

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

APPEAL BRIEF Webb Conditional Use Permit

TO: Kittitas County Board of County Commissioners
FROM: Kittitas County Community Development Services Staff
RE: Webb Conditional Use Permit (CU-16-00001)
DATE: January 5, 2017

I. GENERAL INFORMATION

Requested Action: Terra Design Group Inc authorized agent for Matt Webb, landowner, has submitted a conditional use application for a Small Scale Event Facility (8 events or less per year) on approximately 12 acres. The subject property is zoned Commercial Agriculture.

Location: This proposal encompasses 2 parcels, located approximately 4.75 miles south of the City of Kittitas at 6280 Badger Pocket Road, in a portion of Section 36, T17N, R19E, WM in Kittitas County, bearing Assessor's map numbers 17-19-36000-0016 and 17-19-36000-0025.

II. SITE INFORMATION

Total Property Size: 12 acres
Number of Lots: 2 (must be sold with); no new lots are being proposed
Domestic Water: Use Specific
Sewage Disposal: On Site Septic and Portable Units as needed
Power/Electricity: Puget Sound Energy
Fire Protection: Kittitas County Fire & Rescue
Irrigation District: Cascade Irrigation District

Site Characteristics:

North: Mix of agricultural lands and dispersed residences.
South: Mix of agricultural lands and dispersed residences.
East: Agricultural lands
West: Mix of agricultural lands and dispersed residences.

Access: The site is accessed off of Badger Pocket Road.

Zoning and Development Standards: The subject property is located approximately 4.75 miles south of the City of Kittitas at 6280 Badger Pocket Road and has a Zoning and Land Use designation of Commercial Agriculture. The general purpose and intent of the Commercial Agriculture zone is to permit agriculture operations functioning as a commercial activity which is considered a resource to the economy in Kittitas County. Kittitas County Code (KCC) Chapter 17.15.050 lists a small scale event facility as an Administrative Conditional Use when the structure does not exceed 10,000 square feet and no more than eight events occur within a calendar year. In order for an Administrative Conditional Use Permit to be considered for approval it requires that the following be met per KC 17.60A.015.

1. The proposed use is essential or desirable to the public convenience and not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.
2. 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
- A. The proposed use will be adequately serviced by existing facilities such as highways, roads, police and fire protection, irrigation and drainage structures, refuse disposal, water and sewers, and schools; or
 - B. The applicant shall provide such facilities; or
 - C. The proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.
3. The proposed use complies with relevant development standards and criteria for approval set forth in this title or other applicable provisions of Kittitas County Code.
 4. The proposed use will mitigate material impacts of the development, whether environmental or otherwise.
 5. The proposed use will ensure compatibility with existing neighboring land uses.
 6. The proposed use is consistent with the intent and character of the zoning district in which it is located.
 7. For conditional uses outside of Urban Growth Areas, the proposed use:
 - A. Is consistent with the intent, goals, policies, and objectives of the Kittitas County Comprehensive Plan, including the policies of Chapter 8, Rural and Resource Lands;
 - B. Preserves "rural character" as defined in the Growth Management Act (RCW [36.70A.030](#)(15));
 - C. Requires only rural government services; and Does not compromise the long term viability of designated resource lands.

III. ADMINISTRATIVE REVIEW

Notice of Application: An Administrative Conditional Use Permit application was submitted to Kittitas County Community Development Services (CDS) on March 16, 2016. The application was deemed complete on April 13, 2016. A Notice of Application and a Notice of SEPA were mailed to all state and local agencies/departments with potential interest in the project and required by SEPA, as well as to adjacent landowners located within five hundred (500) feet of any portion of the boundary of the proposal's tax parcel on April, 29, 2016. Notice was published in the Daily Record, the official newspaper of record for Kittitas County, on May 2, 2016.

IV. ENVIRONMENTAL REVIEW

The applicant applied for an essentially identical use to Kittitas County Community Development Services (CDS) in 2012. CDS staff from that time declared the application to be a Home Occupation with Outdoor Activities and deemed it exempt from SEPA; a determination which was later found to be incorrect via litigation. A SEPA checklist was submitted to CDS on February 8th, 2013 and On March 21, 2013 a notice of Application and SEPA review was issued; again as a Home Occupation with Outdoor Activities. Comments were received from agencies and individuals. A Determination of Non-Significance (DNS) was issued (dated October 6, 2014) and no appeals were filed. That application continued through the conditional use process but was eventually withdrawn on January 5, 2015.

As part of the 2013 annual comprehensive plan amendment process, the BoCC adopted changes to the zoning which in part altered the definition, permit process, use table and associated footnotes with respect to Small Scale Event Facilities (Ordinance 2013-12 adopted 12/3/2013; relevant pages attached as Appendix A). The changes were to "... assign appropriate review processes to govern small scale event facilities...". The changes divided small scale event facilities into two categories; one being eight or less events a year (which became an Administrative Conditional Use) and the other being nine or more events per year (which became a Conditional Use requiring a hearing).

On January 28th, 2016 the applicant submitted for a pre-application meeting for an administrative Conditional Use permit for a Small Scale Event Facility serving 8 or less events per year; the meeting was held February 10, 2016. Staff assigned to the project at that time indicated during the meeting (among other things) that a determination by the SEPA Official would be required "... as to whether existing DNS can be used in place of new SEPA. Attached

as Exhibit B)”

On March 16, 2016 the applicant submitted an application for an Administrative Conditional Use Permit for a Small Scale Event Facility; a note on the application initialed by planning staff assigned to the project at that time stated that “no SEPA at this time 3/16/16 (Attached as Exhibit C)”.

On April 13, 2016 a Deem Complete letter was issued which indicated that continued processing would involve among other things (Attached as Exhibit D):

“Reviewing procedures necessary to issuing a SEPA environmental threshold determination per WAC 19-11 and RCW 43.21C”

On April 29, 2016 a Notice of Application was issued which with respect to environmental review stipulated that (Attached as Exhibit E):

“The applicant applied for a similar use to Kittitas County Community Development Services (CDS) in 2012 at which time SEPA review was performed and a Determination of Non-Significance (DNS) was issued (dated October 6, 2014) and no appeals were filed. WAC 197-11-600 provisions for the adoption of existing environmental documents; Kittitas County finds that the use applied for in this instance represents a diminished environmental impact from the one originally applied for in 2012 and therefore is utilizing the provisions allowed for in the citation above. The “adopted” DNS has been attached to this notice.”

WAC 197-11-600 provisions for the adoption of existing environmental documents:

When to use existing environmental documents.

(1) This section contains criteria for determining whether an environmental document must be used unchanged and describes when existing documents may be used to meet all or part of an agency's responsibilities under SEPA.

(2) An agency may use environmental documents that have previously been prepared in order to evaluate proposed actions, alternatives, or environmental impacts. The proposals may be the same as, or different than, those analyzed in the existing documents.

(3) Any agency acting on the same proposal shall use an environmental document unchanged, except in the following cases:

(a) For DNSs, an agency with jurisdiction is dissatisfied with the DNS, in which case it may assume lead agency status (WAC 197-11-340 (2)(e) and 197-11-948).

(b) For DNSs and EISs, preparation of a new threshold determination or supplemental EIS is required if there are:

(i) Substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts (or lack of significant adverse impacts, if a DS is being withdrawn); or

(ii) New information indicating a proposal's probable significant adverse environmental impacts. (This includes discovery of misrepresentation or lack of material disclosure.) A new threshold determination or SEIS is not required if probable significant adverse environmental impacts are covered by the range of alternatives and impacts analyzed in the existing environmental documents.

(c) For EISs, the agency concludes that its written comments on the DEIS warrant additional discussion for purposes of its action than that found in the lead agency's FEIS (in which case the agency may prepare a supplemental EIS at its own expense).

