



## KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

### STAFF REPORT

#### Cascade Field & Stream Conditional Use Permit

TO: Kittitas County Hearing Examiner  
FROM: Kittitas County Community Development Services Staff  
RE: Cascade Field and Stream Conditional Use Permit (CU-11-00003)  
DATE: UPDATED July 11, 2013 (Hearing Date)

#### I. GENERAL INFORMATION

Requested Action: Chris Cruse, authorized agent for Cascade Field and Stream, property owner, submitted a conditional use permit application for the placement of a shooting range in the Agriculture-20 zone.

Location: The project is located on Hayward Road, approximately 1.33 miles south from its junction with Bettas Road, Cle Elum, WA, located in a portion of the East ½ of Section 21, T19N, R17E, W.M. in Kittitas County. Map number: 19-17-21000-0001.

#### II. SITE INFORMATION

Total Property Size: 182.38 acres  
Number of Lots: 1; no new lots are being proposed  
Domestic Water: None planned at this time  
Sewage Disposal: None planned at this time  
Power/Electricity: Kittitas PUD  
Fire Protection: Fire District 1  
Irrigation District: A portion of the property lies within the Kittitas Reclamation District Boundary

Site Characteristics:

North: Vacant, Public lands, Windfarm

South: Vacant, Windfarm, Residential

East: Vacant, Public lands, Windfarm

West: Vacant, KRD Canal, Residential

Access: The site is accessed from Hayward Road, which is a primitive road and receives minimal maintenance. Access to Hayward Road shall be from Bettas Road, not SR 10.

Zoning and Development Standards: The subject property is located within the Agriculture-20 zoning district. The purpose and intent of the Agriculture-20 zone is to provide areas where farming, ranching, and rural life styles are dominant characteristics. The Agriculture-20 zone allows for a vast array of permitted and conditional uses, this project is being proposed under KCC 17.29.030(26) Shooting Ranges.

Conditional Uses: This application is consistent with KCC 17.60A. Since this application was filed, the Board of Adjustment has been dissolved. Conditional use permits are now required to have a public hearing before the Hearing Examiner for a recommendation and then a closed record hearing before the Board of County Commissioners, where the BOCC will make the final decision on the conditional use permit.

#### III. ADMINISTRATIVE REVIEW

Notice of Application: A complete conditional use permit application was submitted to Community Development Services on October 17, 2011. The Notice of Application for the conditional use permit was issued on December 16, 2011. This 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 last day to submit written comments was on January 3, 2012.

#### **IV. COMPREHENSIVE PLAN**

The Kittitas County Comprehensive Plan designates the subject property as Rural. Kittitas County has established the following goals and policies to guide recreational outdoor activities. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

Section 8.5 of the Comprehensive Plan states that numerous goals, policies and objectives have been established to "... provide for a variety of densities and uses, respect private property rights, provide for residences, recreation, and economic development opportunities, ...and open space while keeping with good governance and the wishes of the people of Kittitas County and to comply with the GMA and other planning mandates."

GPO 8.5 Kittitas County recognizes and agrees with the need for continued diversity in densities and uses on Rural Lands.

GPO 8.9 Projects or developments which result in the significant conservation of rural lands or rural character will be encouraged.

GPO 8.11 Existing and traditional uses should be protected and supported while allowing as much as possible for diversity, progress, experimentation, development and choice in keeping with the retention of Rural Lands.

#### **V. ENVIRONMENTAL REVIEW**

Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on February 8, 2013. The appeal period ended on February 22, 2013 at 5:00 p.m. An appeal was filed on February 22, 2013.

#### **VI. AGENCY AND PUBLIC COMMENTS**

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments have been included as Exhibits in the Hearing Examiner packet.

#### **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.

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

Staff has conducted an administrative critical area review in accordance with KCC 17A and found critical areas which include hazardous slopes between 25-50% in the southern area of the property and a wetland type PUSCH in the northern area of the property.

Consistency with the provision of KCC 17.29, Agriculture-20 zoning:

This proposal is consistent with the Kittitas County Zoning Code 17.29. Specifically this proposal is compatible with KCC 17.29.030(26) shooting ranges as it is a conditional use for this zone.

