



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter having come before the Kittitas County Board of Adjustment upon the above referenced Conditional Use Application of Jack Price, the Board of Adjustment makes the following Findings of Facts, Conclusions at Law and Decision related to the above referenced matter:

1. The Board of Adjustment finds that Mr. Jack C. Price, landowner, submitted a complete application for a for a Conditional Use Application to operate a “Guest Ranch” known as Happy Trails Horse Adventure in the AG-3 zone. The guest ranch provides year-around horse related recreation services including trail rides, wagon rides, and sleigh rides in the winter months
2. The site is located at in the vicinity of 551 Pioneer Trails Road, southeast of the town of Easton off of Nelson Siding Road and Pioneer Trails Road, Cle Elum, WA 98922, in a portion of Section 20, T20N R14E., WM in Kittitas County, Washington. Map number 20-14-20010-0002.
3. The Board of Adjustment finds that the Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on February 28, 2008 with a comment period ending on March 14, 2008 at 5:00 p.m. The Board of Adjustment finds further that said notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners, and other interested parties.
4. The Board of Adjustment finds that in accordance with KCC 15A.03.110, this project was accurately posted with the “Land Use Action” sign as provided by Community Development Services. The Affidavit of Posting was signed by the applicant and returned to the planner and is included as part of the record.
5. The Board of Adjustment finds that written comments were solicited and the final date to submit written comments was on March 14, 2008 by 5:00pm. Written comments were received and included in the record for consideration.
6. The Board of Adjustment finds that The Community Development Services Department on March 20, 2008 issued a SEPA Mitigated Determination of Non-significance (MDNS). The Board finds that the notice of said determination was provided to all required parties of record pursuant to 43.21C RCW and that said notice that said notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners, and other interested parties. The following are the mitigations contained within the SEPA MDNS and shall be incorporated as conditions of approval:

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

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

I. Transportation

Pioneer Trail Road: Pioneer Trail Road shall be certified that it meets or exceeds the minimum Kittitas County Road Standards for a Low-Density Rd. (Per current Kittitas County Road Standards, Table 12-1)

1. Access Easements shall be a minimum of 60'. The roadway width shall be 20', with 1' shoulders = 22' total width.
2. All easements shall provide for AASHTO radius at the intersection with a County Road.
3. Minimum centerline radius will be 60'.
4. Surface requirement 6" gravel surface.
5. Maximum Grade 8% flat, 12% rolling or mountainous.
6. Stopping Site Distance, reference AASHTO.
7. Entering Site Distance, reference AASHTO.
8. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
9. Any further development of the subject property may result in further access requirements. See Kittitas County Road Standards.
10. All roads located within this development and/or providing access to this development shall be constructed to current county road standards. Any other maintenance agreements, forest service road easements or state easements may require higher road standards. The higher of the road standards shall apply.
11. The entire road shall be certified by a licensed Engineer that it meets or exceeds current Kittitas County Road Standards prior to the issuance of a Conditional Use Permit for the subject property.

Cul-de-sac / Turn-Around Area: A cul-de-sac or designated turn around area shall be required. A cul-de-sac turn-around having an outside right-of-way easement diameter of at least 110 feet shall be constructed at the closed end of all dead-end roads serving 3 or more lots. The driving surface shall be at least 96 feet in diameter. Cul-de-sacs must also conform to the requirements specified by the 2006 International Fire Code. Contact the Fire Marshal regarding any additional cul-de-sac requirements.

Road Maintenance Agreement: A Road Maintenance Agreement shall be required prior to the issuance of a Conditional Use Permit for the subject property. Approval from the other property owners that use Pioneer Trail Road (Such as the Home Owners Association or similar entity) may be required. The applicant may be required to increase their proportional share in the cost of maintenance of Pioneer Trail Road depending on the impact of the business operations. Kittitas County will not dictate the terms of such agreement but shall require that an amicable Road

Maintenance Agreement is entered into with the other property owners served by Pioneer Trail Road.

Future Expansion / Potential Impacts: Additional conditions may be applied as increased volumes of vehicle traffic occur or if business operations result in additional impacts. If the facility generates high density levels of traffic (More than 150 vehicles per day), Public Works may require the applicant to provide additional improvements which may include hard surfacing and widening of Pioneer Trail Road and depending on the traffic volumes could include left or right turn lanes on Nelson Siding Road. The applicant is encouraged to contact our department to discuss any additional plans for expansion or revisions to this original application.

