

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"

Lockwood Administrative Conditional Use

File Number ACU-20-00002

FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

I. GENERAL INFORMATION

Requested Action: Jeri Lynn Lockwood, landowner, is proposing a Farm Stand with Enhanced Agricultural Sales to be provided, to include a tasting room, and the sale of prepared food & beverages, crafts, and floral arrangements. The subject property is zoned Rural 5 within a Rural Residential land use designation. Farm Stands with Enhanced Agriculture Sales are permitted uses within the Rural 5 zone with an Administrative Conditional Use permit.

Location: 1 parcel #10692, in a portion of Section 20, TWP 20, R15, Kittitas County, bearing Assessor's map number 20-15-20014-0012.

II. SITE INFORMATION

| | |
|----------------------|------------------------------------|
| Total Property Size: | 1.03 acres |
| Number of Lots: | 1 (no new lots are being proposed) |
| Domestic Water: | City of Roslyn |
| Sewage Disposal: | City of Roslyn |
| Power/Electricity: | PSE |
| Fire Protection: | Fire District 7 |
| Irrigation District: | N/A |

Site Characteristics:

North: Primarily residential development

South: Primarily residential development

East: Primarily WSDOT State Route

West: Primarily residential development

Access: The site is accessed from State Route 903.

Zoning and Development Standards: The subject property has a Zoning designation of Rural 5 with a Land Use designation of Rural Residential. The purpose and intent of this zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in siting R-5 zones will be to minimize adverse effects on adjacent natural resource lands. The proposed project is classified as a "Farm Stand". Farm Stands are an allowed use within Rural 5 zoning, with an Administrative Conditional Use permit when consistent with footnote# 51 in KCC 17.15.060.1. This use is an Administrative Conditional Use and requires that the following be met:

KCC 17.60A.015 Review Criteria

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:

“The project is located within walking or biking distance to Suncadia, Downtown Roslyn and the Coal Miners trail. The area is a second home community and a tourist destination spot. This project would provide additional revenue for the county in the form of sales tax and B&O tax without creating an impact on existing services ie: police, fire protection, refuse disposal, water or sewers and schools. The project is already serviced by HWY. 903 and the current access connection is adequate with 100 average weekday vehicle trip ends to service the project.

The stretch of Highway from the Bullfrog Road roundabout to Downtown Roslyn is consistent with commercial use from landscaping, nursery, horse riding facility and restaurants. The two buildings on the property are rustic in nature and fit in with the rural landscape and coal miner theme. The architecture of the buildings is already of interest to locals and tourists alike. People often pull in to look at the buildings and this project would give them reason to stop in and purchase items as well as a destination for a walk with their dog and purchase something for themselves and their pet. The property has beautiful views of Peoh Point, old barns and often the elk herd in the near by pastures. This project would enhance the rural nature of the area by creating a service that can easily be walked or biked to from nearby housing. It would create additional services for campers on their way to Salmon La Sac or Lake Cle Elum..”

Staff Response:

Staff agrees with the applicant that the proposed use will not be detrimental or injurious to the public health, peace, safety, or to the character of the surrounding neighborhood. The surrounding neighborhood already caters to tourism, and this proposed use would give visitors an additional place to visit and another opportunity to contribute to the local economy.

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.

Applicant Response:

“i. It will be adequately serviced by existing facilities such as highway, roads, police and fire protection, irrigation and drainage structures, refuse disposal, water and sewers and schools

ii. The applicant shall provide such facilities; or

iii. The proposed use will be of sufficient economic benefit to offset additional public cost or economic detriment

The building for the proposed project already exists and has existing access off of Highway 903 with a current connection adequate to support the project. The property already has sufficient off street paved parking to handle the project. Waste management currently handles all refuse disposal and has the ability to manage any additional disposal that this project might create. The property is serviced by City of Roslyn water district and the applicant will provide any additional facilities. The city of Roslyn in connection with the City of Cle Elum and Kittitas County all work together to provide police and fire protection.

No additional construction is proposed and the property currently takes care of all drainage and storm run off.

The proposed use will be of economic benefit by providing additional sales tax and B & O taxes. The proposed project does not create any economic detriment.

Staff Response:

The Farm Stand proposal will be adequately serviced by existing facilities and public services without additional public investment. CDS has determined that the project will increase public convenience without negative economic impacts to the public.