Consistency with the provisions of KCC 17.60A, Conditional Uses:

This proposal is consistent with the Kittitas County Zoning Code for Conditional Uses. The proposed conditional use will be adequately served by rural levels of service. As conditioned, staff finds the proposal is 1) desirable to public convenience, 2) will not be detrimental to public health, safety or welfare, 3) is not economically detrimental to the public, and 4) is adequately serviced by public facilities.

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

All roads are required to meet all Kittitas County Road Standards as outlined in the December 27, 2011 memorandum issued by the Department of Public Works. As conditioned, the proposal is consistent with the provisions of KCC Title 12.

Agency Comments:

The following agencies provided comments during the comment period: Washington State Department of Fish and Wildlife, Kittitas County Sheriff's Office, Cle Elum-Roslyn-South Cle Elum Police Department, Ellensburg Police Department, Kittitas County Public Works, Kittitas Reclamation District, and Kittitas County Fire District #1. These comments have been included as conditions of approval to address these agency concerns.

Public Comments:

Numerous public comments were submitted for this proposal at the time of staff review and were considered. They are attached to this staff report as part of the Cascade Field & Stream Index File.

## **VIII. RECOMMENDATION**

As conditioned below, staff finds that the application is not detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 12, Title 17.29, Title 17.60A, & Title 17A of the Kittitas County Code and the Kittitas County Comprehensive Plan. Staff recommends approval of the Cascade Field & Stream Conditional Use Permit application, subject to the following findings of fact and conditions:

### **Staff Findings of Fact**

1. Chris Cruse, authorized agent for Cascade Field and Stream, property owner, submitted a conditional use permit application for the placement of a shooting range in the Agriculture-20 zone.
2. The project is located on Hayward Road, approximately 1.33 miles south from its junction with Bettas Road, Cle Elum, WA, located in a portion of the East ½ of Section 21, T19N, R17E, W.M. in Kittitas County. Map number: 19-17-21000-0001.

3. Site Information:

Total Property Size:	182.38 acres
Number of Lots:	1; no new lots are being proposed
Domestic Water:	None planned at this time
Sewage Disposal:	None planned at this time
Power/Electricity:	Kittitas PUD
Fire Protection:	Fire District 1
Irrigation District:	A portion of the property lies within the Kittitas Reclamation District Boundary

4. Site Characteristics:  
North: Vacant, Public lands, Windfarm  
South: Vacant, Windfarm, Residential  
East: Vacant, Public lands, Windfarm  
West: Vacant, KRD Canal, Residential
5. Site Characteristics: The area is primarily covered in sage brush and bare land. There are some hazardous slopes of 25-50% slope in the southern area of the property. There is one PUSCH wetland located in the northern area of the property. The KRD canal runs along the south western edge of the property.
6. The Comprehensive Plan designation is “Rural.”
7. The subject property is zoned “Agriculture-20,” which allows for shooting ranges as a conditional use.
8. A complete conditional use permit application was submitted to Community Development Services on October 17, 2011. The Notice of Application for the conditional use permit was issued on December 16, 2011. This 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 last day to submit written comments was on January 3, 2012.
9. Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on February 8, 2013. The appeal period ended on February 22, 2013 at 5:00 p.m. An appeal was filed on February 22, 2013.
10. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan.
11. Staff has conducted an administrative critical area review in accordance with KCC 17A and found critical areas which include hazardous slopes between 25-50% in the southern area of the property and a wetland type PUSCH in the northern area of the property.
12. This proposal is consistent with the Kittitas County Zoning Code 17.29. Specifically this proposal is compatible with KCC 17.29.030(26) shooting ranges as it is a conditional use for this zone.
13. This proposal is consistent with the Kittitas County Zoning Code for Conditional Uses. The proposed conditional use will be adequately served by rural levels of service. As conditioned, staff finds the proposal is 1) desirable to public convenience, 2) will not be detrimental to public health, safety or welfare, 3) is not economically detrimental to the public, and 4) is adequately serviced by public facilities.
14. All roads are required to meet all Kittitas County Road Standards as outlined in the December 27, 2011 memorandum issued by the Department of Public Works. As conditioned, the proposal is consistent with the provisions of KCC Title 12.
15. The following agencies provided comments during the comment period: Washington State Department of Fish and Wildlife, Kittitas County Sheriff’s Office, Cle Elum-Roslyn-South Cle Elum Police Department, Ellensburg Police Department, Kittitas County Public Works Kittitas Reclamation District, and Kittitas County Fire District #1. These comments have been included as conditions of approval to address these agency concerns.
15. Numerous public comments were submitted for this proposal at the time of staff review and were

considered. They are attached to this staff report as part of the Cascade Field & Stream Index File.

