



# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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“Building Partnerships – Building Communities”

## ACX Administrative Conditional Use

### File Number ACU-23-00004

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

#### I. GENERAL INFORMATION

Requested Action: Al Dahra ACX Global Inc. is proposing to construct a 100’x120’ shop and a 100’x80’ office building on the existing ACX site. Commercial Activities Associated with Agriculture may be authorized in Agriculture 20 and Commercial Agriculture zoning designations with an administrative conditional use permit. The subject property is zoned Agriculture 20. The ACX site also contains property zoned as Commercial Agriculture.

Location: One (1) parcel #524934, Section 33, T18 R19, WM in Kittitas County, bearing Assessor’s map number 18-19-33040-0011.

#### II. SITE INFORMATION

Total Property Size:	11.07 acres
Number of Lots:	1 (no new lots are being proposed)
Domestic Water:	Well
Sewage Disposal:	On-site Septic
Power/Electricity:	Kittitas County PUD
Fire Protection:	Kittitas Valley Fire & Rescue
Irrigation District:	Cascade Irrigation District

#### Site Characteristics:

North: Private land used primarily for commercial agriculture and/or residential purposes

South: Private land used primarily for commercial agriculture and/or residential purposes

East: Private land used primarily for commercial agriculture and/or residential purposes

West: Private land used primarily for commercial agriculture and/or residential purposes

Access: The site is accessed from Vantage Highway.

Zoning and Development Standards: The subject property has a Zoning designation of Agriculture 20 with a Land Use designation of Rural Working. The intent of this zoning classification is to preserve fertile farmland from encroachment by nonagricultural land uses; and protect the rights and traditions of those engaged in agriculture. Commercial Activities Associated with Agriculture may be permitted with an Administrative Conditional Use permit per KCC 17.15.060. This Administrative Conditional Use 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:

“This WA shop and office will reconstitute a pillar of the local economy, re-invigorating local businesses with our once again fully-functional business. We are furthermore going above and beyond what relevant government entities require for our build so as to prevent any potential detriment to public health, peace, safety or to the character of the surrounding neighborhood.”

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 existing sited facilities serve similar purposes, and no additional impact is expected from the proposed office building and shop.

- 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:

- a. “True”*
- b. “True”*
- c. “True”*

Staff Response:

The proposed office and shop will be adequately serviced by existing facilities and public services. CDS has determined that the project will not create negative economic impacts to the Kittitas County 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:

*“True”*

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:

*“True”*

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 and the MDNS to offset other potential impacts.

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

Applicant Response:

*“True”*

Staff Response:

The proposed use is consistent with other agriculture focused uses in the area. CDS finds the use, as conditioned, compatible with existing neighboring land uses and in turn consistent with this criterion.

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

Applicant Response:

*“True”*

Staff Response:

CDS staff has confirmed that, per KCC 17.15.060.01, “Commercial activities associated with agriculture” may be permitted with an Administrative Conditional Use application in the Agriculture 20 zone. This project is consistent with the “Commercial activities associated with agriculture” definition which has been identified as a compatible use within the Agriculture 20 zone per 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:

- a. “True”
- b. “True”
- c. “True”
- d. “True”

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 only rural government services, and does not compromise long term viability of rural working 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.**

### III. ADMINISTRATIVE REVIEW

Notice of Application: An Administrative Conditional Use permit application was submitted to Kittitas County Community Development Services department on September 8, 2023. This application was deemed complete on September 14, 2023. A Notice of Application for the ACX Administrative Conditional Use Permit (ACU-23-00004) was mailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel & associated Agencies on September 19, 2023. 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 19, 2023, 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 Working lands. The following goals and policies guide activities on Rural Working 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-G22: Provide preservation of agriculture activities where producers can live and work on their own lands separate from Resource Lands.

*Staff Consistency Statement: The proposed project provides continued support for agricultural activities within Kittitas County.*

RR-G23: Support the continuation, whenever possible, of agriculture, timber and mineral uses on lands not designated for long-term commercial significance.

*Staff Consistency Statement: The proposed project is for support facilities for existing agricultural associated land use. The proposed facilities and the primary functions assist in the continuation of agriculture and resource lands and the activities associated with these lands.*

RR-P45: Commercial/Industrial development in Rural Working lands shall be compatible to the rural environment and must be developed as determined necessary to not significantly impact surface and groundwater.

*Staff Consistency Statement: The proposed commercial facilities support the existing agricultural activities on the site and will not significantly impact surface and groundwater.*

## 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, concerns related to stormwater discharge and cultural resources were raised. Following the concurrent comment period, CDS issued a Mitigated Determination of Non-Significance on October 18, 2023. The appeal period for the SEPA MDNS will conclude on November 1, 2023.

In addition, CDS performed a critical area review of the properties. A Type 9 (U) stream was identified on the subject parcel; however, this project site is not located near any of the associated critical area buffer zones and therefore no impact on the critical areas is anticipated.

## 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. The following parties provided comments during the comment period.

### **Kittitas PUD**

Kittitas PUD stated the proposed project would require the relocation of underground primary power facilities.