Following a discussion in mid-May involving Staff, the SEPA Official and the Deputy Prosecuting Attorney for land use matters, a determination was made that a DNS did not constitute a "SEPA document" and that the issuance of a new DNS would be both appropriate and necessary.

On May 24, 2016 a Determination of non-significance was signed and issued (Attached as Exhibit F) and as per code stipulated that a timely appeal would need to be submitted prior to 5:00 p.m. June 8th, 2016. The DNS was dated of May 24, 2014.

A timely appeal was filed by Mr. Brownlee June 8, 2016.

It is the position of Staff and the SEPA official that the SEPA process in this instance, albeit unconventional, was complete, thorough, and legal. The use applied for in 2012, while defined as a Home Occupation, was identical to the use applied for in 2016. The utilization of the SEPA checklist from that application was appropriate and provisioned for under 197-11-600. The adoption of existing documentation complied substantively with the provisions of 197-11-630. The checklist was complete, thorough, and appropriate for a project of this size, scale, and scope. The review of the checklist was complete, thorough, and appropriate for a project of this size scale and scope. All comments submitted were reviewed, considered, and when merited, addressed. Based upon independent review of all relevant information and analysis, the Responsible Official considered whether the proposal would be "likely to have a probable significant adverse environmental impact." The result of that review was that it would not, and that, in fact, no mitigation measures were required. The DNS issued in 2014 was appropriate; the DNS issued in 2016 was appropriate. The typo on the second DNS is acknowledged, but it was clearly that, a typo. The appeal was filed in a timely fashion as described on the DNS. A remand based on inconsequential procedural inconsistencies would result in no substantive change in outcome. WAC 197-11-340 stipulates that:

- (3)(a) The lead agency shall withdraw a DNS if:*
- (i) There are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts;*
 - (ii) There is significant new information indicating, or on, a proposal's probable significant adverse environmental impacts; or*
 - (iii) The DNS was procured by misrepresentation or lack of material disclosure; if such DNS resulted from the actions of an applicant, any subsequent environmental checklist on the proposal shall be prepared directly by the lead agency or its consultant at the expense of the applicant.*

None of these conditions apply in this case. The County's decision is highly discretionary. As a discretionary act, proof by appellants that the County abused its discretion in issuing the DNS is required. The appellant has the burden to demonstrate that the DNS was clearly wrong (erroneous); the Board, upon review of the appellants' evidence and the totality of the record, must be left with a "definite and firm conviction that a mistake has been committed." The appellants must show that environmental factors were not adequately considered in a manner sufficient to establish prima facie compliance with the procedural requirements of SEPA. The appellants must prove that the decision to issue the DNS was not based on information sufficient to evaluate the proposal's environmental impact. None of this has been done; Staff requests that the Board recognize that that the SEPA official's determination was complete, thorough, and legal.

V. Conditional Use Permit

The County stands behind its decision as outlined in the Findings of Fact, Decision and Conditions of Approval. Mr. Brownlee has not provided any evidence or argument (substantive or procedural) to prove why the decision is wrong. Small Scale Event Facilities as defined in 17.08.490 are an Administrative Conditional Use (ACU) for the

Commercial Agriculture Zone as provisioned for in 17.15.030(1). Staff followed the procedural requirement as outlined in KCC 15A with respect to ACUs; considered all comments from agencies and individuals. Checked for conformance with Titles 12, 13, 14, 17A, 17, and 20 and the Comprehensive Plan; then thoughtfully, carefully, and legally constructed the conditions of approval to ensure that Mr. Webb's proposal was in conformance with KCC 17.60A which mandates that:

1. The proposed use is essential or desirable to the public convenience and not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.
2. 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
 - A. The proposed use will be adequately serviced by existing facilities such as highways, roads, police and fire protection, irrigation and drainage structures, refuse disposal, water and sewers, and schools; or
 - B. The applicant shall provide such facilities; or
 - C. The proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.
3. The proposed use complies with relevant development standards and criteria for approval set forth in this title or other applicable provisions of Kittitas County Code.
4. The proposed use will mitigate material impacts of the development, whether environmental or otherwise.
5. The proposed use will ensure compatibility with existing neighboring land uses.
6. The proposed use is consistent with the intent and character of the zoning district in which it is located.
7. For conditional uses outside of Urban Growth Areas, the proposed use:
 - A. Is consistent with the intent, goals, policies, and objectives of the Kittitas County Comprehensive Plan, including the policies of Chapter 8, Rural and Resource Lands;
 - B. Preserves "rural character" as defined in the Growth Management Act (RCW 36.70A.030(15));
 - C. Requires only rural government services; and
 - D. Does not compromise the long term viability of designated resource lands.

Staff requests that the Board find that the decision was complete, thorough, and legal, and deny the appeal as presented.

Exhibit A

BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON

ORDINANCE

NO. 2013-012

REVISIONS OF KITTITAS COUNTY CODE
AS PART OF THE 2013 ANNUAL COMPREHENSIVE PLAN AMENDMENT CYCLE.

Whereas, this ordinance, revising the Kittitas County Comprehensive Plan, contains four sections of findings, as follows:

Section I -	Procedural Findings
Section II -	Board of County Commissioners Findings
Section III -	Final Decision and Signatures
Exhibits A-E	Minutes from Public Hearings and Changes to Comprehensive Plan and Regulations

**SECTION I
PROCEDURAL FINDINGS**

- Whereas,** Kittitas County opted into the Growth Management Act, RCW 36.70A, voluntarily on December 27, 1990, through Resolution 90-138; and
- Whereas,** The Kittitas County GMA Comprehensive Plan was originally adopted on July 26, 1996 by the Kittitas County Board of County Commissioners; and
- Whereas,** Kittitas County Code 15B.03.030 indicates that any interested person, including applicants, citizens, county commission and board members, and staff of other agencies may suggest plan or development regulation amendments for annual consideration by the Kittitas County Planning Commission and Board of County Commissioners; and
- Whereas,** Kittitas County Code 15B.03.030 requires amendments to the comprehensive plan that are docketed by June 30th must be approved or denied by the Board of County Commissioners on or before December 31st of that same calendar year; and
- Whereas,** Kittitas County Community Development Services docketed a list of suggested changes to the Comprehensive Plan and development regulation amendments and made that readily available for review by the public in the Planning Department. Community Development Services provided a press release for, and held public open house on the docket on August 15, 2013 in Ellensburg; and
- Whereas,** Kittitas County submitted its proposed docketed items on August 2, 2013 to the Department of Commerce as required by statute; and
- Whereas,** After due notice and publication and the docket listing on September 19, 2013, the Planning Commission met on September 24, 2013 to hear testimony and take public comment on the annual docketing process; and
- Whereas,** After due notice and publication and the docket listing, the Planning Commission deliberated on September 24, 2013 the docket items and made recommendations to the Board of County Commissioners, taking due consideration of the public benefit involved in the proposals; and
- Whereas,** Kittitas County filed its SEPA checklist on October 8, 2013, and issued a Final Determination of Nonsignificance (DNS) for the annual docket on October 24, 2013 through WAC 197-11-355; and
- Whereas,** The appeal period for the SEPA review ended on November 7, 2013; and
- Whereas,** There are no agency administrative appeals filed on the Determination of Non-significance; and
- Whereas,** Kittitas County Board of County Commissioners held an open public hearing on November 5, 2013 during which testimony was taken and documentary evidence received by the Board of County Commissioners from those persons wishing to be heard; and
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- Whereas,** At the closing of public testimony the Board of County Commissioner’s extended acceptance of public comment to November 8, and continued the hearing to November 14, 2013 for deliberation on the five (5) docket items; and
- Whereas,** November 27, 2013 the Kittitas County Board of Commissioners reviewed the prepared ordinance; and
- Whereas,** The Kittitas County Board of County Commissioners held a public hearing to consider enabling documents on December 3, 2013.

