with one exception. He requested the examiner modify condition 21 to allow the Fire Marshall to approve other changes to address access for emergency personnel.

5. No one else testified at the hearing. The examiner closed the record and announced his intention to approve the application subject to recommended conditions.

C. DISCUSSION

1. City staff recommended approval of the application, based on the affirmative findings and subject to conditions of approval in the Staff Report, as modified at the hearing. The applicant accepted those findings and conditions, as amended, without exceptions.

2. The Examiner finds that the Staff Report identifies all of the applicable approval standards for the applications and contains sufficient findings showing the applications do or can comply with those standards subject to conditions of approval as modified at the hearing. These findings were not disputed and are supported by substantial evidence in the record. The Examiner adopts the findings in the Staff Report as his own.

D. CONCLUSION

Based on the above findings and discussion provided or incorporated herein, the examiner concludes that CUP 09-01, BSP 09-01, UUP 09-01 and DR 09-01 (Union Self-Storage) should be approved, because it does or can comply with the applicable standards of the Camas Municipal Code, the Revised Code of the State of Washington.

E. DECISION

Based on the findings, discussion, and conclusions provided or incorporated herein and the public record in this case, the examiner hereby approves CUP 09-01, BSP 09-01, UUP 09-01 and DR 09-01 (Union Self-Storage), subject to the following conditions of approval:

Engineering Department:

1. All construction plans will be prepared in accordance with City of Camas standards. The plans will be prepared by a licensed civil engineer in Washington State and submitted to the City for review and approval.
2. The applicant will be required to purchase all permanent traffic control signs, street name signs, street lighting and traffic control markings and barriers for the improved development. The City will supply the list of required signs, markings and barriers at the time paving is scheduled.
3. A 3% construction plan review and inspection fee shall be required for this development. The fee will be based on an engineer's estimate or construction bid. The specific estimate will be submitted to the City for review and approval. The fee will be paid prior to the construction plans being signed and released to the applicant. Under no circumstances will the applicant be allowed to begin construction prior to approval of the construction plans.
4. Any entrance structures or signs proposed or required for this project will be reviewed and approved by the City. All designs will be in accordance with applicable City codes. The maintenance of the entrance structure will be the responsibility of the owners.
5. In the event that any item of archaeological interest is uncovered during the course of a permitted ground disturbing action or activity, all ground disturbing activities shall immediately cease and the applicant shall notify the Public Works Department and OAHF.
6. Final as-built construction drawing submittals shall meet the requirements of the Camas Design Standards Manual.
7. Underground (natural gas, CATV, power, street light and telephone) utility plans shall be submitted to the City for review and approval prior to approval of the construction plans.
8. In accordance with the requirements of CMC 17.15.040 the applicant will be required to file a survey with Clark County and provide a recorded copy of said survey to the city prior to issuance of any building permits.
9. In accordance with the requirements of CMC 17.15.050 the applicant will be required to submit acceptable financial security in accordance with the requirements of CMC 17.21 to assure successful completion of the required site improvements prior to issuance of any building permits.
10. The proposed sidewalk along NW Friberg/Strunk Road shall be located within the public right of way or the applicant shall grant a public access easement over those portions of sidewalk that are located outside of the public right of way.

Planning Department:

11. The applicant shall submit a Final Wetland Mitigation Plan for approval of the Community Development Director prior to final site plan approval and plans being released by the engineering department.
12. The applicant shall install wetland mitigation or post a performance bond equal to 150% of the estimated cost of the work prior to issuance of occupancy permits.

Wetland mitigation must be installed within two years of this approval, consistent with CMC 16.53.050.H.4.

13. The applicant shall provide a bond or other form of security in a form acceptable to the city in the amount of one hundred twenty-five percent of the estimated cost of the monitoring of the wetland site for a period of five years. The bond shall be submitted prior to issuance of building permits.
14. The applicant shall submit a final landscaping plan for Phase 1 for approval to the Planning Department prior to issuance of building permits. The final landscape plan shall include, wheel stops and trees adjacent to parking stalls. The final landscape plan shall also include area calculations to confirm compliance with CMC18.13.
15. The applicant shall install landscaping as approved in the final landscaping plans prior to receiving occupancy permits for any Phase 1 buildings.
16. Approval for Phase 1 is valid for two years from the issuance of this decision, and shall become null and void unless a building permit conforming to the Phase 1 plans is obtained within that period of time.
17. The residence shall be occupied only by an on-site manager and the manager's immediate family. No other residential use of the property is allowed.
18. The application did not propose any outdoor storage. This decision does not approve any outdoor storage to include outside vehicular storage.

Fire Department:

19. A separate permit with the fire marshal's office shall be required for ingress/egress gates (IFC503.6), building construction (IFC104.2), and for hydrant inspections.
20. Fire hydrants are required based on required fire flow, type of construction and total square footage of buildings. Final location of hydrants shall be approved by fire marshal and shall include three feet of clear space around hydrants and full visibility from the street.
21. The applicant shall mitigate for the potential barriers to emergency personnel to access all corners of the buildings in the event of a fire. The following potential mitigation measures shall be implemented as approved by the fire marshal: (1) Extend the Street "B" improvements to the NE corner of Building "D"; (2) Modify the design of Building "B" to include pedestrian access at mid-point of building to driveway aisle; or (3) Install approved fire sprinkler systems (IFC503), or other alternatives approved by the Fire Marshal.

DATED this 10th day of July 2009.

Joe Turner, AICP
City of Camas Land Use Hearings Examiner