



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

STAFF REPORT

TO: Kittitas County Board of Adjustment

FROM: Dan Valoff, Staff Planner

DATE: July 8, 2009

SUBJECT: Stampede Sand & Gravel CUP-09-00002
Placement of a temporary asphalt plant on approximately 75.5 acres in the Commercial Forest zone.

I. BACKGROUND INFORMATION

Proposal:

Conditional Use Application from Anthony Vasquez, authorized agent for Schomac Group Inc., landowners, to place a temporary asphalt plant at the Crystal Springs Pit in the Commercial Forest zone. The application also indicates that a concrete batch plant will also be placed on the site. Currently the zoning code does not address concrete batch plants, only temporary asphalt plants. Historically, the Planning Department has consistently treated concrete batch plants in the same manner as temporary asphalt plants.

Location:

The project is located at 1130 Forest Service Road 5400, Easton, WA, located in a portion of Section 15, T21N R12E WM in Kittitas County. Map number 21-12-15000-0004.

II. POLICY AND REGULATORY REQUIREMENTS

- A. The Comprehensive Plan Land Use designates this parcel as Commercial Forest.
- B. The purpose and intent of the Commercial Forest zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged consistent with the commercial forest classification policies of the comprehensive plan. The commercial forest classification applies to lands which have long-term commercial significance for the commercial production of timber, and which have been designated as commercial forest in the comprehensive plan. Nothing in this chapter shall be construed in a manner inconsistent with the Washington State Forest Practices Act. Nothing in this chapter shall be construed in a manner to prohibit uses permitted prior to the effective date of this chapter.
- C. KCC 17.57.030(8): asphalt plants (temporary) is a listed conditional use in the Commercial Forest zone subject to the conditions set forth in Chapter KCC 17.60 Conditional Uses.
- D. An administrative critical area site analysis was completed by staff in compliance with Title 17A: Critical Areas. There were areas within the 100-year floodplain and several wetlands on site.

III. ADMINISTRATIVE REVIEW

Notice of application:

The submitted application was deemed complete by Community Development Services on April 23, 2009. The application was deemed complete on May 11, 2009. A Notice of Application was issued on May 20, 2009. This notice was mailed to government agencies, adjacent property owners, and the applicant.

Posting of Site:

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.

Written Testimony:

Written comments were solicited as part of the Notice of Application the final date to submit comments was June 10, 2009 by 5:00pm. Written comments were received and are included in your packets for review.

State Environmental Policy Act:

Based on the comment period and other information submitted with this project permit application, a SEPA Determination of Nonsignificance (DNS) was issued by Community Development Services on June 18, 2009.

Recommended Conditions:

Community Development Services recommends approval of the Conditional Use Permit with the following suggested conditions. The Board of Adjustment may impose further conditions as needed:

1. Obtain a Concrete Batch Plan General Order of Approval from the Department of Ecology.
2. The applicant shall prepare a site specific Fugitive Dust Control Plan before starting this project, and then follow the plan for construction of the project and duration of activity on property.
3. Keep current the Sand & Gravel General Permit from the Department of Ecology.

IV. SUGGESTED FINDINGS OF FACT

This matter having come before the Kittitas County Board of Adjustment upon the above referenced Conditional Use Application from Anthony Vasquez, authorized agent for Schomac Group Inc., landowners, 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 Anthony Vasquez, authorized agent for Schomac Group Inc., landowners, submitted a complete Conditional Use Permit Application to place a temporary asphalt plant at the Crystal Springs Pit in the Commercial Forest zone. The application also indicates that a concrete batch plant will also be placed on the site.
2. The site is located at 1130 Forest Service Road 5400, Easton, WA 98133, located in a portion of Section 15, T21N R12E WM in Kittitas County. Map number 21-12-15000-0004.
3. The Board of Adjustment finds that the Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on May 26, 2009 with a comment period ending on June 10, 2009 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. Written comments were received and included in the record for consideration.
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 The Community Development Services Department on June 18, 2009 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.
6. The Board of Adjustment finds that an open record hearing was held on July 8, 2009 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.

7. The Comprehensive Plan's Land Use Element designates the subject parcel as Commercial Forest.
8. The purpose and intent of the Commercial Forest zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged consistent with the commercial forest classification policies of the comprehensive plan. The commercial forest classification applies to lands which have long-term commercial significance for the commercial production of timber, and which have been designated as commercial forest in the comprehensive plan. Nothing in this chapter shall be construed in a manner inconsistent with the Washington State Forest Practices Act. Nothing in this chapter shall be construed in a manner to prohibit uses permitted prior to the effective date of this chapter.
9. "Asphalt (temporary)". may be permitted with a Conditional Use Permit in the Commercial Forest zone (specifically KCC 17.57.030(8), asphalt (temporary)) are subject to the conditions set forth in KCC 17.60 (Conditional Uses).
10. An administrative site analysis was completed by the staff planner in compliance with Kittitas County Code Title 17A, Critical Areas. Portion of the 100-year floodplain and several wetlands were identified on this site.
11. The subject property is zoned Commercial Forest. The surrounding properties north, south, east & west are zoned Commercial Forest.
12. 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.
13. 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.
14. The Board of Adjustment finds that the proposed development **has/has not** met the requirements of KCC. 17.60.010 (as listed in items 12 and 13 of the conditions).
15. The Board of Adjustment finds that the following conditions are required for approval of the Conditional Use permit:
 1. Obtain a Concrete Batch Plan General Order of Approval from the Department of Ecology.
 2. The applicant shall prepare a site specific Fugitive Dust Control Plan before starting this project, and then follow the plan for construction of the project and duration of activity on property.
 3. Keep current the Sand & Gravel General Permit from the Department of Ecology.
16. Additional conditions **are/are not** necessary to protect the public's interest.