SECTION II – BOARD OF COUNTY COMMISSIONERS FINDINGS

General Findings:

The Kittitas County Board of County Commissioners held a public hearing on November 5, 2013, to hear testimony and accept written comments regarding proposed amendments to the Kittitas County Code. All members of the public who wanted to testify were allowed to speak or submit written correspondence into the record. Letter comment was extended to November 8, 2013.

The docketed items discussed during the Board of Commissioners public hearing included:

2013 Docket AMENDMENTS			
<i>Number</i>	<i>Applicants Name</i>	<i>Project Description</i>	<i>Planning Commission Recommendation</i>
13-01 Title 15A	Kittitas County staff	Revise KCC Title 15A to make Hearing Examiner final decision maker for conditional uses and shoreline permits.	Approval with amendment
13-02 Title 17.08 and 17.15	Kittitas County staff	Amendment to KCC 17.08 redefining Accessory Living Quarters and Dwelling Unit to permit detached living quarters.	Approval with amendment
13-03 KCC 17.08 and 17.15	Kittitas County staff	Revise, delete and add definitions in KCC 17.08 and amend portions of the allowed use tables in KCC 17.15	Approval
13-04 KCC 17.08 and 17.15	Kittitas County staff	Amend portions of KCC 15A and Title 17 to allow certain uses to be approved through an Administrative Conditional Use Process	Approval
12-05 KCC Title 18	Kittitas County Prosecuting Attorney	Amend KCC Title 18 to include enforcement of Title 17A, Critical Areas, and Title 20, Fire and Life Safety	Approval

12-01 Kittitas County

Proposal: Revise KCC Title 15A to make Hearing Examiner final decision maker for conditional uses and shoreline permits.

Kittitas County Community Development Services made a proposal with recommendation by the Planning Commission for approval, that the County Hearing Examiner make final land use decisions involving conditional use permits and on Shoreline permits, allowing the option requiring the Hearing Examiner to reconsider any decision in case of error or oversight to any party of record.

The Board of County Commissioners held a public hearing on November 5, 2013, extended public comment until 5:00 pm, November 8, 2013 and continued deliberation to November 14, 2013 at 2:00 pm. On November 14, 2013 the Board of County Commissioners **denied the request as presented** with a 3-0 vote finding that:

- I. Comments and testimony had been received opposing and questioning the Hearing Examiner as final decision maker at the Planning Commission public hearing and at the BOCC public hearing.
- II. The Commissioners presented with the benefits by having a Hearing Examiner making the final land use decision were not persuaded that such benefits were appropriate to adequately serve the public.
- III. The final land use decision is the responsibility of the Board being duly elected officials.
- IV. There was evidence of public benefit with final land use decisions remaining the responsibility with elected officials.
- V. The change is not necessary to meet the Growth Management Act.

12-02 Kittitas County

Proposal: Revise Kittitas County Code 17.08.023 and 17.15 to Allow Detached Assisted Living Quarters.

Kittitas County Community Development Services proposes amending portions of Title 17 to establish regulations for small scale, detached living quarters. The Kittitas County Code currently contains several related but distinct terms used to reference living accommodations of various scales and purposes.

The proposed revisions to Title 17.08, Definitions, would include small scale detached accommodations in the Accessory Living Quarters and clarify that they are not included in density calculations.

The code amendments would also slightly revise the footnotes associated with Accessory Living Quarters on the various allowed use tables and necessary to make the restrictions consistent with the new definitions

The Board of County Commissioners held a public hearing on November 5, 2013, extended public comment until 5:00 pm, November 8, 2013 and continued deliberation to November 14, 2013 at 2:00 pm. After verbal suggestion from staff that the item be moved from this year's docket to the 2014 since there might be appearance of conflict to the Hearings Board. The Board removed the item from consideration and did not set a time for it to be reconsidered.

12-03 Kittitas County staff

Proposal: Amend Kittitas County Code 17.08 and 17.15 to Include New Uses, Definitions and Footnotes. Exhibit C

Kittitas County Community Development Services proposes amending portions of KCC 17.08, Definitions, and KCC 17.15, Allowed Uses, to accomplish the following:

1. Permit Accessory Dwelling Units and Accessory Living Quarters in the Forest & Range zone within LAMIRDs.
2. Allow refuse disposal and recycling as a Conditional Use in the Urban Light Industrial zone within the UGA.
3. Amend the home occupation footnote associated with the Rural Non-LAMIRD Use Table to distinguish between daycares that are permitted (6 or fewer individuals) and those that require a Conditional Use Permit (7-12 individuals).
4. Introduce a definition and assign appropriate review processes to govern small-scale event facilities (aka “party barns”).
5. Define “parks and playgrounds” and “trails.” Add trails as distinct use on use tables.
6. Add a “recreational vehicle park” definition and distinguish from campgrounds. Add RV parks as distinct use on use tables.
7. Clarify indoor and outdoor recreation use definitions.
8. Add review process and footnotes to “warehousing and distribution” use to address hay storage.

The Board of County Commissioners held a public hearing on November 5, 2013, extended public comment until 5:00 pm, November 8, 2013 and continued deliberation to November 14, 2013 at 2:00 pm. On November 14, 2013 the Board of County Commissioners **approved the request as presented** with a 3-0 vote finding that:

- I. Public testimony for this proposal was not received.
- II. The additions of, and amendment to, definitions, land use titles and footnotes in the matrices would add clarification to uses allowed within each zone designation.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.
- IV. The Planning Commission recommended approval to the Board of County Commissioners.

12-04 Kittitas County Staff

Amend Kittitas County Code 15A, 17.08 and 17.15 to Administer Small Scale Conditional Use Permits without Public Hearing. Exhibit D

Kittitas County Community Development Services proposes amending portions of the Code, Title 15A and Title 17 to introduce an Administrative Conditional Use Permit process. The Administrative Conditional Use Permit process allows County staff to review certain uses for compliance with the Conditional Use Permit criteria found in KCC 17.60A and approve, deny or condition such uses without a public hearing. The uses to which the Administrative Conditional Use Permit process will replace the previously assigned Conditional Use Process to include:

- Agricultural produce stands

- Clubhouses, fraternities and lodges
- Bed and breakfasts
- Guest ranches in the UGA and Rural LAMIRDs
- Multi-family dwellings in Residential zones within the UGA.

The introduction of the Administrative Conditional Use Permit process will not reduce the standards to which these uses are held. All the same criteria, including compliance with rural and resource land Comprehensive Plan policies and preservation of rural character outside of the UGA must still be satisfied.

The Board of County Commissioners held a public hearing on November 5, 2013, extended public comment until 5:00 pm, November 8, 2013 and continued deliberation to November 14, 2013 at 2:00 pm. The Board requested that the amendment proposed in KCC 15A, Table A, that the “Step 4, Administrative Appeal” column be changed from the proposed “HE” to “BCC” so that the Board of County Commissioners would be the hearing body for any appeal of administrative decision. On November 14, 2013 the Board of County Commissioners **approved the request as amended** with a 3-0 vote finding that:

- I. Public testimony for this proposal was not received.
- II. The allowance of the administrative conditional use approval enhances the permitting process for small-scale proposed activities requiring approval of a conditional use permit.
- III. Because the Board of County Commissioners is the final legislative and hearing body for administrative appeals for land use issues, the appeal body for the administrative appeal will be the Board and not the Hearing Examiner.
- IV. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.
- V. The Planning Commission recommended approval to the Board of County Commissioners without the amendment to the proposal.