Access Permit: An approved access permit will be required from the Department of Public Works prior to creating any new driveway accesses or performing any work within the county road right of way.

Parking: The applicant shall be responsible for providing adequate on site parking. No parking shall be allowed within the County Road Right of Way.

Fire access road: The fire department access road needs to be capable of supporting 75,000 lbs in all weather conditions and shall be 20-foot wide, provide 13.5 feet of vertical clearance and provide for adequate turn-around for fire department apparatus in accordance with IFC 2006 – Appendix D if applicable.

II. Water

1. Activities such as road widening, stump pulling and clearing, grading and fill work and utility placements may require an NPDES Construction Stormwater Permit issued by the Department of Ecology prior to start of construction. This permit requires the preparation of a Stormwater Pollution Prevention Plan.
2. Storm water and surface runoff generated by this project must be retained and treated on site in accordance with regulating agencies' standards.
3. Any ground water withdrawals in excess of 5,000 gallons per day or for the irrigation of more than ½ acre of lawn or noncommercial garden will require a permit from the Department of Ecology.
4. Chapter 173-150 WAC provides for the protection of existing rights against impairment, i.e. interruption or interference in the availability of water. If water supply in your area becomes limited your use could be curtailed by those with senior water rights.

III. Environmental Health

1. Public Water - Any water provided to the public for consumption must originate from an approved drinking water source. If the applicant wishes to serve greater than 25 people for more than 60 days per year the water system would need to be approved as a **Group A – Transient Non-Community system** and must be licensed and approved by the Washington State Department of Health. The individual contact at Washington State Department of Health is Tom Justus at (509) 456-2453.
2. Food Safety - If applicant is preparing food or offering concessions on site they must apply and receive a food service permit which includes an inspectors review and pre-opening inspection. If the applicant does not intend to serve food the only requirement is to meet public drinking water regulations.
3. On Site Septic - The number of patrons at the residence at one time determines the necessary amount of portable toilets needed. At a minimum there should be two portable toilets provided with regular servicing.
4. Solid Waste - The applicant must maintain regular garbage collection service and proper storage of solid waste. Solid waste must be stored off of the ground, and covered to prevent exposure to the elements and animals; and to prevent the harboring of insects, and vectors.

IV. Fire Protection

1. Fuel reduction of tall grass and brush, and all trees shall be limbed up to ten-feet and that tent structures shall have adequate distance between them to reduce the spread of fire. The fire districts concern is a dense row of trees on the neighboring fence line that is in the prevailing wind direction. The fire district recommends that all outdoor burning (including campfires) be restricted, unless mitigated.
7. The Board of Adjustment finds that an open record hearing was held on April 9, 2008 and that testimony was taken from those persons present who wished to be heard. The Board of Adjustment also finds that due notice of this public hearing has been given as required by law, and the necessary inquiry has been made into the public interest to be served by this proposed project.
8. The Comprehensive Plan's Land Use Element designates the subject parcel as Rural.
9. The Board of Adjustment finds the proposed guest ranch is located within the AG-3 Zone. Pursuant to KCC 17.28.010, the purpose and intent of the AG-3 zone is to provide for an area where various agricultural activities and low density residential developments co-exist compatibly. A-3 zones are predominately agricultural-oriented lands and it is not the intent of this section to impose further restrictions on continued agricultural activities therein

10. Guest ranches may be permitted with a Conditional Use Permit in the AG-3 zone (specifically KCC 17.28.130(24), guest ranches) subject to the conditions set forth in KCC 17.60 (Conditional Uses).
11. The Board of Adjustment finds that an administrative site analysis was completed by the staff planner in compliance with Kittitas County Code Title 17A, Critical Areas. There are no regulated critical areas within the subject property.
12. The subject property is zoned AG-3. The properties north, east and west are zoned Residential, and properties to the south are zone Agriculture-3.
13. The Board of Adjustment finds that 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.
14. The Board of Adjustment finds that 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 (1) it will be adequately serviced by existing facilities or (2) that the applicant shall provide such facilities and (3) has demonstrated that the proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.
15. The Board of Adjustment finds that the proposed development **has** met the requirements of KCC. 17.60.010 (as listed in items 12 and 13 of the conditions).
16. Additional conditions **are** necessary to protect the public's interest.

The Board of Adjustment motioned to approve the Price Conditional Use Permit (CUP-08-01) by a vote of 4 to 0.

Stan Bossart, Chairman, Board of Adjustment

Date