



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

Red's Fly Shop Shoreline Substantial Development Permit File Number SD-24-00001 Red's Fly Shop FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

I. GENERAL INFORMATION

Requested Action: The applicant proposes an addition to the Red's Fly Shop building within an increased footprint of 1400 square feet. Approximately 1338 square feet of storage will be added to the basement. It will be used to store similar materials as the adjacent existing storage. The existing exit will be relocated to the addition. The ceiling will be rated for a one-hour fire separation. Approximately 1335 square feet of retail space will be added to the first floor. It will be an extension of the existing fly shop.

Location: 14706 S.R. 821, Parcel 952924, located approximately 9.3 miles Southeast of Ellensburg, in Section 28, Township 16, Range 19, W.M.; Kittitas County assessor's map number 16-19-28050-0008.

II. SITE INFORMATION

Total Property Size:	3.25 Acres
Number of Lots:	1
Domestic Water:	Group A Existing Water System
Sewage Disposal:	Existing Septic System
Fire District:	N/A
Irrigation District:	N/A

Site Characteristics:

North: Undeveloped, hilly land within a Forest & Range zoning designation.

South: Undeveloped land with steep topography within a Forest & Range zoning designation. The Yakima River lies directly to the South.

East: Undeveloped, hilly land within Forest & Range, and Commercial-Agriculture zoning designations.

West: Undeveloped land with steep topography within Forest & Range, and Commercial-Agriculture zoning designations. The Yakima River lies directly to the West.

Access: The site is accessed by S.R. 821 via an existing access point.

Zoning and Development Standards:

The parcel involved in this proposal is in a land use designation of Rural Working and zoning designation of Forest & Range. The proposed project is classified as a "Guest Ranch." Guest Ranches are allowed with a conditional use permit under KCC 17.15.060.1. The Shoreline Substantial Development permit criteria are examined in Section VI "Project Analysis" of this staff report.

Shoreline Master Program:

The Shoreline Use Table in KCC 17B.04.090.1 allows for Water-enjoyment commercial uses within the Rural Conservancy and Aquatic zones with a Shoreline Substantial Development Permit. KCC 17B.07.060 provides the criteria for approving a Shorelines Substantial Development permit:

- “2. Substantial development permits. A substantial development permit shall be granted only when the applicant demonstrates all of the following:
- a. That the proposal is consistent with the policies and procedures in RCW Chapter 90.58 and WAC Chapter 173-27;
 - b. That the proposal is consistent with the policies and procedures of the Master Program; and
 - c. That the proposal has been appropriately conditioned where necessary to assure consistency of the project with the Act and the local Master Program”

III. ADMINISTRATIVE REVIEW

Deemed Complete: A Shorelines Substantial Development permit application was submitted to Kittitas County Community Development Services (CDS) on May 29, 2024. The application was deemed complete on June 6, 2024.

Notice of Application A Notice of Application was mailed to all state and local agencies/departments with potential interest in the project as required by KCC 17B.07.070 and KCC 15A.03.060, as well as to adjacent landowners located within five hundred (500) feet of any portion of the boundary of the proposal's tax parcels on June 13, 2024. The comment period for this notice ended on July 1, 2024.

IV. ENVIRONMENTAL REVIEW

A review by CDS staff only indicated the Yakima River bordering the property, no streams or wetlands are known to exist on-site. The closest stream from the proposal is approximately 700 feet away from the proposal, well beyond any required setbacks under KCC 17A.04.030. Previous SEPA review was completed under the previous Conditional Use Permit on April 17, 2013. This expansion does not exceed the threshold to require additional SEPA review under WAC 197-11-800(1)(d) and KCC 15.04.090(1)(c).

V. AGENCY AND PUBLIC COMMENTS

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. The following are a summary of the substantive comments submitted.

Agency Comments: Confederated Tribes of the Colville Reservation, Washington State Dept. of Archaeology and Historic Preservation, Snoqualmie Tribe, Washington Dept. of Fish and Wildlife, Washington Dept. of Health (Office of Drinking Water), Washington State Dept. of Transportation, Kittitas County Public Works. Below is a summary of their comments:

Confederated Tribes of the Colville Reservation

The CTCR requested that the applicants prepare an Inadvertent Discover Plan (IDP) in order to address the possibility of uncovering cultural artifacts during ground disturbing activities.

Staff Response

The applicants have provided an IDP that adequately addresses the Colville Tribe's concerns.

Department of Archaeology and Historic Preservation

DAHP provided comments requesting an Inadvertent Discovery Plan (IDP) be in place in order to address the possibility of uncovering cultural artifacts during ground disturbing activities.

Staff Response

The applicants have provided an IDP that adequately addresses DAHP's concerns.