12-05 Kittitas County Prosecuting Attorney

Proposal: Amend Kittitas County Code Title 18 to Include Enforcement of Title 17A and Title 20. Exhibit E

Kittitas County Prosecuting Attorney prepared proposed amendments to Kittitas County’s Title 18, Enforcement, to include violations of the Critical Areas Ordinance, Title 17A, and Fire Code, Title 20, as enforceable, civil offenses, and prosecuted through the judicial system. This results from the threat of fire and increased number of fires that have occurred within the County.

The changes are also intended to clarify the meaning of “junk” and “litter” used within our Code, names the Kittitas County Director of Community Development Services as the position with authority to enforce the Title, and clarifies the process of hearing and prosecution of violation.

Amendments are also proposed to direct prosecution of notice of infraction and schedule of hearing before court per the Infraction Rules for Courts of Limited Jurisdiction (IRLJ), and thereby replacing the current hearing and mitigation process.

The Board of County Commissioners held a public hearing on November 5, 2013, extended public comment until 5:00 pm, November 8, 2013 and continued deliberation to November 14, 2013 at 2:00 pm. Commissioner proposed amendment to:

- Remove the word “annoys” in 18.01.010.1; and
- Change the proposal of 18.01.020.4 to read, “The Kittitas County Planning Official and his or her authorized representatives shall have the authority to enforce the provisions of this Title as to violations of all building and zoning codes and ordinances as adopted by Kittitas County.”

On November 14, 2013 the Board of County Commissioners **approved the request as amended** with a 3-0 vote finding that:

- I. Public testimony for this proposal was not received.
- II. The amendment provides for public benefit by enforcing laws designed to protect public health and safety.
- III. Amendment to the proposal is necessary to provide clarity for interpretation for the need for enforcement and prosecute violations of adopted Kittitas County Code.
- IV. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.
- V. The Planning Commission recommended approval to the Board of County Commissioners.

SECTION III - FINAL DECISION AND SIGNATURES

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby denies the proposal by County staff to require the County Hearing Examiner to be the final decision maker for land use conditional use permits and shoreline permits.

BE IT FURTHER ORDAINED that the Board of County Commissioners removes from the current docket list the proposal to permit Accessory Living Quarters detached from the primary living structure under certain limitations.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves adding definitions and uses to the Code by amending KCC 17.08, Definitions, and KCC 17.15, Allowed Uses, as shown in **Exhibit C**.

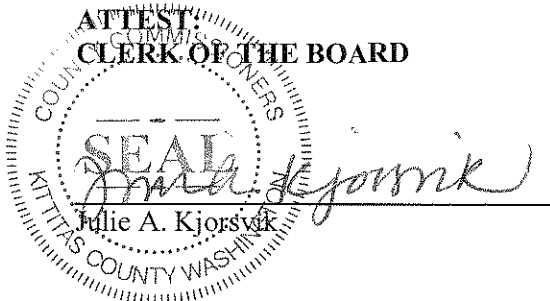
BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves as amended the allowance of administrative conditional use permits by amending KCC 17.08, Definitions, and KCC 17.15, Allowed Uses, as shown in **Exhibit D**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves including Title 17A, Critical Areas Ordinance, and Title 20, Fire and Life Safety within KCC Title 18, Enforcement, by amending Title 18 as shown in **Exhibit E**.


NOW, BE IT FURTHER ORDAINED that the Board of County Commissioners, after due deliberation, hereby approves the adoption of the 2013 Amendments to the Kittitas County Code as shown in Exhibits C, D, and E attached hereto and incorporated by reference. Information Services is hereby directed to make these changes to the development regulation on the County


website. The Planning Official and Prosecuting Attorney are authorized to correct any scrivener's errors without needing Board approval.

Adopted this 3rd day of December, 2013, at Ellensburg, Washington.



**BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**


Chairman, Obie Obrien


Vice-Chairman, Paul Jewell

APPROVED AS TO FORM:

Neil Caulkins,
Civil Deputy signing for
Gregory L. Zempel
Prosecuting Attorney



Commissioner Gary Berndt

EXHIBIT C: Docket 13-03

13-03 Kittitas County

Amend Kittitas County Code 17.08 and 17.15 to Include New Uses, Definitions and Footnotes.

KCC Title 17.08, Definitions, is amended as follows:

Sections

- 17.08.010 Generally.
 - 17.08.020 Accessory building or accessory use.
 - 17.08.022 Accessory dwelling unit.
 - 17.08.023 Accessory living quarters.
 - 17.08.030 Access road.
 - 17.08.030A Administrative.
 - 17.08.031 Adult Family Home.
 - 17.08.032 Agriculture processing
 - 17.08.033 Agriculture production
 - 17.08.034 Agriculture sales
 - 17.08.035 Agriculture Study Overlay Zone.
 - 17.08.040 Airport.
 - 17.08.050 Alteration.
 - 17.08.060 Amendment.
 - 17.08.063 Amenity funds.
 - 17.08.067 Animal boarding.
 - 17.08.070 Repealed.
 - 17.08.100 Auto wrecking yard.
 - 17.08.101 Battery charging station.
 - 17.08.102 Battery electric vehicle (BEV).
 - 17.08.103 Battery exchange station.
 - 17.08.105 Bed and breakfast.
 - 17.08.110 Board.
 - 17.08.120 Repealed.
 - 17.08.130 Building.
 - 17.08.135 Building height.
 - 17.08.140 Building line.
 - 17.08.150 Repealed.
 - 17.08.155 Campground.
 - 17.08.156 Campsite.
 - 17.08.157 Camping unit.
 - 17.08.158 Charging levels.
 - 17.08.160 Clinic.
 - 17.08.161 Clubhouses, fraternities and lodges
 - ~~17.08.162 Commercial recreation, indoor~~
 - ~~17.08.163 Commercial recreation, outdoor~~
 - 17.08.165 Repealed.
 - 17.08.170 Commission.
 - 17.08.171 Common area
 - 17.08.180 Conditional uses.
 - 17.08.183 Conservation easement.
 - 17.08.187 Conservation or resource values.
 - 17.08.188 County
 - 17.08.190 County arterial road.
 - 17.08.191 Critter pad.
 - 17.08.195 Day care facilities.
-

17.08.197 Density(ies).
~~17.08.198 Designated manufactured home.~~
17.08.198A Develop
17.08.198B Development
17.08.199 Development right.
17.08.199A Director
17.08.200 Dwelling.
17.08.210 Dwelling, multiple-family.
17.08.211 Dwelling, single-family
17.08.220 Dwelling, two-family.
17.08.221 Electric scooters and motorcycles.
17.08.222 Electric vehicle.
17.08.223 Electric vehicle charging station.
17.08.223A Electric vehicle charging station - restricted.
17.08.223B Electric vehicle charging station - public.
17.08.224 Electric vehicle infrastructure.
17.08.224A Electric vehicle parking space.
17.08.225 Extremely hazardous waste.
17.08.230 Family.
17.08.240 Repealed.
17.08.250 Farm.
17.08.255 Farm labor shelter.
17.08.260 Feedlot.
17.08.261 Forestry
17.08.261A Forest product processing
17.08.261B Forest product sales
17.08.261C Freighting and trucking yard or terminal
17.08.262 Golf Course.
17.08.262A Grade
17.08.262B Grading
17.08.262C Grazing
17.08.263 Group care facility.
17.08.265 Group home.
17.08.266 Guest houses.
17.08.270 Guest ranch.
17.08.280 Hazardous waste.
17.08.281 Hazardous waste facility.
17.08.282 Hazardous waste storage.
17.08.283 Hazardous waste treatment.
17.08.290 Home occupation.
17.08.300 Hospital.
17.08.310 Hospital, animal or veterinary.
17.08.320 Repealed.
17.08.321 Infill.
17.08.324 Interlocal agreement.
17.08.327 Repealed.
17.08.329 Junk.
17.08.330 Junkyard.
17.08.340 Repealed.
17.08.360 Lot.
17.08.361 Lot, flag
17.08.370 Lot line, front.
17.08.380 Lot line, rear.
17.08.390 Lot line, side.
17.08.390A Lot, through

