



# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

## Webb Administrative Conditional Use File Number CU-16-00001

### FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

#### 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:	Group A transient non-community public water system
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
  - D. Does not compromise the long term viability of designated resource lands. (Ord. 2013-012, 2013; Ord. 2013-001, 2013; Ord. 2012-009, 2012; Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988; Res. 83-10, 1983)

The proposed use is also subject to portions of KCC:

- Title 12 Roads and Bridges
- Title 13 Water and Sewers
- Title 14 Buildings and Construction
- Title 15 Environmental Policy
- Title 17A Critical Areas
- Title 20 Fire and Life Safety

### **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. PROJECT ANALYSIS**

In review of this proposal the Goals, Policies and Objectives (GPO) of the Comprehensive Plan, Kittitas County Code, public and agency comments, any identified environmental concerns and state and federal requirements were considered. Identified below is planning staff's analysis and consistency review for the subject application.

#### **Consistency with the Comprehensive Plan:**

The Kittitas County Comprehensive Plan designates the subject property as "Resource Land." Kittitas County

has established goals, policies and objectives to guide activities within the Resource lands. These goals and policies were developed in response to identified needs within the County, and support the County Wide Planning Policies. The proposal is found by Planning Staff to be consistent with applicable GPOs of the Kittitas County Comprehensive Plan.

*GPO 2.3 The County should diversify economic development by providing broader employment opportunities.*

**Staff's Response:** Providing for the occasional small scale event allows the applicant to diversify their financial income base and to supply an established need that is rural based. The use will generate ancillary economic development in areas including but not limited to: food and beverage supply and catering, party planning and supplies, hotel, motel, and other overnight accommodations, tourism, fuel and travel supply and recreation.

*GPO 2.7 Kittitas County will maintain a flexible balance of land uses which will protect, preserve, and enhance the rural character, historical forest lands, agricultural industries, mineral lands, and high quality environment.*

**Staff's Response:** A market demand exists for these types of facilities to hold gatherings of all types. By its very nature the use is rural; clientele seek the bucolic backdrop for weddings, family reunions, and other outdoor gatherings. The use, while concentrating large numbers of individuals on site does not interrupt, interfere, degenerate, impede, or destroy rural or commercial agriculture uses or lifestyles in the area.

*GPO 8.16 Give preference to land uses in Rural designated areas that are related to agriculture, rural residential development, tourism, outdoor recreation, and other open space activities.*

**Staff's Response:** This use is considered to be consistent with outdoor recreation, tourism, and open space activities.

*GPO 8.17 Land use development within the Rural area that is not compatible with Kittitas County rural character or agricultural activities as defined in RCW 90.58.065(2)(a) will not be allowed.*

**Staff's Response:** Webster's Dictionary defines compatible as: "able to exist together without trouble or conflict : going together well". The proposed use will not encroach, encumber, impede, or deter agricultural activities as defined in RCW 90.58.065(2)(a).

*GPO 8.21 Kittitas County will provide criteria within its zoning code to determine what uses will be permitted within rural zone classifications in order to preserve rural character.*

**Staff's Response:** The use is listed as an allowed administrative conditional use in the zoning code; criteria for approval are provided.

*GPO 8.8 A certain level of mixed uses in rural areas and rural service centers is acceptable and may include limited commercial, service, and rural industrial uses.*

**Staff's Response:** The proposed use is a limited service mixed use.

*GPO 8.9 Protecting and preserving resource lands shall be given priority. Proposed development allowed and adjacent to resource lands shall be conditioned to protect resource lands from negative impacts from that development.*

**Staff's Response:** The proposed use is utilizing an existing barn and open space land for activities and gatherings. No additional development is proposed which would be injurious to rural or commercial

agricultural lifestyles.

**Based upon the previously stated observations, staff finds that the proposal is in compliance with the Kittitas County Comprehensive Plan. The applicant is proposing a limited, mixed, commercial, service use that is compatible with if not dependent upon a rural setting and environment. The proposed use does not present any incompatible characteristics which would encroach, encumber, impede, or deter commercial agricultural activities or uses. The proposed use does not require additional or urban services, infrastructure, or development.**

**Consistency with the provisions of KCC Title 12, Roads and Bridges:**

The proposal has undergone Transportation Concurrency Review where it was determined that there will not be a significant impact the the county roads serving this project, and no mitigation is required. Kittitas County Public Works was present at the pre-application meeting and was notified of the conditional use permit application and informed of their ability to comment.