*Applicant Response: “Ken Edwards and/ or appropriate representatives will be contacted no later than October 13<sup>th</sup> so as to begin the conversation regarding the relocation of existing underground primary power facilities, to include costs and requirements.”*

*Staff Response: The project has been conditioned to meet local, state, and federal regulations.*

### **Confederated Tribes of the Colville Reservation**

The Confederated Tribes of the Colville Reservation stated there are known cultural resources of historic significance nearby and requested a cultural resource survey be performed prior to implementation and an inadvertent discovery plan and cultural resource monitor to be in place during project implementation.

*Applicant Response: “Connor Armi and/ or appropriate representatives will be contacted no later than October 13<sup>th</sup> in order to discuss the cultural resource survey, the cultural resource monitor and the inadvertent discovery plan.”*

*Staff Response: The project has been conditioned to have an inadvertent discovery plan in place prior to ground disturbing activities.*

**Snoqualmie Tribe**

The Snoqualmie Tribe stated they have no substantive comment at this time but reserve the right to modify this position if the scope of the project were to change.

*Applicant Response:* “no action needed, thank you to Snoqualmie Tribe and Mr. Adam Osbekoff.”

*Staff Response:* The project has been conditioned to have an inadvertent discovery plan in place prior to ground disturbing activities.

**Washington State Department of Transportation - Aviation**

Washington State Department of Transportation – Aviation stated they have no comments.

*Applicant Response:* “no action needed, thank you to WSDoT and Mr. David Ison, PhD.”

*Staff Response:* As there are no substantive comments, staff has no response.

**Kittitas County Public Health**

Kittitas County Public Health gave comment regarding septic and well requirements and recommendations.

*Applicant Response:* “Public Health will be notified in the case of any additions or alterations. Recommendations are noted, thanks you to Mr. Dan Suggs, B.S.”

*Staff Response:* The project has been conditioned to meet all local, state, and federal codes.

**Washington State Department of Ecology**

The Washington State Department of Ecology gave comment regarding potential stormwater discharge and water resources.

*Applicant Response:* “NPDES Construction Stormwater General Permit will be obtained in the scenario that our project incurs the potential for stormwater discharge off-site. Authorization from Dept. of Ecology will similarly be obtained in the instance we withdraw or divert more water than current permitted use under RCW 90.44.050. Thank you to the Department and Joy Espinoza.”

*Staff Response:* The applicant has been conditioned to meet Department of Ecology stormwater and water resource requirements.

**Kittitas County Public Works**

Kittitas County Public Works provided comment outlining access and grading permit standards and requirements.

*Applicant Response:* “Public Works will be contacted no later than October 13<sup>th</sup> in order to begin the conversation regarding their comments located under “Access,” “Engineering,” and “Transportation Concurrence” in order to satisfy all requirements pertaining to ACU-23-00004 ACX.”

*Staff Response:* The application has been conditioned to meet grading and access requirements.

**Kittitas Valley Fire & Rescue**

Kittitas Valley Fire & Rescue provided comment stating they have no issues with the project and that it will have significant requirements to mee the IFC.

*Applicant Response:* “Joe Delvo and/ or appropriate representatives will be contacted no later than October 13<sup>th</sup> to ensure 2018 IFC requirements will be met.”

*Staff Response: The project has been conditioned to meet building International Fire Code Requirements.*

## 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 the 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-G22, RR-G23, RR-P45.**

**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 a Type 9 (U) stream located on the eastern boundary of the subject parcel. The project as proposed does not impact the Type 9 (U) stream or associated buffers.**

Consistency with the provisions of KCC 17.15.060.1

**This proposal, as conditioned, is consistent with the Kittitas County Zoning Code 17.15.060.1.**

Consistency with the provisions of KCC 17.29, A-20 Agriculture Zone:

**This proposal, as conditioned, is consistent with the Kittitas County Zoning Code 17.29.**

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:

**This proposal, as conditioned, 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 PUD, Confederated Tribes of the Colville Reservation, Snoqualmie Tribe, Washington Department of Transportation – Aviation, Kittitas County Public Health, Washington Department of Ecology, Kittitas County Public Works, Kittitas Valley Fire & Rescue. 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.

**2. State and Federal**

- A. The applicant must meet all local, state, and federal regulations.

**3. Fire & Life Safety**

- A. All development, design and construction shall comply with the International Fire Code requirements.

**4. Road and Transportation**

- A. 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 shall be required.
- B. If a change in access or addressing occurs, an access/address permit shall be required from Public Works.

**5. Archaeology and Historic Preservation**

- A. Should ground disturbing or other activities related to the proposed project 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 Department of Archaeology & Historic Preservation (DAHP) and the Confederated Tribes of the Colville Reservation. Work shall remain suspended until the findings are 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.



**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 \$1,670 to the Kittitas County Community Development Services at 411 N Ruby St. Suite 2; Ellensburg, WA 98926. The appeal deadline for this project is November 1, 2023, at 5:00p.m.**

**Responsible Official**



Chace Pedersen

**Title:** Staff Planner

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**Date:** October 18, 2023