17.08.391 Manufactured home.
17.08.392 Manufacturing
17.08.393 Medium-speed electric vehicle.
17.08.395 Repealed.
17.08.396 Repealed.
17.08.397 Mini warehouse.
17.08.397A Mining and Excavation
17.08.398 Mobile home.
17.08.399 Modular home.
17.08.400 Repealed.
17.08.408 Neighborhood electric vehicle.
17.08.410 Nonconforming use.
17.08.412 Non-electric vehicle.
17.08.420 Nursing home.
17.08.421 Office
17.08.424 Off-site hazardous waste facilities.
17.08.427 On-site hazardous waste facilities.
17.08.428 Open space
17.08.430 Outdoor advertising signs and billboards.
17.08.430A Overlay zone/district
17.08.430B Ownership
17.08.431 Park model trailer.
17.08.440 Parking space.
17.08.445 ~~Repealed.~~ Parks and playgrounds.
17.08.450 Planned unit development.
17.08.455 Planning commission or commission.
17.08.455A Plug-In hybrid electric vehicle (PHEV).
17.08.456 Produce Stands.
17.08.457 Public facilities
17.08.460 Public office building.
17.08.461 Rapid charging station.
17.08.462 Receiving site.
17.08.463 Recreation, indoor.
17.08.464 Recreation, outdoor.
17.08.465 Recreational vehicle.
17.08.465A Recreational vehicle park.
17.08.466 Refuse disposal/recycling
17.08.467 Religious institutions
17.08.468 Resource based industry
17.08.469 Restaurant
17.08.469A Retail sales
17.08.470 Rezone.
17.08.472 Rock Crushing
17.08.472 Services
17.08.480 School, public or private.
17.08.485 Shooting range.
17.08.487 Sending site.
17.08.490 ~~Repealed.~~ Small-scale event facility.
17.08.500 Special care dwelling.
17.08.510 Structural alteration.
17.08.520 Structure.
17.08.530 Repealed.
17.08.535 Repealed.
17.08.540 Trailer park, trailer camp, trailer court and mobile home park.

- 17.08.541 Trails.
- 17.08.542 Transfer of development rights (TDR).
- 17.08.543 TDR certificate.
- 17.08.544 TDR certificate letter of intent.
- 17.08.545 TDR credit.
- 17.08.546 TDR program.
- 17.08.547 TDR sending site application.
- 17.08.550 Use.
- 17.08.560 Variance.
- 17.08.560A Vehicle/equipment service and repair
- 17.08.560B Watershed management facilities
- 17.08.561 Winery.
- 17.08.570 Yard.
- 17.08.580 Yard depth.
- 17.08.590 Yard, front.
- 17.08.600 Yard, rear.
- 17.08.610 Yard, side.
- 17.08.620 Yurt.

17.08.155 Campground.

"Campground" means any parcel or tract of land under the control of any person, organization, or governmental entity wherein two (2) or more recreational vehicle, recreational park trailer or other camping unit sites are offered for the use of the public or members of an organization. Typically the length of stay for a majority of the guests will range from one (1) to fourteen (14) days. The purpose of a campground use shall relate primarily to vacation, recreation and similar pursuits, and is not a place of permanent residence for the campers. A single-family residence may be allowed for the owner or caretaker. Very limited service commercial activities may be allowed which are intended for campers of the campground and must be approved as part of a conditional use permit. ~~Campgrounds may or may not necessarily be designed to accommodate recreational vehicles.~~ (Ord. 2013-001, 2013; Ord. 2007-22, 2007)

~~17.08.162 Commercial recreation, indoor.~~

~~"Commercial recreation, indoor" means a place designed and equipped for the conduct of sports and leisure time activities within an enclosed space. Examples include gymnasium, bowling alley, dance hall, billiard hall, theaters, indoor tennis and racquetball courts, and indoor swimming pools. This definition excludes stadiums. (Ord. 2013-001, 2013;)~~

~~17.08.163 Commercial recreation, outdoor.~~

~~"Commercial recreation, outdoor" means a place designed and equipped for the conduct of sports and leisure time activities with little or no enclosed space. Examples include: outdoor theaters, tennis courts, swimming pools, batting cages, amusement parks, miniature golf courses, and driving ranges. This definition excludes golf courses and stadiums. (Ord. 2013-001, 2013;)~~

~~17.08.198 Designated manufactured home.~~

~~"Designated manufactured home" means a manufactured home which is comprised of at least two (2) fully enclosed parallel sections; each section being a minimum of twelve (12) feet wide and thirty-six (36) feet long; and which was originally constructed with and currently has a composition, coated metal, or similar roof of not less than a 3:12 pitch. (Class A roofs coverings are required in many areas of Kittitas County). The unit must have siding similar in appearance to siding materials commonly utilized on conventional site-built International Building Code single family residences and placed on a permanent perimeter foundation comprised of poured concrete or masonry which shall be twenty-four (24) inches below finished grade when backfilled. A designated manufactured home shall have been constructed after January 1996 and to appropriate snow load requirements as determined by the Kittitas County building and fire safety department. Units shall be placed in accordance with Section~~

~~14.04.040(B) of this code. Designated manufactured homes shall be considered to be single-family residences. (Ord. 2013-001, 2013; Ord. 2007-22, 2007; Ord. 98-22 (part), 1998)~~

~~17.08.445 Repealed Parks and playgrounds.~~

~~"Parks and playgrounds" means sites designed or developed for recreational use including, but not limited to playfields, picnic facilities, outdoor activity areas, trails, play structures, and facilities for on-site maintenance.~~

~~17.08.463 Recreation, indoor.~~

~~"Recreation, indoor" means a place designed and equipped for the conduct of sports and leisure-time activities within an enclosed space. Examples include gymnasium, bowling alley, dance hall, billiard hall, theaters, indoor tennis and racquetball courts, and indoor swimming pools. This definition excludes stadiums. Indoor recreation uses for the private use of the landowner are permitted outright.~~

~~17.08.464 Recreation, outdoor.~~

~~"Recreation, outdoor" means a place designed and equipped for the conduct of sports and leisure-time activities with little or no enclosed space. Examples include: outdoor theaters, tennis courts, swimming pools, batting cages, amusement parks, miniature golf courses, boat launches and driving ranges. This definition excludes golf courses and stadiums. Outdoor recreation uses for the private use of the landowner are permitted outright.~~

~~17.08.465A Recreational vehicle park.~~

~~"Recreational vehicle park" means land designed to accommodate predominantly recreational vehicles (RVs) used as temporary living quarters for recreation or vacation purposes with sewage facilities approved by the County health department and a maximum allowable stay of one hundred eight (180) days in a calendar year.~~

~~17.08.490 Repealed Small-scale event facility.~~

~~"Small-scale event facility" means a facility that is open to the public for events, seminars, wedding or other social gatherings. May include eating and food preparation facilities provided meals are only served to guests attending events.~~

~~17.08.541 Trails.~~

~~"Trails" means man-made pathways designed and intended for use by pedestrians, bicyclists, equestrians, snowmobiles and other recreational users together with associated parking and trailhead facilities.~~

KCC 17.15, Allowed Uses, is amended as follows:

17.15.050 Allowed Uses in Resource Lands

17.15.050.1 Resource Use Table

P Permitted PA Permitted Administrative CU Conditional Use	Resource	
	Commercial Agriculture	Commercial Forest
*See KCC Chapter 17.08 Definitions		
A. Agriculture		
Animal boarding*	CU	
Agriculture processing*	CU ¹⁷	
Agriculture production*	P	P
Agriculture sales*, Produce stand	P ¹⁶ / CU	
Agriculture sales*, Other	CU	