**Based upon this assessment, the proposed use is consistent and in compliance with the criteria and requirements within the Roads and Bridges Title of Kittitas County Code (KCC Title 12).**

**Consistency with the provisions of the KCC Title 13, Water and Sewer:**

Kittitas County Health Department was present at the pre-application meeting and was notified of the conditional use permit application. The Washington State Department of Health Comments was notified of the conditional use permit application; conditions, requirements, and alternatives were provided by both entities which will need to be adhered to prior to the issuance of a conditional use permit.

**Based upon this assessment and the comments, conditions, requirements, and alternatives provided, the proposed use is consistent and in compliance with the criteria and requirements within the Water and Sewers Tile of Kittitas County Code (KCC Title 13).**

**Consistency with the provisions of the KCC Chapter 14.04, Building Code:**

No new structures are proposed for the use. Kittitas County Building Department was present at the pre-application meeting and was notified of the conditional use permit application. Comments, conditions, requirements, and alternatives were provided which will need to be adhered to prior to the issuance of a conditional use permit.

**Based upon this assessment and the comments, conditions, requirements, and alternatives provided, the proposed use is consistent and in compliance with the criteria and requirements within the Buildings and Construction Chapter of Kittitas County Code (KCC Title 14.04).**

**Consistency with the provisions of KCC 17A, Critical Areas:**

An administrative critical area site analysis was completed by staff in compliance with Title 17A: Critical Areas. No Critical Areas were identified on the site.

**Based upon the critical areas analysis and report, the proposed use is consistent and in compliance with the Critical Areas Ordinance (and code) of Kittitas County (KCC 17A).**

**Consistency with the provision of KCC 17.15, Allowed Uses:**

This proposal as described in the narrative and the SEPA checklist is defined and established as an Administrative Conditional use under the provisions of Chapter 17.15.030(1) and 17.15.050(A) of KCC. The additional use related conditions as described in KCC 17.15.030(3) further emphasize that uses under 10,000 feet and not exceeding 8 events a year pertain to this proposal.

**Based upon this assessment, the proposed use is consistent and in compliance with the criteria and**

**requirements within the Allowed Use Chapter of Kittitas County Code.**

**Consistency with the provision of KCC 17.31, Commercial Agriculture zoning:**

This proposal is consistent with the Kittitas County Zoning Code 17.31 “*The commercial agriculture zone is an area wherein farming and ranching are the priority. The intent of this zoning classification is to preserve fertile farmland from encroachment by non-agricultural land uses and protect the rights and traditions of those engaged in agriculture.*” The proposal is compatible with KCC 17.31 referring to the uses table in KCC 17.15.

Specifically, this proposal meets the intent as an administrative conditional use with 17.15.050.1 (A) Small scale event facility (not to exceed 10,000 square feet; no more than eight events per calendar year).

**Based upon this assessment, the proposed use is consistent and in compliance with the criteria and requirements within the Commercial Agriculture Chapter of Kittitas County Code.**

**Consistency with the provisions of KCC 17.60A, Conditional Uses:**

This proposal, as conditioned, is consistent with the Kittitas County Zoning Code for Administrative Conditional Uses. The proposed administrative conditional use will be adequately served by rural levels of service.

Following criteria for approving a conditional use permit per KCC 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.*

**Applicant Response:** There is an enormous amount of interest that is tailored to this type of facility of being a small, rural atmosphere/character, and out in the country type of event facility. This small event facility compared to larger full time facilities, such as Springwood Ranch, Suncadia, is essential for those out there looking for smaller economical facilities providing a more personal touch. By allowing this facility it also allows for additional services to benefit. For example, an event facility of this type would bring in additional visitors to Kittitas County who could require accommodations outside of this facility. Local Hotels and local restaurants will be used including but not limited to other services benefiting from this use such as convenient stores, gas stations etc. With the aforementioned, this Small Scale Event Facility is essential and desirable to the public convenience and not injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.

**Staff Response:** The proposed use is not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood. This use is utilizing an existing agricultural barn and access driveway off of Badger Pocket Road. As stated in the narrative, the applicant will require live music/DJ to end at 10:30 p.m.

