



## KITTITAS 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 Hutchinson LLC, 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 Lenny Morrison authorized agent for Hutchinson LLC, landowner, submitted a complete application for a for a Conditional Use Application to excavate a 14.44-acre site to a depth of approximately 70-foot deep yielding sand and gravel suitable for construction in the AG-20 zone. Excavated material will be hauled to the adjoining Ellensburg Cement Products Ivan Hutchinson Pit for further processing.
2. The site currently adjoins the Ellensburg Cement Products (ECP) Ivan Hutchinson Pit in the vicinity of 1071 Highway 97, Ellensburg, WA 98926, located in Section 28, T 18N R 18E WM in Kittitas County. Map number 18-18-28000-0018 & 0044.
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 Kittitas County Code 15A.03.110, this project was accurately posed with the "Land Use Action" sign as provided by Community Development Services. The Affidavit of Posting was signed by the authorized agent 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 Determination of Non-significance (DNS). 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.

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DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

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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 proposed sand and gravel extraction site is located within the AG-20 Zone. Pursuant to KCC 17.29.010, the agricultural (A-20) zone is an area wherein farming, ranching and rural life styles are dominant characteristics. 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.
10. "Commercial sand and gravel extraction" may be permitted with a Conditional Use Permit in the AG-20 zone (specifically KCC 17.29.130(15), sand and gravel extraction) subject to the conditions set forth in KCC 17.60 (Conditional Uses).
11. An administrative site analysis was completed by the staff planner in compliance with Kittitas County Code Title 17A, Critical Areas. No critical areas were identified on this site.
12. The subject property is zoned AG-20. The properties north are zoned Rural-3, and zoned General Industrial to the south, east and west.
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 not** necessary to protect the public's interest.

**The Board of Adjustment motioned to approve the Hutchinson Conditional Use Permit (CUP-08-02) by a vote of 5 to 0.**