P Permitted PA Permitted Administrative CU Conditional Use *See KCC Chapter 17.08 Definitions	Resource	
	Commercial Agriculture	Commercial Forest
Feedlot*	CU	CU
Grazing*	P	P
Nurseries	P	
Riding academies	CU	
Small-scale event facility*	AC ²³ /CU	
B. Civic Cultural Uses		
Cemetery	P ¹³	
Clubhouses, fraternities and lodges*	CU ²⁴	
Cultural and educational facilities		
Libraries		
Meeting facilities		
Museums and galleries		
Religious institutions*	CU	
School, public or private*	CU ¹²	
C. Commercial		
Auction sales of non-agriculture products		
Bank		
Bed and breakfast*	CU	
Clinic*		
Day care facilities*		
Funeral home/mortuary		
Hospital*		
Hospital, animal or veterinary*		
Hotel/motel		
Office*		
Restaurant		
Retail sales,* general		
Retail sales,* lumber and building materials		
Retail sales,* vehicles and equipment		
Services		
Shooting range*	CU ²³	CU ²³
Taverns		
Temporary sales office		
Vehicle/equipment service and repair*	P ²²	
D. Industrial		
Airport*	P ²⁰	P ²¹
Asphalt/concrete plants		
Forest product processing* (portable)		P
Forest product processing* (permanent)		CU
Freighting and trucking yard or terminal*		
Hazardous waste storage*		
Hazardous waste treatment*		
Junkyard*		
Manufacturing*		
Mini-warehouse		
Refuse disposal/recycle*	CU	CU
Research laboratories		
Wastewater treatment		
Warehousing and distribution	PA ²⁷ /CU ²⁶	
Wholesale business		
E. Recreation		
Campground*		P ¹⁸

P Permitted PA Permitted Administrative CU Conditional Use	Resource	
	Commercial Agriculture	Commercial Forest
*See KCC Chapter 17.08 Definitions		
Commercial recreation, indoor*		
Commercial recreation, outdoor*		P ¹⁸
Golf course*		
Guest Ranch*	CU	
Parks and playgrounds*		P ¹⁵ /CU ¹⁵
Recreation, indoor		
Recreation, outdoor*		P ¹⁸
Recreational vehicle park*		
Recreational vehicle storage		
Stadium		
Trails	PA	PA
F. Residential		
Accessory dwelling unit*	P ⁴	
Accessory living quarters*	P ⁵	
Adult family home*	P ¹⁰	P ¹⁰
Boarding house		
Convalescent home		
Dwelling, single-family*	P	P
Dwelling, two-family*	P	
Dwelling, multiple-family*		
Farm labor shelter*	CU ²	
Group home*		
Home occupation*	P / CU ⁸	P / CU ⁸
Manufactured home*	P	P
Mobile home	P ⁶	P ⁶
Special care dwelling*	P ⁷	P ⁷
Temporary trailers	P ¹¹	P ¹¹
G. Resource		
Forestry*	P	P
Forest product sales*		P
Mining and excavation*	CU ¹⁴	P
Rock crushing*		P
H. Utilities and Public Facilities		
Electric vehicle infrastructure*	P ³	P ³
Public facilities*	PA ¹⁹	PA ¹⁹
Utilities	P ¹	P ¹
Watershed management activities*	PA	PA

17.15.050.2 Footnotes Associated with Resource Use Table.

1. Pursuant to KCC Chapter 17.61, Utilities.
2. Provided:
 - a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
 - b. The shelters must conform with all applicable building and health regulations;
 - c. The number of shelters shall not exceed four (4) per twenty (20) contiguous acres of land area;
 - d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
 - e. Should the parent agricultural operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable buildings and health regulations.
3. Pursuant to KCC Chapter 17.66, Electric Vehicle Infrastructure.
4. Subject to the following requirements:
 - a. ADUs shall be allowed as a permitted use within designated UGAs;

- b. ADUs shall be subject to obtaining an Administrative Use permit in areas outside UGAs;
 - c. Only one ADU shall be allowed per lot;
 - d. Owner of the property must reside in either the primary residence or the ADU;
 - e. The ADU shall not exceed the square footage of the habitable area of the primary residence;
 - f. All setback requirements for the zone in which the ADU is located shall apply;
 - g. The ADU shall meet the applicable health department standards for potable water and sewage disposal;
 - h. No mobile homes or recreational vehicles shall be allowed as an ADU;
 - i. The ADU shall provide additional off-street parking;
 - j. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists.
 - k. An ADU must have adequate acreage to meet maximum density within the zone classification.
5. Subject to the following requirements:
- a. Accessory Living Quarters shall be located within an owner occupied primary residence;
 - b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence;
 - c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal;
 - d. Only one (1) Accessory Living Quarters shall be allowed per lot;
 - e. Accessory Living Quarters are to provide additional off-street parking;
 - f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists.
6. As of September 1, 1998, mobile homes are no longer allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries.
7. Subject to the following requirements:
The Special Care Dwelling must meet all setback requirements for the zone in which it is located;
- a. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal;
 - b. Placement is subject to obtaining a building permit for the manufactured home;
 - c. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements;
 - d. The Special Care Dwelling unit cannot be used as a rental unit;
 - e. The Special Care Dwelling unit must be removed when the need for care ceases;
 - f. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists.
8. No sign advertising a home occupation shall exceed sixteen (16) square feet in size. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. In-home daycares shall be limited to no more than six (6) individuals receiving care in a twenty-four (24) hour period.
9. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.
10. Pursuant to RCW 70.128.140.
11. When used for temporary occupancy for a period not-to-exceed one (1) year related to permanent home construction or seasonal/temporary employment.
12. Existing schools are permitted; new schools require a conditional use permit.
13. No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.
14. Noncommercial sand and gravel excavation is permitted for on-site use without a conditional use permit.
15. Washington State Natural Area Preserves and Natural Resource Conservation Areas are permitted outright.
16. When located not less than forty-five (45) feet from the centerline of the public street or highway and selling goods produced on site.
17. Hay processing and small-scale processing of agricultural products produced on the premises are permitted outright.

18. Limited to dispersed recreation and recreational facilities such as primitive campsites, ~~trails, trailheads and snow parks.~~
19. Pursuant to KCC Chapter 17.62, Public Facilities Permits.
20. When used primarily in conjunction with agricultural activities.
21. For emergency and forest related management uses and practices only.
22. Limited to farm implement repair and maintenance.
23. Structures and facilities associated with the operation of shooting ranges are permitted and subject to all associated Kittitas County building codes and regulations. Shooting ranges may be operated in conjunction with other permitted or conditional uses for the specified zone. Shooting ranges are subject to periodic inspection and certification as deemed necessary by the Kittitas County Sheriff's Department. In considering proposals for the location of shooting ranges a detailed site plan shall be required; the Hearings Examiner's review of said site plan and the proposal as a whole shall include, but not be limited, to the following criteria:
 - a. The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.
 - b. Adherence to the practices and recommendations of the "NRA Range Sourcebook."
 - c. Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."
 - d. Proposed shooting ranges in areas designated as agricultural land of long-term commercial significance shall comply with RCW 36.70A.177(3) as currently existing or hereafter amended, and shall be limited to lands with poor soils or those unsuitable for agriculture.
24. Limited to facilities that serve traditional rural or resource activities (such as granges).
25. Use shall not exceed 10,000 square feet and no more than eight (8) events shall occur within a calendar year.
26. Existing facilities are permitted; new facilities require a conditional use permit. Limited to agricultural products. Excludes controlled atmosphere and cold storage warehouses.
27. Limited to seasonal, non-structural hay storage.