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) *it 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) *That 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.*

**Applicant Response:** Economic Welfare of this Small Scale Event Facility will not be unreasonable detrimental to the economic welfare of the County and that it will not create excessive public cost for facilities and services. This proposed use will be providing access via

Badger Pocket Road where the Webb's have already paved the access/driveway into the site; irrigation water will be provided on site through it's existing practices; refuse and disposal has been addressed where this proposal will use garbage cans etc. throughout the facility than transferred to the Kittitas County Solid Waste Department where the applicant will pay to dump the garbage. A company, such as Brown and Jackson or the like, will be contracted with, who will be paid to supply portable toilets for each specific event. The proposed use will not require any additional services, and the existing facilities owned by the Webb's are sufficient for the proposed use. Therefore this proposal will not be unreasonably detrimental to the economic welfare of the county and will not create excessive public cost.

A. This project will be serviced by existing facilities including but not limited to, existing roads, highways, and police and fire protection.

B. Any additional facilities required by this Project will be agreed to and provided by the Webb's. These additional requirements could be conditions placed upon the project as part of approval.

C. The Webb's has already provided paved access and paved apron, as required by TC-12-00007. The Webb's has agreed to improve the water system and septic system, at which time the proposed events start changing the use of the existing barn. With this proposal bringing in additional revenue from the events and providing the project improvements provides an economic benefit and offsets any additional public cost or economic detriment.

**Staff response:** There will be almost no detrimental economic impacts associated with this proposal. The Fire Marshal will conduct an inspection prior to issuance of the Conditional Use Permit and annual inspections thereafter all of which are subject to inspection fees. Police protection and service is believed to be nominal. The transportation concurrency determination from Public Works determined that there will not be a significant impact to the County roads serving the project and that there is sufficient capacity on the serving roadways for the additional traffic which would be generated by the proposal.

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.*

**Applicant Response:** This project has met and will comply with all relevant development standards and criteria or conditions placed upon the project as required by Kittitas County Code.

**Staff Response:** The proposed use will meet all approval and code requirements prior to the start of operations.

4. *The proposed use will mitigate material impacts of the development, whether environmental or otherwise.*

**Applicant Response:** This applicant have gone through a lengthy review of their application starting back in 2014 proposing a standard conditional use permit process for the same type of proposal prior to reducing their scope to only hold 8 events in a year which requires a administrative conditions use permit. The Webb's have committed to conditions placed upon the project therefore mitigating the impacts of the proposal whether they are environmental or otherwise.

**Staff Response:** Material impacts of the development will be nominal. No additional structures or modifications to the property are contemplated. Water and septic systems will be subject to approval by Kittitas County Public Health. Safe off street parking will be provisioned for through the conditions of approval. Noise and outdoor activity will cease at 10:30 p.m.

5. *The proposed use will ensure compatibility with existing neighboring land uses.*

**Applicant Response:** Where this Small Scale Event Facility is proposed is a neighborhood that is been used for agricultural purposes and continues to do so. This area also contains a mix of acreages, varying from large farming area to smaller parcels with homes. This facility has proposed to control it's associated noise per Kittitas County Code. This facility will provide garbage cans established at certain locations during each event, where during and after each event they will be serviced making sure that the garbage is contained on site then transported appropriately to Kittitas County Solid Waste. This facility has undergone numerous fire, life and safety inspections, with the last one being in 2014 and will be updated for this proposal. This proposal will continue to conduct these fire, life and safety inspections to ensure that safety is the first priority. This Small Scale Event Facility is proposing to show how beautiful the surrounding neighborhood is by holding events and how a small scale event facility can improve an area at the same time preserving the surrounding neighborhood. With this and the aforementioned explanations further provides how this Small Scale Event Facility will ensure compatibility with existing neighboring land uses and character of the zoning district.

**Staff Response:** The current land use and zoning for the area is Commercial Agriculture. The proposed use will not encroach, encumber, impede, or deter the commercial agricultural activities being conducted in the area. Proposal will be consistent and compliant with KCC17.74 (Right to farm for the protection of Agricultural Activities).