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:

“The project is not requesting any waivers or variances and will comply with any additional code requirements in keeping with the permitted use..”

Staff Response:

The project, as conditioned, complies with Kittitas County Development standards.

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

Applicant Response:

“The project is using existing structures and any alterations would be internal and would be subject to building permits if required. Any exterior alterations to the property would strictly be in the form of landscaping and would have no impact.”

Staff Response:

The application, SEPA comment period, and staff review have identified no potential environmental impacts and appropriate conditions have been included in this staff report to offset other impacts.

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

Applicant Response:

“The project is located at 3740 SR 903 which has a variety of land uses from nursery, landscaping, drive thru latte stands, mini marts, horse parks, restaurants etc.”

Staff Response:

The proposed use is consistent with other recreation and tourist centered uses in the area. CDS finds the use, as conditioned, compatible with existing neighboring land uses and in turn consistent with this criteria.

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

Applicant Response:

“The project is a permitted use in Rural 5 and a Farm Stand would be in keeping with the rural nature of the area.”

Staff Response:

CDS staff has confirmed that a Farm Stand with Enhanced Agricultural sales is an Administrative Conditional use in the Rural 5 zone. This project is consistent with the “Farm Stand” definition which has been identified as a compatible use within the zone through KCC 17.15.060.1.

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
 - c. Requires only rural government services; and
 - d. Does not compromise the long term viability of designated resource lands.

Applicant Response:

Applicant did not provide a response.

Staff Response:

CDS staff finds that this project, as conditioned, is consistent with the Kittitas County Comprehensive Plan as described in section IV of this staff report, preserves rural character, requires rural government services and does not compromise long term viability of resource lands. The proposed use is consistent with the character and impact of surrounding neighborhood uses.

Conditional Uses:

This application is consistent with the requirements of KCC 17.60A.015 as demonstrated above.

KCC 17.15.060.1 Footnote #51

51. When enhanced agricultural sales are provided.

Staff Consistency Statement: The proposed project is consistent with this footnote as the farm stand will provide the sale of prepared food, beverages, crafts and floral arrangements.

III. ADMINISTRATIVE REVIEW

Notice of Application: An Administrative conditional use permit application was submitted to Kittitas County Community Development Services department on September 1, 2020. This application was deemed complete on September 15, 2020. A Notice of Application for the Lockwood Administrative Conditional Use Permit (ACU-20-00002) was mailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel & associated Agencies. Notice was given to and published in the official newspaper of record for Kittitas County, and notice was posted to the Kittitas County Website on September 24, 2020, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).

IV. COMPREHENSIVE PLAN

The Kittitas County Comprehensive Plan has established specific goals and policies associated with Rural Resource lands. The following goals and policies guide activities on Rural Resource lands throughout the County. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

RR-G29: Allow for and encourage commercial activities characteristic to recreational activity while maintaining rural character.

Staff Consistency Statement: The proposed project is an expansion to an existing Dog Boarding facility that utilizes a Conditional Use Permit. The proposal will provide tourists and locals an additional place to visit and contribute to the economy. The project site sits just outside of Roslyn City limits which largely caters to recreational visitors.

RP-15: 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 Consistency Statement: The proposed project is an agriculture related use that would also contribute to tourism but providing a place where people can purchase locally made and grown products.

RR-G14: Provide opportunity for development for recreational purposes which are consistent with rural character and protect public health and safety.

Staff Consistency Statement: The proposed project sits within walking/biking distance to Suncadia and downtown Roslyn. It would provide an additional place for tourists to recreate while visiting the area.

V. ENVIRONMENTAL REVIEW

A SEPA Checklist was submitted with the conditional use application and processed concurrently using the Optional DNS process under WAC 197-11-355. During the combined comment period, there were no environmental concerns raised by any agencies or the public. Following the concurrent comment period, CDS issued a Determination of Non-Significance on November 12, 2020. The appeal period for the SEPA DNS concluded on November 30, 2020. No appeals were filed.

In addition, CDS performed a critical area review of the properties. No critical areas were found.

VI. 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.

VII. PROJECT ANALYSIS

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

Consistency with the Comprehensive Plan:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section IV of this staff report, the following Comprehensive Plan Goals and Policies apply to this proposal: RR-G29, RP-15, RR-G14.