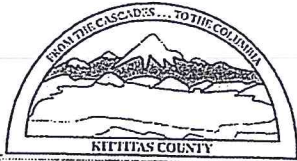
(Ord. 2013-001, 2013;)

17.15.060 Allowed Uses in Rural Non-LAMIRD Lands

17.15.060.1 Allowed Uses in Rural Non-LAMIRD Lands

P Permitted PA Permitted Administrative CU Conditional Use * See KCC Chapter 17.08 Definitions	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture 5	Rural 5	Agriculture 20	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
A. Agriculture								
Animal boarding*	CU		CU	CU ³⁷		CU	CU	
Agriculture processing*	CU ²³		CU ²³	CU ³⁷		P		
Agriculture production*	P ²⁴	P	P	P ²⁴	P ²⁴	P ²⁴	P ²⁴	P ²⁴
Agriculture sales,* Produce stand	P ²² /CU		P ²² /CU	P ²² /CU		P		
Agriculture Sales,* Other	CU		CU	CU				
Feedlot*			CU	CU ³⁷				
Grazing*	P	P	P	P	P	P	P	P

Exhibit B



KITITITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITITITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

PREAPPLICATION CONFERENCE APPLICATION & MEETING SUMMARY

(To be completed for each Preapplication Conference)

Please type or print clearly in ink. A preapplication conference is required prior to submittal of a building permit for any commercial or multi-family project (not including 2-family dwellings) and for certain land use applications per KCC 15A.03.020. The following items must be attached to the application packet and is required to be submitted prior to scheduling of the preapplication conference.

REQUIRED ATTACHMENTS

- A scaled site plan showing lot area, proposed/existing buildings, setbacks, points of access, roads, parking areas, water system components, septic tank, drainfield, drainfield replacement area, areas to be cut and/or filled, and natural features (i.e. contours, streams, gullies, cliffs, etc.)
- Floor plan with minimum labeling to include uses of rooms, dimensions, plumbing & mechanical fixtures (if proposing structures other than residential and accessory)

GENERAL APPLICATION INFORMATION

APPLICATION FEES

\$355.00 Kittitas County Community Development Services (KCCDS)

\$145.00 Kittitas County Environmental Health

\$500.00 Fees due for this application

FOR STAFF USE ONLY

Application Received By (CDS Staff Signature):

KB

DATE:
1-28-16

RECEIPT #
00028822

RECEIVED

JAN 28 2016

KITITITAS COUNTY

CDS

DATE STAMP IN BOX

COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT

FORM LAST REVISED: 1-26-16

Page 1 of 6

1. **Name, mailing address and day phone of land owner(s) of record:**
Landowner(s) signature(s) required on application form.

Name: Matt & Jessi Webb
Mailing Address: 6280 Badger Pocket Road
City/State/ZIP: Ellensburg WA 98926
Day Time Phone: 509-899-1158
Email Address: _____

2. **Name, mailing address and day phone of authorized agent, if different from landowner of record:**
If an authorized agent is indicated, then the authorized agent's signature is required for application submittal.

Agent Name: Terra Design Group Inc.
Mailing Address: PO Box 686
City/State/ZIP: Cle Elum WA 98922
Day Time Phone: 509-607-0617
Email Address: cbala@terradesigngroup.net

3. **Name, mailing address and day phone of other contact person**
If different than land owner or authorized agent.

Name: _____
Mailing Address: _____
City/State/ZIP: _____
Day Time Phone: _____
Email Address: _____

4. **Street address of property:**

Address: Same as above.
City/State/ZIP: Same as above.

5. **Tax parcel number:** 17-19-36000-0016 7 17-19-36000-0025

6. **Property size:** 12 acres total (acres)

7. **Land Use Information:**

Zoning: Commercial Ag. Comp Plan Land Use Designation: Commercial Ag.

8. **Proposed Water System (as defined by KCC 13.03) NOTE: Show location of water system on site plan.**

Group A Group B Individual Shared Cistern Other: _____

9. **Proposed Sewage Disposal:** Contracted Portable Toilets for events.

10. List any Buildings or Structures including sq. ft. & no. of stories proposed: No new buildings are proposed.
Existing structures: Barn = 1500 sq.ft., Residence: 2300 sq. ft.

11. Proposed Project Name: Webb Small Scale Event Facility

12. Type of proposed project (circle one):

Cluster/Conservation Plat	Planned Unit Development	Master Planned Resort	<u>Conditional Use Permit</u>
Shoreline Permit	Rezone	Preliminary Plat over nine (9) lots	Commercial Building

PROJECT NARRATIVE

Include responses as an attachment to this application

13. Narrative project description (include as attachment): Please include at minimum the following information in your description: describe project size, location, description of water system, sewage disposal, proposed buildings or structures, proposed uses for the project and all qualitative features of the proposal; include every element of the proposal in the description. See project description

14. Provision of the zoning code applicable: KCC 17.60A, KCC 15.04(WAC 197-11-600-640), KCC 15.050.01

AUTHORIZATION

15. Application is hereby made for permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed and or completed work.

All correspondence and notices will be transmitted to the Land Owner of Record and copies sent to the authorized agent or contact person, as applicable.

Signature of Authorized Agent:
(REQUIRED if indicated on application)
X *Chad Baker*

Date:
1-27-16

Signature of Land Owner of Record
(Required for application submittal):
X *Jane Webb*

Date:
1-28-16

FOR STAFF USE ONLY

Date of Pre-Application Meeting: February 10, 2016 Time: 9:00 am
Pre-application meetings are scheduled typically on Wednesdays.

List persons present at pre-app meeting:

Meeting Moderator: Lindsey Ozbolt

To be present at each pre-app:

1. CDS representative (planning): Lindsey Ozbolt
2. CDS representative (building): Mike Flory, Amber Green, Steph M. Flory
3. Fire Marshal representative: Josh Hink
4. Public Works representative: Kelly Bacon
5. Environmental Health representative (water): Holly Myers Holly Duncan
6. Environmental Health representative (sewer): Fiske Knebaugh
7. Others present: _____

Present at pre-app for project: (attach business cards if available)

Applicant: Matt Webb Jessi Webb

Application phone: _____

Application email: _____

Applicant authorized agent (if applicable): Chad Bala

Applicant authorized agent phone: _____

Applicant authorized agent email: _____

Others present for applicant: _____

**The Kittitas County Community Development Services Department does not guarantee a parcel eligible for development until such time as a complete and accurate application is submitted. Further analysis may be conducted at the time of permit application.*

Items/issues/concerns/questions discussed (To be filled in by staff during preapplication conference):

1. Planning/Land Use

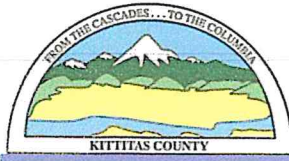
Critical Areas conducted _____ SEPA DNS previously issued on-site

- An administrative CU required for small-scale event facility
no more than 8 events per year

- SEPA official will need to make determination as to whether
existing DNS can be used in place of new SEPA

- follow County Noise Ordinance

Exhibit C



KITITITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITITITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

ADMINISTRATIVE CONDITIONAL USE PERMIT APPLICATION

(Proposing a use, such as a Bed & Breakfast or Campground, per KCC 17.15 & 17.60A)

A preapplication conference is REQUIRED per KCC 15A.03.020 for this permit. The more information the County has early in the development process, the easier it is to identify and work through issues and conduct an efficient review. To schedule a preapplication conference, complete and submit a Preapplication Conference Scheduling Form to CDS. Notes or summaries from preapplication conference should be included with this application.

Please type or print clearly in ink. Attach additional sheets as necessary. Pursuant to KCC 15A.03.040, a complete application is determined within 28 days of receipt of the application submittal packet and fee. The following items must be attached to the application packet.