6. *The proposed use is consistent with the intent and character of the zoning district in which it is located.*

**Applicant Response:** Where this Small Scale Event Facility is proposed is a neighborhood that is been used for agricultural purposes and continues to do so. This area also contains a mix of acreages, varying from large farming area to smaller parcels with homes. This facility has proposed to control it's associated noise per Kittitas County Code. This facility will provide garbage cans established at certain locations during each event, where during and after each event they will be serviced making sure that the garbage is contained on site then transported appropriately to Kittitas County Solid Waste. This facility has undergone numerous fire, life and safety inspections, with the last one being in 2014 and will be updated for this proposal. This proposal will continue to conduct these fire, life and safety inspections to ensure that safety is the first priority. This Small Scale Event Facility is proposing to show how beautiful the surrounding neighborhood is by holding events and how a small scale event facility can improve an area at the same time preserving the surrounding neighborhood. With this and the aforementioned explanations further provides how this Small Scale Event Facility will ensure compatibility with existing neighboring land uses and character of the zoning district.

**Staff Response:** The current zoning for the area is Commercial Agriculture. The proposed use will not encroach, encumber, impede, or deter the commercial agricultural activities being conducted in the area. Proposal will be consistent and compliant with KCC17.74 (Right to farm for the protection of Agricultural Activities). The use is listed in the development code as an Administrative Conditional Use. As stated above from the Comprehensive Plan in GPO 8.21

Kittitas County will provide criteria within its zoning code to determine what uses will be permitted within rural zone classifications in order to preserve rural character. Over the past 10 years Kittitas County's Comprehensive Plan has been subjected to ongoing intensive scrutiny, review, and litigation by a wide variety of governmental and non-governmental entities. After substantial modifications to the plan and the development code in August of 2014 the Plan was found to be compliant with the Growth Management Act by the Washington State Growth Hearings Board.

7. *For conditional uses outside of Urban Growth Areas, the proposed use must show that it:*
  - 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.*

**Applicant Response:** The Kittitas County Comprehensive Plan designates this property as Commercial Agriculture. Within this designation there are established goals and policies that guides this land use designation and the activities that occur under this designation. The purpose and intent of the Commercial Ag is that it be an area where farming and ranching are the priority. The actual zoning of the property is also Commercial Ag where it is the intent to preserve fertile farmland from non-agricultural land uses and protect the rights and tradition of those engaged in agriculture. This is specifically done through the comprehensive plan and zoning code. Under the zoning code, specifically KCC 17.15.050.1 Resource Use Table: Commercial Agriculture, Small-scale event facility is considered a consistent use within Commercial Agricultural designated lands as either a administrative conditional use permit or a conditional use permit.). Pursuant to GPO 2.1298 Requires that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of lands designated as agricultural lands, forest lands, mineral resource lands, shall contain a notice that states that: "The subject property is within or near designated as agricultural lands, forest lands, mineral resource lands on which a variety of commercial activities and mineral operations may occur that are not compatible with residential development for certain periods of limited duration. Commercial natural resource activities and /or mineral operation performed in accordance with county, state and federal laws are not subject or legal action as public nuisances (RCW 7.48.305). This proposal is consistent with the Kittitas County Comprehensive Plan.

**Staff Response:** As stated above from the Comprehensive Plan in GPO 8.21 Kittitas County will provide criteria within its zoning code to determine what uses will be permitted within rural zone classifications in order to preserve rural character. Over the past 10 years Kittitas County's Comprehensive Plan has been subjected to ongoing intensive scrutiny, review, and litigation by a wide variety of governmental and non-governmental entities. After substantial modifications to the plan and the development code in August of 2014 the Plan was found to be compliant with the Growth Management Act by the Washington State Growth Hearings Board.

- b. *Preserves "rural character" as defined in the Growth Management Act (RCW 36.70A.030(15)).*

**Applicant Response:** The Webb's are using their property consistent with the



local zoning codes that are consistent with the comprehensive. Specifically KCC 17.15.050.1 Resource Use Table: Commercial Agriculture, Small-scale event facility is considered a consistent use within the Kittitas County Comprehensive Plan Land Use Designation and Commercial Ag. Zoning as either a administrative conditional use permit or a conditional use permit. With these aforementioned adopted land uses, zoning codes and consistencies along with all other aforementioned information within the application this proposal preserves rural Character.