Snoqualmie Tribe

The Snoqualmie Tribe commented that based on the provided materials and their understanding of the project they had no substantive comments to offer at this time.

Staff Response

The applicants have provided an Inadvertent Discovery Plan to address concerns regarding ground disturbing activities and the possibility of uncovering cultural artifacts.

Washington State Department of Fish and Wildlife

WDFW provided comments recommending additional riparian plants along the shoreline in addition to best management practices.

Staff Response

Staff has provided these recommendations to the applicants.

Washington State Department of Health (Office of Drinking Water)

The WSDOH Office of Drinking Water provided comment asking a clarifying question regarding what type of water system serves the property.

Staff Response

In response to this comment, the applicant provided a clarifying answer regarding what type of water system serves the property.

Washington State Department of Transportation

WSDOT provided comments regarding regulations and restrictions upon this property. WSDOT indicated that the property must be served solely by the existing access, and that no additional access points will be allowed. WSDOT also listed lighting regulations and stated that any posted signs on the property must comply with the State Scenic Vistas Act of 1971.

Staff Response

As the applicants have stated that they will comply with WSDOT requirements, staff hereby reaffirms said requirements and has conditioned this proposal as such.

Kittitas County Public Works

Kittitas County Public Works provided comments regarding grading/filling permit requirements. KCPW also provided floodplain development specifications. In addition to these circumstantial requirements, KCPW also stated that the applicant needs to revise their site plan to show the floodplain as a visible layer.

Staff Response

As the applicants have revised their site plan and KCPW has indicated that the new site plan is adequate.

Public Comments: No comments were received from the public during the established comment period.

This staff report includes condition recommendations to address the comments submitted.

VI. PROJECT ANALYSIS

In review of this proposal the Kittitas County Shorelines Master Program, the Goals and Policies 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 KCC 17B Shorelines:

In compliance with the Shorelines Management Act, Kittitas County has adopted Title 17B Shorelines. KCC 17B.07.060 requires that the applicant must demonstrate:

- a. That the proposal is consistent with the policies and procedures in RCW Chapter 90.58 and WAC Chapter 173-27;

Staff Response: The proposal is consistent with both RCW 90.58 and WAC 173-27. The project as conditioned meets the requirements of the local shoreline program which was developed in accordance with state shoreline regulations.

- b. That the proposal is consistent with the policies and procedures of the Master Program;

Staff Response: The Kittitas County Shoreline Master Program Chapter 3 outlines goals and objectives of the program. The proposed project meets the intent of the SMP pursuant to the goals and objectives (as described below), and the appropriate permit process procedures have been followed.

- c. That the proposal has been appropriately conditioned where necessary to assure consistency of the project with the Act and the local Master Program.

Staff Response: This project has been reviewed and conditioned to ensure that it meets the intent and standards of the Shoreline Management Act and Kittitas County Shoreline Master Program.

Consistency with the Kittitas County Shoreline Master Program:

The Kittitas County Shoreline Master Program was adopted as part of the Kittitas County Comprehensive Plan. Project proposals within shoreline jurisdiction are subject to consistency with the Shoreline Master Program. The Following Goals and Objectives of the Shoreline Master Program are applicable:

SMP Goals and Objectives

3.5(A)(1) Provide opportunities and space for diverse forms of water-oriented recreation.

Staff Response: The project proposal will provide additional space for a business whose primary function is to facilitate recreational activities within a river environment. The additional space will facilitate greater enjoyment of recreational opportunities in the Yakima River Canyon, as well as enhance existing tourism features of the established business.

3.5(B)(3) Recognize and protect the public interest by providing increased recreational opportunities within shorelines of statewide significance.

Staff Response: The project proposal will enhance and increase functionality of the already existing facility. The primary purpose of this facility is to operate in a manner that draws tourism revenue from those seeking to enjoy outdoor recreational activities along shorelines of statewide significance.

3.5(B)(5) Consider measures necessary to establish a high level of compatibility with other uses and activities and avoid negative impacts to the shoreline environment when locating, designing and operating recreational developments.

Staff Response: The project proposal will not have a negative impact upon the shoreline environment. It will service recreational tourism in Kittitas County. The proposed use will be compatible and complimentary to the Yakima River shoreline ecosystem.

Consistency with the Kittitas County Title 17.56, Forest and Range

The project proposal will be utilizing developed land within the Forest and Range zone. Under the allowed use table for the Forest and Range zone, KCC 17.15.060.1, Guest Ranches are allowed with a Conditional Use Permit. As such, the project is consistent with Title 17.56, Forest and Range, as it is dependent upon successful completion of the Conditional Use Permitting process. This decision has been conditioned to ensure the absence of negative impacts to the nearby shoreline ecosystem.

