



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

STAFF REPORT

TO: Kittitas County Board of Adjustment

FROM: Jeff Watson, Staff Planner

DATE: October 10, 2012 (Hearing)

SUBJECT: Webb Conditional Use Permit CU-12-00003
The operation of a home occupation which involves out door work or an activity or which produces noise on 12.8 acres in the Commercial Agriculture zone.

I. BACKGROUND INFORMATION

Proposal:

Conditional Use Application from Matt Webb to operate a home occupation which produces noise on 4.1 acres in the Commercial Agriculture zone. The applicant plans to utilize the existing barn facility to host weddings, parties, and other events which may involve overnight dry camping, noise past 10:00pm, and other outdoor activities during the summer months.

Location:

The project is located approximately 8 Miles southeast of Ellensburg at 6280 Badger Pocket Road, in a portion of Section 36, T17N, R19E, WM in Kittitas County, bearing Assessor's map number 17-19-36000-0016.

II. POLICY AND REGULATORY REQUIREMENTS

- A. The Comprehensive Plan Land Use designates this parcel as Commercial Agriculture and the property is zoned Commercial Agriculture.
- B. The purpose and intent of the Commercial Agriculture zone is that it be "*an area wherein farming and ranching are the priority. 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.*" It is the intent of the code that "*all conditional uses permitted in this zone shall be subordinate to primary agricultural uses...*".
- C. KCC 17.31.030 (10): A conditional use permit is required for "*Home occupations which involve out door work or activities or which produce noise.*" The Webb proposal has been determined to fit this description and is therefore, permitted with the approval of the conditional use permit.
- D. An administrative critical area site analysis was completed by staff in compliance with Title 17A: Critical Areas. No Critical Areas were identified on the site.

III. ADMINISTRATIVE REVIEW

Notice of application:

The submitted application was received by Community Development Services on July 13, 2012. The application was deemed complete on July 31, 2012. A Notice of Application was issued on August 22, 2012. 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 applicant and returned to the planner on August 10, 2012 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 September 11, 2012 by 5:00pm. Written comments were received and are included in your packets for review.

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. The occupancy would be classified as “Assembly Occupancy” per the International Fire Code as administered by the Kittitas County Fire Marshall, and would be required to install and maintain fire detection and suppression systems.
2. The applicant will supply a parking and access drive plan that will ensure fire department access during events.
3. General access will comply with Appendix D of the current fire code. Aerial access roads (26') will be required.
4. Addressing will need to be provided and visible from both directions of travel on Badger Pocket Road.
5. Access to the party barn shall be from the existing approach to 6280 Badger Pocket Road.
6. The applicant shall pave the apron onto Badger Pocket Road prior to final approval of the CUP. A bond for 135% of the project cost will also be accepted, as outlined in KCC 12.01.150
7. No event parking shall be allowed on the county road and the number of vehicles permitted upon the property shall not exceed 40.
8. Events would have to meet noise regulations outlined in Kittitas County Code Chapter 9.45.
9. All Kittitas County Health Department regulations and requirements shall be met, and as determined by the Department of Health.

IV. SUGGESTED FINDINGS OF FACT

This matter having come before the Kittitas County Board of Adjustment upon the above referenced Conditional Use Application from Scott Baker, authorized agent for Pamela Hathaway property owner, the Board of Adjustment makes the following Findings of Facts, Conclusions at Law and Decision related to the above referenced matter:

10. The Board of Adjustment finds that Matt Webb submitted a complete Conditional Use Application to operate a home occupation which produces noise on 4.1 acre of land in the Commercial Agriculture zone.
11. The project is located approximately 8 Miles southeast of Ellensburg at 6280 Badger Pocket Road, in a portion of Section 36, T17N, R19E, WM in Kittitas County, bearing Assessor’s map number 17-19-36000-0016.
12. The Board of Adjustment finds that the Conditional Use Permit Application was received by Community Development Services on July 13, 2012. The application was deemed complete on July 31, 2012. A Notice of Application was issued on August 22, 2012. This notice was mailed to government agencies, adjacent property owners, and the applicant. The Board of Adjustment finds further that written comments were received and included in the record for consideration.
13. 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 applicant and returned to the planner and is included as part of the record.

14. The Board of Adjustment finds that an open record hearing was held on October 10, 2012 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.
15. The Board of Adjustment finds that the Comprehensive Plan's Land Use Element designates the subject parcel as Commercial Agriculture and the zoning is Commercial Agriculture.
16. The Board of Adjustment finds that the purpose and intent of the Commercial Agriculture zone is to be an area wherein farming and ranching are the priority. 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. It is the intent of the code that all conditional uses permitted in this zone shall be subordinate to primary agricultural uses.
17. The Board of Adjustment finds that in KCC 17.31.030 (10): Home occupations which involve out door work or activities or which produce noise may be permitted subject to the conditions set forth in Chapter KCC 17.60 Conditional Uses and KCC 9.45.
18. 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. No critical areas were identified on site.
19. The Board of Adjustment finds that the proposed use **is/is not** essential or desirable to the public convenience and **is/is not** detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.
20. The Board of Adjustment finds that the proposed use at the proposed location **will/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.
21. 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).

The Board of Adjustment finds that the following conditions are required for approval of the Conditional Use Permit.

1. The occupancy would be classified as "Assembly Occupancy" per the International Fire Code as administered by the Kittitas County Fire Marshall, and would be required to install and maintain fire detection and suppression systems.
2. The applicant will supply a parking and access drive plan that will ensure fire department access during events.
3. General access will comply with Appendix D of the current fire code. Aerial access roads (26') will be required.
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