Provided the applicant follows and maintains the Goals and Policies, they shall be in compliance with the Kittitas County Comprehensive Plan. Therefore, the County and applicant are in compliance with the Comprehensive plan.

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

Staff conducted an administrative critical area review in accordance with KCC 17A. GIS information indicates no critical areas located on the subject parcel.

Consistency with the provisions of KCC 17.15.060.1 and Footnote #51

This proposal, as conditioned, is consistent with the Kittitas County Zoning Code 17.15.060.1 and Footnote #51.

Consistency with the provisions of KCC 17.30A, Rural 5 zoning:

This proposal is consistent with the Kittitas County Zoning Code 17.30A as conditioned.

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 is consistent with Kittitas County Zoning Code 17.60A as described above.

Consistency with the provisions of the KCC Title 14.04, Building Code:

As conditioned, the proposal is consistent with the provisions of KCC Title 14

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

The proposal is consistent with the provisions of KCC Title 12.

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

As conditioned, the proposal must be consistent with the provisions of KCC Title 20.

Agency Comments:

The following agencies provided comments during the comment period: Kittitas County Fire Marshal, Kittitas County Public Health, Kittitas County Public Works, Kittitas County Environmental Health, Kittitas County CDS Building, Washington State Department of Transportation, Department of Health-Office of Drinking Water, Department of Health Wastewater Management. All comments are on file and available for public review.

Public Comments:

There were no public comments submitted during the comment period.

Staff Conclusions:

1. As conditioned, the development 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. Public use and interest will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, Title 17A Critical Areas, Title 17.15.060.1 Allowed Uses, Title 14.04 Building Code, Title 12 Roads and Bridges, and Title 20 Fire and Life Safety.

Conditions of Approval:

1. Building

- A. The applicant shall conform to Kittitas County Code Title 14 and the International Building and Fire Codes adopted at the time of building permit submittal. This includes fire sprinklers if applicable.
- B. All buildings shall be made Accessible per the latest adopted edition of the ICC/ANSI A117.
- C. Restrooms for public use shall be made available.
- D. Hard surfaced Accessible parking shall be provided.

2. State and Federal

- A. Applicant must meet all state and federal regulations.

3. Fire & Life Safety

- A. All development, design and construction shall comply with the International Fire Code requirements.
- B. The applicant shall obtain an “A” Occupancy type.
- C. A Knox key box will need to be installed on the structure.

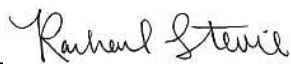
4. Public Health

- A. Applicant shall submit plans to Kittitas County Public Health (KCPH) regarding any food they will be serving.
- B. Applicant shall provide plans to KCPH for the commercial kitchen and a proposed menu.

- C. Applicant shall work with Department of Health- Office of Drinking Water to determine if a public water system is necessary.
 - D. Applicant shall work with Department of Health- Wastewater Management Section to determine if their existing on-site sewage system is sufficient.
5. Road and Transportation
- A. A transportation impact analysis (TIA) shall be required for all development that will generate more than nine (9) peak hour vehicle trips unless the requirement for a study has been waived by the Public Works director.
 - B. A grading permit is required for any dirt work exceeding 100 cubic yards of excavation and/or fill. If over 500 cubic yards engineered plans will be required.
 - C. Engineered Stormwater plans are required in compliance with the Eastern Washington Storm Water Manual. Stormwater and surface runoff generated by this project must be retained and treated on site. Any discharge onto WSDOT right-of-way will require an approved Utility Permit.
 - D. The parcel currently has a minor access connection to SR 903, not to exceed 100 average weekday vehicle trip ends. No additional access locations will be allowed.
 - E. Any outdoor advertising or motorist signing considered for this project will need to comply with state criteria.
 - F. Any proposed lighting should be directed down towards the site and away from SR 903.
 - G. Any snow accumulated on the property shall not be moved onto WSDOT right-of-way. The applicant shall designate a snow storage area on the property and retain all snow storage on-site.

From these conclusions and findings, the proposed Administrative Conditional use is approved with the above conditions. 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 \$1,540 to the Kittitas County Community Development Services at 411 N Ruby St. Suite 2; Ellensburg, WA 98926. The appeal deadline for this project is January 22, 2021 at 5:00p.m.

Responsible Official



Rachael Stevie

Title:

Staff Planner

Address: Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7637

Date: January 7, 2021