Consistency with KCC 15, Environmental Policy:

SEPA review was completed under a previous Conditional Use Permit on April 17, 2013. A copy of the threshold determination may be obtained from the County.

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. The site falls within the Shorelines of the State under the Rural Conservancy designation. All critical areas within the project area are within or contiguous to a shoreline jurisdiction and are therefore governed by Title 17B Shorelines. Based upon the critical area 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 provisions of KCC Title 20, Fire and Life Safety:

The project proposal was sent to the Kittitas County Fire Marshal for review and comment and no concerns were noted. As conditioned, the proposal is consistent with the provisions of KCC Title 20.

VII. FINDINGS OF FACT

1. The applicant proposes an addition to the Red's Fly Shop building within an increased footprint of 1400 square feet. Approximately 1338 square feet of storage will be added to the basement. It will be used to store similar materials as the adjacent existing storage. The existing exit will be relocated to the addition. The ceiling will be rated for a one-hour fire separation. Approximately 1335 square feet of retail space will be added to the first floor. It will be an extension of the existing fly shop.
2. The proposed site is located at 14706 S.R. 821, Parcel 952924, approximately 9.3 miles Southeast of Ellensburg, In Section 28, Township 16, Range 19, W.M.; Kittitas County assessor's map number 16-19-28050-0008.
3. Site Information:

Total Property Size:	3.25 Acres
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Access: The site is accessed by S.R. 821 via an existing access point.

5. The project area borders the Yakima River. The project area spans the Rural Conservancy zone which is regulated by the Kittitas County Shoreline Master Program and Title 17B of the Kittitas County Code. The project area lies within the jurisdiction of Kittitas County and requires a Shoreline Substantial Development permit. The staging area will be adjacent to the river within Kittitas County jurisdiction and within the Forest and Range zone.
6. A Shorelines Substantial Development permit application was submitted to Kittitas County Community Development Services (CDS) on May 29, 2024. The application was deemed complete on June 6, 2024.
7. A Notice of Application was mailed to all state and local agencies/departments with potential interest in the project as required by KCC 17B.07.070 and KCC 15A.03.060, as well as to adjacent landowners located within five hundred (500) feet of any portion of the boundary of the proposal's tax parcels on June 13, 2024. The comment period for this notice ended on July 1, 2024.
8. A SEPA review was completed under a previous Conditional Use Permit on April 17, 2013. A copy of the threshold determination may be obtained from Kittitas County.
9. The following agencies provided comments during the comment period: Confederated Tribes of the Colville Reservation, Washington State Dept. of Archaeology and Historic Preservation, Snoqualmie Tribe, Washington State Dept. of Fish and Wildlife, Washington State Dept. of Health (Office of Drinking Water), Washington State Dept. of Transportation, Kittitas County Public Works.
10. No Public Comments were received for this project.
11. The proposal is consistent with the provisions of KCC 17B, Shorelines as conditioned.
12. The proposal is consistent with the goals and policies of the Kittitas County Shoreline Master Program.
13. The proposal, as conditioned, is consistent with KCC 17.56, Forest and Range.
14. The proposal is consistent with the provisions of KCC 15, Environmental Policy.
15. The proposal is consistent with the provisions of KCC 17A, Critical Areas.
16. The proposal is consistent with KCC 20, Fire Life and Safety.

VIII. CONCLUSIONS

1. As conditioned, the proposal meets the goals, policies and implementation recommendations as set forth in the Kittitas County Shoreline Master Program.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. The proposal meets the criteria outlined in KCC 17B Shorelines.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, and Title 17A Critical Areas.

IX. DECISION & CONDITIONS OF APPROVAL

From these conclusions and findings, the proposed Shorelines Substantial Development Permit is **approved** with the following conditions:

1. Any activity that does not fully contain project materials outside of the associated floodplain area shall require a Floodplain Development Permit through Kittitas County Public Works.
2. The Applicant shall comply with all applicable State and Federal regulations.
3. The applicant shall bring the staging area back to pre-construction condition following completion of the project.
4. The applicant shall remain in compliance with the policies and procedures outlined in RCW Chapter 90.48, and WAC Chapter 173-11.
5. The applicant shall remain in compliance with the policies and procedures outlined in the Kittitas County Shoreline Master Program.
6. The applicant shall ensure the absence of negative impacts to the overall shoreline ecosystem.
7. The applicant shall remain in compliance with Critical Areas Ordinance and Kittitas County Code Title 17A.

This decision can be appealed to the Shorelines Hearings Board within 21 days of the date of filing with the Washington State Department of Ecology pursuant to RCW 90.58.180.

Responsible Staff



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Planner I

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Date: August 5, 2024