**Staff Response:** The proposed use preserves the rural character in part through the celebration of the rural life style itself. The very nature of the use stems from the pastoral and bucolic setting on which the use is to take place. The market demand for this activity is based wholly on a quiet, off the beaten path, rural setting in which to celebrate and acknowledge as part of the human condition the rural way of life. This use could not exist outside of the rural environment because it is defined by its rural-ness.

c. *Requires only rural government services.*

**Applicant Response:** None

**Staff Response:** No urban services will be required by the proposed use.

d. *Does not compromise the long term viability of designated resource lands. (Ord. 2013-012, 2013; Ord. 2013-001, 2013; Ord. 2012-009, 2012; Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988; Res. 83-10, 1983)*

**Applicant Response:** This project does not compromise the long-term viability of the agricultural resource. The Right to Farm Ordinance provides the Webb's with the knowledge that agricultural activities/practices take precedence and may have an impact on adjacent owners in agriculturally zoned lands. This project is proposed on a site that is currently where the Webb's reside and is not proposing to remove any commercial agricultural ground.

**Staff Response:** The proposed use does not compromise the long term viability of designated resource lands. The use is utilizing existing agricultural structures eight or less times a year with no impact or adverse effect on the surrounding acreage of the parcel.

**Based upon this assessment, the proposed use is consistent and in compliance with the criteria and requirements within the Conditional Use Chapter of Kittitas County Code.**

**Consistency with the provisions of the KCC Title 20, Fire and Life Safety Code:**

Kittitas County Fire Marshal was present at the pre-application meeting and was notified of the conditional use permit application. Kittitas Valley Fire and Rescue (Fire District 2) was notified of the conditional use permit application; conditions, requirements, and alternatives were provided by both entities which will need to be adhered to prior to the issuance of a conditional use permit.

**Based upon this assessment and the comments, conditions, requirements, and alternatives provided, the proposed use is consistent and in compliance with the criteria and requirements within the Fire and Life Safety Title of Kittitas County Code (KCC Title 20) and the International Fire Code and its appendices.**

**Staff Conclusions:**

1. As conditioned, the proposal meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. The proposal meets the criteria outlined in KCC 17.60A, Conditional Use Permit.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 12 Roads and Bridges, Title 13 Water and Sewer, Title 14.04 Building and Construction, Title 17 Zoning, Title 17A Critical Areas, and Title 20 Fire and Life Safety.

**V. ENVIRONMENTAL REVIEW**

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 utilized the provisions allowed for in the citation above to adopt the existing SEPA checklist. A DNS was issued for this application on May 24, 2016. A timely appeal was filed on June 8, 2016 by Ritch Brownlee. Under the provisions of KCC 15.04.210(4) a single simultaneous appeal is mandated. This Decision, Findings of Fact and Conclusions of law must be issued, publicized and given a 10 working day appeal period (KCC 15A.07.010(1)). In the event that the decision is appealed as well, a single meeting time and place will be announced and publicized where the Kittitas County Board of Commissioners will hear the merits of one or both appeals (KCC 15A Table A and KCC 15.04.210(1)(a)).

**VI. AGENCY AND PUBLIC COMMENTS**

**Agency Comments:**

The following agencies provided comments during the comment period: Kittitas County Fire Marshal, Kittitas County Building Department, Kittitas Valley Fire and Rescue, Washington State Department of Health and Washington State Department of Ecology. All comments are on file and available for public review.

**Public Comments:**

Public comments were submitted for this proposal at the time of staff review and were considered. All comments are on file and available for public review.

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review.

**VII. DECISION & CONDITIONS OF APPROVAL**

From these conclusions and findings, the proposed Administrative Conditional use is approved with the following conditions:

1. The project shall proceed in substantial conformance with the plans and application materials on file dated June 8, 2016 except as amended by the conditions herein.
2. Environmental and statutory review shall be required for all future development, construction, and improvements; the applicant is responsible for compliance with all applicable local, state, and federal rules, codes, and regulations, and must obtain all appropriate permits and approvals. Failure to do so may result in the revocation of the conditional use permit.
3. Development shall occur in substantial conformance with the Site Plan and narrative provided on June 8, 2016 to Kittitas County in the conditional use application. Any alterations to this site plan shall be reviewed by Kittitas County prior to construction to ensure it still meets the requirements of all applicable regulations.
4. All current and future landowners must comply with the International Fire Code.
5. Building permits will be required for any construction or structure not exempted by 2012 IBC 105.2 Work exempt from permit.
6. An annual fire and life safety inspection by the Kittitas County Fire Marshal's office is required prior to beginning operations each year.
7. Events shall meet noise regulations outlined in Kittitas County Code Chapter 9.45, and WAC 173-60.
8. The subject property is within or near designated agricultural lands on which a variety of commercial activities. Agricultural operations may occur that are not compatible with residential or other development for certain periods of limited duration. Commercial agricultural operations performed in accordance with County, State and federal laws are not subject or legal action as public nuisances.
9. Events which are open to the **general public** (non-private party or event) exceeding 100 people will require security personnel at a rate of 1 per every 100 attendees.
10. Fire extinguishers shall be required; locations shall be determined in conjunction with the annual fire inspections.
11. If the existing water system is used as a water source, Washington State Department of Health approval will be required for a Group A transient non-community public water system.
12. Septic and waste disposal systems must be provided in accordance with all state and local laws and in accordance with the event size and attendance. Portable restroom facilities will be allowed in conjunction with the permanent facilities described below.
13. The structure identified as "Garage" on the site plan shall be secured during events; no public utilization or occupancy is permitted.
14. The structure identified on the submitted site plan as the "Party Barn" shall be classified as an A-2 Assembly Occupancy and must meet all requirements as such in the 2012 International Building Code (IBC) prior to final approval of the conditional use permit.
15. Events will be limited to a maximum attendance of 100 persons **without** an approved and inspected fire sprinkler system for the structure.
16. Events will be limited to a maximum attendance of **200** persons **with** an approved and inspected fire sprinkler system for the structure.
17. Events which exceed **200** attendees **must** be permitted in accordance with the provisions of Kittitas County Code (KCC) Chapter 5.20.
18. At least one ADA accessible unisex restroom must be provided in the "party barn". Final restroom quantities and configuration must be constructed in accordance with KCC Title 12 and approved by the building official.
19. All exit doors for structures occupied or utilized during events must be equipped with illuminated exit signs as well as "panic hardware"; doors must swing outward from the structure.

20. Parking will not be permitted within County right-of-way. Appropriate on-site parking provisions are required during events.
21. Parking shall be provided for and designed in a manor to allow full access to emergency vehicles at all times. A fixed parking plan shall be developed by the applicant and approved by the Kittitas County Fire Marshal and Kittitas Valley Fire and Rescue.
22. Parking area vegetation shall be mowed to a level no higher than six inches prior to events.
23. Addressing shall be clearly visible from the road in both directions.
24. A turn around shall be provided for fire department access in conformance with International Fire Code (IFC) standards
25. Any future development or construction done in association with the small scale event facility must conform to the most current version of the Stormwater Management Manual for Eastern Washington. Stormwater systems shall be designed to store stormwater generated by a 24-hour, 25-year storm event.
26. Should ground disturbing or other activities related to the proposed use result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State DAHP. Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.
27. Temporary structures erected for events may be subject to codes, regulations, and possibly permits. It is incumbent upon the applicant/owner/operator to contact appropriate agencies for permitting information.
28. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties and county roads.
29. Any signage for the proposed use will require a sign permit as per KCC 17.70 and may not be located in County right of way.
30. Development and construction practices during building of this project shall only occur between the hours of 7:00 am to 7:00 pm to minimize the effect of construction noise on nearby residential properties.
- 31.

**Kittitas County Code (Chapter 15A.07.010) stipulates that an appeal of this land use decision must be filed within 10 (ten) working days by submitting specific factual objections and a fee of \$500 to the Kittitas County Board of Commissioners at 205 West 5<sup>th</sup>, Room 108 Ellensburg, WA 98926. The appeal deadline for this project is **XXXXXX at 5:00p.m.****

**Responsible Official** \_\_\_\_\_

Robert "Doc" Hansen

Planning Official

**Address:**

Kittitas County Community Development Services  
 411 N. Ruby Street, Suite 2  
 Ellensburg, WA. 98926  
 Phone: (509) 962-7506 Fax: (509) 962-7682

**Date:**

**XXXXXXXX**