

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter having come before the Kittitas County Board of Adjustment upon the above referenced Conditional Use Application of Dennis and Phyllis Laukala, the Board of Adjustment makes the following Findings of Facts, Conclusions of Law and Decision related to the above referenced matter:

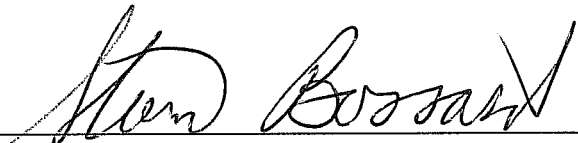
1. The Board of Adjustment finds that Dennis and Phyllis Laukala, landowners, submitted a complete application for a Conditional Use Application to operate a "Private Campground" known as Caribou Creek Corral in the Forest & Range zone. The private campground will be a horse camp for youth in a wilderness setting. Programs include horsemanship skills, trail rides, arts and crafts, leave no trace camping, survival skills and bible studies. The camp is intended to be small with 12 to 18 campers at a time for one-week long programs, with a staff ratio not to exceed 1 to 5 campers. The camp will operate during the 8 to 10 week of summer vacation, approximately June to August.
2. The site is located at Elkhorn Ranch, lots 17, 18 and 19 in the vicinity of 8190 Secret Canyon Road, Ellensburg, WA, in a portion of Section 35, T19N R20E W.M. in Kittitas County, Washington. Map numbers 19-20-35000-0009, 0010 & 0011.
3. The Board of Adjustment finds that Community Development Services issued a Notice of Application pursuant to KCC 15A.03 on May 12, 2008 with a comment period ending on May 28, 2008 at 5:00 p.m. The Board of Adjustment finds further that said notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners, and other interested parties.
4. The Board of Adjustment finds that in accordance with KCC 15A.03.110, this project was accurately posted with the "Land Use Action" sign as provided by Community Development Services. The Affidavit of Posting was signed by the applicant and returned to the staff planner and is included as part of the record.
5. The Board of Adjustment finds that written comments were solicited and the final date to submit written comments was on May 28, 2008 by 5:00pm. Written comments were received and included in the record for consideration.
6. The Board of Adjustment finds that Community Development Services on January 16, 2009 issued a SEPA Determination of Non-significance (DNS). The Board finds that the notice of said determination was provided to all required parties of record pursuant to 43.21C RCW and that said notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners, and other interested parties.

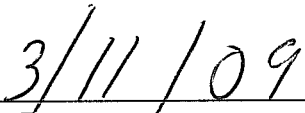
7. The Board of Adjustment finds that an open record hearing was held on March 11, 2009 and that testimony was taken from those persons present who wished to be heard. The Board of Adjustment also finds that due notice of this public hearing has been given as required by law, and the necessary inquiry has been made into the public interest to be served by this proposed project.
8. The Board of Adjustment finds that the Comprehensive Plan's Land Use element designates the subject parcel as Rural.
9. The Board of Adjustment finds that the proposed campground is located within the Forest & Range Zone. Pursuant to KCC 17.56.010, the purpose and intent of the Forest & Range zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged.
10. The Board of Adjustment finds that KCC 17.56.130 (35): "Private Campgrounds" are a listed conditional use in the Forest & Range zone. In considering proposals for location of such campgrounds, the Board of Adjustment considered the following criteria:
 - a) Campgrounds should be located at sufficient distance from existing or projected rural residential/residential development so as to avoid possible conflicts and disturbances.
 - b) Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow.
 - c) Landscaping or appropriate screening should be required and maintained where necessary for buffering.
 - d) Adequate and convenient vehicular access, circulation and parking should be provided.
 - e) Economic and environmental feasibility;
 - f) Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation).
11. An administrative critical area site analysis was completed by staff in compliance with Title 17A: Critical Areas. Several streams were identified on the subject property.
12. The subject property is zoned Forest & Range. The surrounding properties to the north, south, east and west are zoned Forest & Range.
13. The Board of Adjustment finds that the proposed use is essential or desirable to the public convenience and not detrimental or injurious to the public health, peace, safety, or to the character of the surrounding neighborhood.
14. The Board of Adjustment finds that the Conditional Use Permit is subject to the conditions set forth in KCC 17.60.010 (Conditional Uses) and that the proposed use at the proposed location will not be unreasonably detrimental to the economic welfare of the county and that it will not create excessive public cost for facilities and services by finding that:
 1. It will be adequately serviced by existing facilities or;
 2. The applicant shall provide such facilities and;
 3. The applicant has demonstrated that the proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.

15. Additional conditions **are** necessary to protect the public's interest.
16. Based upon comments received during the public comment period and the testimony heard at the open record hearing, the Board of Adjustment finds that the following conditions shall apply to this Conditional Use Permit:
 1. The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
 2. In accordance with the Wildland Urban Interface Code inspection report dated February 8, 2008 the following shall apply:
 - a. All propane tanks shall be placed within the defensible space.
 - b. The applicant shall provide a vegetation maintenance plan for defensible areas.
 - c. The applicant shall provide a defensible space plan for 100-feet around structures, no trees within 10-feet of structures, all trees within defensible area to be limbed and a minimum of 10-feet apart with all underbrush to be removed and maintained.
 3. The applicant shall comply with all International Fire Code requirements for require fire flow protection. Development plans must be reviewed and approved by the Kittitas County Fire Marshal.
 4. All new structures shall have fire sprinkler and alarm systems installed in accordance with the International Fire Code. Fire sprinkler and alarm plans must be reviewed and approved by the Kittitas County Fire Marshal.
 5. Any water provided to the public for consumption must originate from a drinking water source that is approved by Kittitas County Environmental Health. If the applicant wishes to serve greater than 25 people for more than 60 days the water system would need to be approved as a Group-A Transient Non-Community system and must be licensed and approved by the Washington Department of Health.
 6. Any ground water withdrawals in excess of 5,000 gallons per day or for the irrigation for more than one-half acre of lawn or noncommercial garden will require a permit from the Department of Ecology.
 7. If the applicant is preparing food or offering concessions on site they must apply and receive a food service permit which includes an inspection review and pre-open inspections by Kittitas County Environmental Health Department.
 8. The applicant shall provide Kittitas County CDS and the Department of Ecology with a detailed site plan drawn to scale that shows the size of all proposed structures and their proximity to Caribou Creek.
 9. In accordance with recommendations in the Cultural Resources Survey, the applicant shall provide an archaeological monitor during construction of the site.
 10. The camp to be constructed pursuant to the plans submitted with the application.
 11. The camp may only operate between week 25 and week 34 of a calendar year.

12. That in each one week session there can be no more than 25 campers and staff in addition to the applicants.
13. That livestock used at the camp for camp activities must be maintained in a fenced corral or pasture and not allowed to roam and be limited to 25 animals.
14. That the minimum age of campers be 9.
15. That camper's be picked up at the county road and transported to the camp as a group in a bus or van.
16. The applicant and operators of the camp shall not allow individuals attending the camp to enter onto private property in the area without the prior written permission of the owner of the private property.
17. The applicant will keep in full force and affect the fire protection contract which was entered into with Kittitas County Fire District No. 2 and is identified as the "Laukala Family Trust, 7850 Secret Canyon Road, Fire Protection Contract".

The Board of Adjustment motioned to approve the Laukala Conditional Use Permit (CUP-08-07) by a vote of 3 to 0.


Stan Bossart, Chairman, Board of Adjustment


Date