REQUIRED ATTACHMENTS

- A scaled site plan showing lot area, proposed/existing buildings, setbacks, points of access, roads, parking areas, water system components, septic tank, drainfield, drainfield replacement area, areas to be cut and/or filled, and natural features (i.e. contours, streams, gullies, cliffs, etc.)
- SEPA Checklist (if not exempt per KCC 15.04 or WAC 197-11-800) (Pick-up SEPA Checklist form if required)
- Project Narrative responding to Questions 9-11 on the following pages.

APPLICATION FEES

\$3,600.00	Kittitas County Community Development Services (KCCDS)
\$418.00	Kittitas County Department of Public Works
\$329.00	Kittitas County Fire Marshal
\$235.00	Kittitas County Environmental Health
\$4,582.00	Fees due for this application when SEPA is <u>not</u> required (One check made payable to KCCDS)
\$5,252.00	Fees due for this application when SEPA is required (SEPA fee: \$670.00)

*No sepa at this time
3/16/16*

FOR STAFF USE ONLY

Application Received By (CDS Staff Signature):

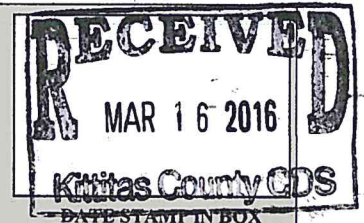
CGB

DATE:

3/16/16

RECEIPT #

00029274

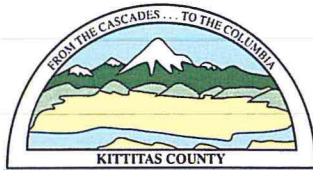


COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT

FORM LAST REVISED: 12-30-15

Page 1 of 3

Exhibit D



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

April 13, 2016

Matt and Jessi Webb
6280 Badger Pocket Road
Ellensburg, WA 98926

Subject: Determination of Application Completeness
Webb Conditional Use Permit (CU-16-00001)

Dear Applicant:

Your application requesting a conditional use permit for a Small Scale Event Facility on property that is zoned Commercial Agriculture, located in a portion of section 36, township 17N, range 19E, WM in Kittitas County; Assessor's map number 17-19-36000-0016, was received on Wednesday, March 16, 2016. Your application has been determined complete as of Wednesday April 13, 2016.

Continued processing of your application will include, but is not limited to, the following actions

1. Posting of the property by the applicant along each street frontage and publishing of a legal notice. Signage may be obtained at the Community Development Services office during regular business hours. You will need to repost the site with a new sign depicting both applications.
2. A Notice of Application will be published in the newspaper and sent to all adjoining property owners, governmental agencies, and interested persons.
3. Consideration of written comments from all adjoining property owners, governmental agencies, and interested persons.
4. Reviewing procedures necessary to issuing a SEPA environmental threshold determination per WAC 19-11 and RCW 43.21C.

You may pick up the "Land Use Action" sign at any time to be posted at the frontage road and return the signed affidavit of posting to my attention. After this has been completed, I will be able to issue the Notice of Application.

If you have any questions regarding this matter, please call me at (509) 962-7506, or by e-mail to doc.hansen@co.kittitas.wa.us.

Sincerely,

Robert "Doc" Hansen
Interim Director, Community Development Services

cc via email Chad Bala, Terra Design (cbala@terradesigngroup.net)



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

Exhibit E

411 N. Ruby St. Suite 2 Ellensburg WA 98926
cds@co.kittitas.wa.us
Office 509-962-7506
Fax 509-962-7682

Building Partnerships - Building Communities

NOTICE OF APPLICATION

Notice of Application: Friday, April 29, 2016
Application Received: Wednesday, March 16, 2016
Application Complete: Wednesday, April 13, 2016

Project Name File Number: CU-16-00001

Project Name: Webb

Applicant: Terra Design Group Inc authorized agent for Matt Webb, landowner

Location: 2 parcels, located approximately 4.75 miles south of the City of Kittitas at 6280 Badger Pocket Road, in a portion of Section 36, T17N, R19E, WM in Kittitas County, bearing Assessor's map numbers 17-19-36000-0016 and 17-19-36000-0025.

Proposal: Terra Design Group Inc authorized agent for Matt Webb, landowner, has submitted a conditional use application for a Small Scale Event Facility (8 events or less per year) on approximately 12 acres. The subject property is zoned Commercial Agriculture.

Materials Available for Review: The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926, or on the CDS website at <http://www.co.kittitas.wa.us/cds/current/conditional-use.asp>. Phone: (509) 962-7506

Written Comments on this proposal can be submitted to CDS any time prior to 5:00 p.m. on Tuesday, 17 May, 2016. Any person has the right to comment on the application and request a copy of the decision once made.

Environmental Review (SEPA): The applicant applied for a similar use to Kittitas County Community Development Services (CDS) in 2012 at which time SEPA review was performed and a Determination of Non-Significance (DNS) was issued (dated October 6, 2014) and no appeals were filed. WAC 197-11-600 provisions for the adoption of existing environmental documents; Kittitas County finds that the use applied for in this instance represents a diminished environmental impact from the one originally applied for in 2012 and therefore is utilizing the provisions allowed for in the citation above. The "adopted" DNS has been attached to this notice.

Administrative Decision: Kittitas County Code (KCC) identifies a small scale event facility which holds 8 or less events annually as an Administrative Conditional Use (KCC 17.15.050 footnote 25), and as such under the provisions of KCC 17.60A.010, 015, and 020 the decision for this application will be made by the Director of CDS after consideration of the comments received by other agencies, interested parties, and the public at large.

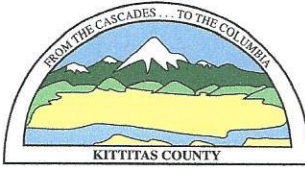
Required Permits: Conditional Use Permit, event specific food and beverage permits

Required Studies: None.

The following development regulations will be used for project mitigation and consistency:

- Kittitas County Comprehensive Plan & Zoning Ordinance.

Designated Permit Coordinator (staff contact): , Staff Planner: (509) 933-8274; email at jeff.watson@co.kittitas.wa.us



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

Exhibit F

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

Building Partnerships; Building Communities

DETERMINATION OF NONSIGNIFICANCE

- File:** Webb Conditional Use Permit (CU-16-00001)
- Description:** Operation of a Small Scale Event Facility (no more than eight (8) within a calendar year.)
- Proponent:** Matt & Jessi Webb, Landowner.
- Location:** The project is located approximately 8 miles southeast of Ellensburg at 6280 Badger Pocket Road, in a portion of Section 36, T17N, R19E, WM in Kittitas County. Assessor's map numbers: 17-19-36000-0016 & 17-19-36000-0025 (must be sold with -0016).
- Lead Agency:** Kittitas County Community Development Services

The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request, or can be viewed at the Kittitas County Community Development Services website at: <http://www.co.kittitas.wa.us/cds/current/> under "Conditional Use Permits"

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 10 working days. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action on the grounds of noncompliance with the provisions of Chapter 43.21 RCW, shall be commenced on or before **Wednesday June 8th, 2016 at 5pm.** To the Kittitas County Board of Commissioners, Rm. 108, County Courthouse, Ellensburg WA 98926

Responsible Official:

Robert 'Doc' Hansen

Title: Kittitas County Planning Official

Address: Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
(509) 962-7506 FAX (509) 962-7682

Date: **Tuesday, May 24, 2014**

Pursuant to Chapter 15A.07 KCC, this DNS may be appealed by submitting specific factual objections in writing with a fee of \$780.00 to the Kittitas County Board of Commissioners, Kittitas County Courthouse Room 110, Ellensburg, WA 98926. **Timely appeals must be received no later than 5:00pm Wednesday June 8th, 2016.** Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.