

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

STAFF REPORT Steigleder Conditional Use Permit

TO: Kittitas County Hearing Examiner
FROM: Kittitas County Community Development Services Staff
RE: Steigleder Conditional Use Permit (CU-13-00002)
DATE: UPDATED July 11, 2013 (Hearing Date)

I. GENERAL INFORMATION

Requested Action: Kathy and Terry Christman, applicant and authorized agent for John and Mary Steigleder, property owners, submitted a conditional use permit application for the operation of a produce stand at their residence in the Commercial Agriculture zone.

Location: The project is located approximately 1 mile southeast of Thorp at 8341 S. Thorp Hwy, in a portion of Section 13, T18N, R17E, W.M. in Kittitas County. Assessor's map number: 18-17-13020-0014.

II. SITE INFORMATION

Total Property Size: 2.95 acres
Number of Lots: 1; no new lots are being proposed
Domestic Water: None planned at this time
Sewage Disposal: sani-can(s)
Power/Electricity: Puget Sound Energy
Fire Protection: Fire District 1
Irrigation District: Westside Irrigation District

Site Characteristics:

North: Interstate, Highway Commercial, Agricultural, Vacant, State Trail

South: Agricultural

East: Agricultural and Interstate

West: Vacant, Agricultural, Highway and Limited Commercial

Access: The site is accessed from South Thorp Hwy just south of exit 101 interchange on Interstate 90.

Zoning and Development Standards: The subject property is located within the Commercial Agriculture zone. The purpose and intent of the Commercial Agriculture zone is to provide areas 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. The Commercial Agriculture zone allows for a vast array of permitted and conditional uses, this project is being proposed under KCC 17.31.030(3) commercial activities associated with agriculture.

Conditional Uses: This application is consistent with KCC 17.60A. The Board of Adjustment was dissolved as part of the 2012 Annual Docket process through Ordinance No. 2012-009. 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 conditional use permit application was submitted to Community Development Services on February 11, 2013 and deemed complete on March 11, 2013. The Notice of Application for the conditional use permit was issued on March 25, 2013. 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 April 9, 2013.

IV. COMPREHENSIVE PLAN

The Kittitas County Comprehensive Plan designates the subject property as Commercial Agriculture. Kittitas County has established the following goals and policies to guide activities within the commercial agriculture resource lands. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

GPO 2.111 Continue and expand support for right-to-farm ordinances.

GPO 2.114 Agricultural activities within areas designated as Commercial Agriculture shall take precedent over recovery activities targeted for the recovery of threatened and endangered species.

GPO 2.117 Encourage non-farmers in agricultural areas to meet farm performance standards.

GPO 2.129B Require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, shall contain a notice that states that: "The subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities and mineral operations may occur that are not compatible with residential development for certain periods of limited duration. Commercial natural resource activities and/or mineral operations performed in accordance with county, state and federal laws are not subject or legal action as public nuisances. (RCW 7.48.305)"

GPO 8.41 Provisions should be made for roadside stands, farmers' markets, "U-pick," and customer share cropping operations.

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 April 17, 2013. The appeal period ended on May 1, 2013 at 5:00 p.m. An appeal was filed on April 29, 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 a wetland type PUBHx in the northern area of the property behind the residence and away from the proposed produce stand operation.

Consistency with the provision of KCC 17.31, Commercial Agriculture zoning:

This proposal is consistent with the Kittitas County Zoning Code 17.31. Specifically this proposal is compatible with KCC 17.31.030(3) commercial activities associated with agriculture.

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:

No road improvements are necessary for this use. Access improvements are required to meet the requirements of Kittitas County Road Standards. As conditioned, the proposal is consistent with the provisions of KCC Title 12.

Agency Comments:

The following agency provided comments during the comment period: Kittitas County Fire Marshal. Additionally, a pre-application meeting was conducted on January 16, 2013 where the following Kittitas County departments provided comments: Community Development Services, Public Works, Environmental Health, and Building. 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 Steigleder Conditional Use Permit 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 17.31, Title 17.60A, & Title 17A of the Kittitas County Code and the Kittitas County Comprehensive Plan. Staff recommends approval of the Steigleder Conditional Use Permit application, subject to the following findings of fact and conditions:

Staff Findings of Fact

1. Kathy and Terry Christman, applicant and authorized agent for John and Mary Steigleder, property owners, submitted a conditional use permit application for the operation of a produce stand at their residence in the Commercial Agriculture zone
2. The project is located approximately 1 mile southeast of Thorp at 8341 S. Thorp Hwy, in a portion of Section 13, T18N, R17E, W.M. in Kittitas County. Assessor's map number: 18-17-13020-0014.
3. Site Information:

Total Property Size: 2.95 acres
Number of Lots: 1; no new lots are being proposed

Domestic Water: None planned at this time
Sewage Disposal: sani-can(s)
Power/Electricity: Puget Sound Energy
Fire Protection: Fire District 1
Irrigation District: Westside Irrigation District

4. Site Characteristics:

North: Interstate, Highway Commercial, Agricultural, Vacant, State Trail
South: Agricultural
East: Agricultural and Interstate
West: Vacant, Agricultural, Highway and Limited Commercial