**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 15 Environmental, and Title 12 Roads and Bridges.

**Recommended Conditions of Approval:**

1. The project shall proceed in substantial conformance with the plans and application materials on file dated October 17, 2011 except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. All current and future landowners must comply with the International Fire Code.
4. Fire Protection: Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.
  - a. Kittitas County Fire District #1 will need to be supplied with a gate key or a Knox Box shall be installed for immediate access through any gates to the subject property.
  - b. Water storage is a mute point for this proposal at this time since no buildings will be built immediately; if buildings are proposed and built in the future, this issue will have to be addressed at that time.
5. A burn permit must be obtained from Ecology if the proponent plans to burn trees or debris from the property. Only natural, unprocessed vegetation may be burned in an outdoor fire.
6. Washington Administrative Code (WAC) 173-400-040 requires that reasonable precaution be taken to prevent dust from leaving the site. Also, dust is prohibited from interfering unreasonable with the use and enjoyment of property, causing health impacts, or damaging property or business.
7. An NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required if there is a potential for stormwater discharge from a construction site with more than one acre of disturbed ground. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit is a minimum of a 38 day process and may take up to 60 days if the original SEPA does not disclose all proposed activities.
8. This NPDES Construction Stormwater General Permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any

clearing, grading, or construction.

9. All development, design and construction shall comply with all Kittitas County Codes Zoning and the International Fire and Building Codes.
10. Based on comments received during the public comment period and other information submitted with this project permit application, A SEPA Mitigation Determination of Non-Significance (MDNS) was issued by Community Development Services on February 8, 2013. The following are the mitigation contained within the MDNS and shall be conditions of approval:

#### **Transportation**

1. The site is accessed from Hayward Road which is a primitive road and receives minimal maintenance. Improvements to Hayward Road will not be required because the Average Daily Traffic is expected to remain below 100. If future traffic to the club raises the ADT above 100, mitigation to offset the impacts of the increased traffic may be required.
2. Access to Hayward Road shall be from Bettas Road. The club shall implement procedures to prevent users from accessing Hayward Road from SR 10.

#### **Land & Air**

3. The U.S. Environmental Protection Agency's Best Management Practices for Lead at Outdoor Shooting Ranges manual shall be strictly adhered to.
4. If the applicant plans to burn trees or debris from the property, the applicant shall obtain a burn permit from the Department of Ecology. Only natural unprocessed vegetation may be burned in an outdoor fire. It is the applicant's responsibility to contact the Department of Ecology regarding this permit.

#### **Water & Sewer**

5. Any future development requiring water or septic will be required to meet the newest requirements of Kittitas County Public Health Department, Washington State Department of Health and/or Washington State Department of Ecology effective at the time of development.
6. 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. It is the applicant's responsibility to contact the Department of Ecology.

#### **Fire & Life Safety**

7. Fire danger restrictions will be in place and adhered to at the same level as those for the adjacent Department of Natural Resources (DNR) land.

#### **Cultural Resources**

8. The applicant shall immediately contact the Washington State Department of Archaeology & Historic Preservation, and the Yakama Nation if any items of possible cultural or historic significance are encountered during construction activities. Work shall be immediately halted

with the area and a large enough perimeter established in order to maintain the integrity of the site.

**Light & Glare**

9. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.

**Noise**

10. Development and construction practices during building of this project shall only occur between the hours of 7:00 am to 7:00 pm to minimize the effect of construction noise on nearby residential properties
11. Berms and other noise deflecting construction, as described in the Noise Study prepared by Acoustical Engineer dated 10-15-12, shall be implemented to deflect the noise from surrounding residences.