5. Site Characteristics: The area is primarily covered by a residential structure and associated buildings along with yard and gravel area. There is one PUBHx wetland located in the northern area of the property behind the residence and away from the proposed produce stand operation.
6. The Comprehensive Plan designation is “Commercial Agriculture.”
7. The subject property is zoned “Commercial Agriculture,” which allows for commercial activity associated with agriculture as a conditional use.
8. A conditional use permit application was submitted to Community Development Services on February 11, 2013 and deemed complete on March 11, 2013. The Notice of Application for the conditional use permit was issued on March 25, 2013. 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 April 9, 2013.
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 April 17, 2013. The appeal period ended on May 1, 2013 at 5:00 p.m. An appeal was filed on April 29, 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 a wetland type PUBHx in the northern area of the property behind the residence and away from the proposed produce stand operation.
12. This proposal is consistent with the Kittitas County Zoning Code 17.31. Specifically this proposal is compatible with KCC 17.31.030(3) commercial activities associated with agriculture.
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. No road improvements are necessary for this use. Access improvements are required to meet the requirements of Kittitas County Road Standards. As conditioned, the proposal is consistent with the provisions of KCC Title 12
15. The following agency provided comments during the comment period: Kittitas County Fire Marshal.

Additionally, a pre-application meeting was conducted on January 16, 2013 where the following Kittitas County departments provided comments: Community Development Services, Public Works, Environmental Health, and Building. 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 Steigleder Conditional Use Permit 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 February 11, 2013 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. All development, design and construction shall comply with all Kittitas County Codes and the International Fire and Building Codes.
5. The subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities and mineral operations may occur that are not compatible with residential development for certain periods of limited duration. Commercial natural resource activities and/or mineral operations performed in accordance with county, state and federal laws are not subject or legal action as public nuisances. (RCW 7.48.305)
6. 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 April 17, 2013. The following are the mitigation contained within the MDNS and shall be conditions of approval:

Transportation

1. An access permit must be obtained and filed with Kittitas County Public Works Department for access to the site prior to operation of the produce stand.
2. The approach must be constructed to commercial standards and the apron must be paved prior to operation of the produce stand.

3. The parking area shall provide for at least six (6) vehicles at any given time. Parking along South Thorp Hwy will not be allowed.

Water & Sewer

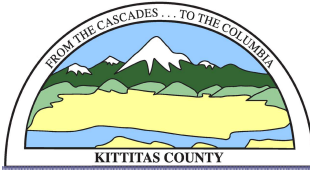
4. An ADA accessible sani-can shall be provided on-site. A copy of the signed contract with the sani-can provider shall be submitted to Kittitas County Public Health prior to operation of the produce stand. Public Health shall be provided with a new copy of the signed contract as it is renewed and/or revised.
5. The existing well on the property for the residence shall not be utilized for business purposes.

Fire & Life Safety

6. A turn-around shall be provided for fire department access.
7. Any man-doors shall have lever type handles or panic hardware installed.
8. Fire extinguishers shall be located appropriately; coordination with the Kittitas County Fire Marshal shall occur prior to operation of the produce stand.
9. A Tenant Improvement application shall be submitted and approved prior to operation of the produce stand.
10. A fire and life safety inspection shall be conducted prior to beginning operation, and an annual fire and life safety inspection will be required as well.
11. All development, design and construction shall comply with Kittitas County Code and the most current version of the International Fire & Building Codes.
12. One (1) ADA accessible parking space shall be required with proper signage. This space must be hard-surfaced and provide for hard-surface access to the produce stand and ADA accessible sani-can. This must be completed prior to operation of the produce stand.
13. Full-time year-round operation for three (3) consecutive years will require additional requirements such as a permanent restroom facility etc. It is the responsibility of the business owner to contact Kittitas County Community Development Services and Building Department for further review/requirements if extended full-time year-round operation beyond two (2) years is desired.

Aesthetics

14. A sign permit will be required from Kittitas County Community Development Services and Building Department pursuant to KCC 17.72 if the produce stand's continuous operation exceeds six (6) months in any one calendar year. Specific requirements for signage of a produce stand are cited in KCC 17.72.170. Signs are not allowed within the rights-of-way of any County roads pursuant to KCC 12.50.
15. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.



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Agency Comments:

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VIII. RECOMMENDATION

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5. Site Characteristics: The area is primarily covered by a residential structure and associated buildings along with yard and gravel area. There is one PUBHx wetland located in the northern area of the property behind the residence and away from the proposed produce stand operation.
6. The Comprehensive Plan designation is “Commercial Agriculture.”
7. The subject property is zoned “Commercial Agriculture,” which allows for commercial activity associated with agriculture as a conditional use.
8. A conditional use permit application was submitted to Community Development Services on February 11, 2013 and deemed complete on March 11, 2013. The Notice of Application for the conditional use permit was issued on March 25, 2013. 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 April 9, 2013.
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12. This proposal is consistent with the Kittitas County Zoning Code 17.31. Specifically this proposal is compatible with KCC 17.31.030(3) commercial activities associated with agriculture.
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. No road improvements are necessary for this use. Access improvements are required to meet the requirements of Kittitas County Road Standards. As conditioned, the proposal is consistent with the provisions of KCC Title 12
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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 Steigleder Conditional Use Permit 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 February 11, 2013 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. All development, design and construction shall comply with all Kittitas County Codes and the International Fire and Building Codes.
5. The subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities and mineral operations may occur that are not compatible with residential development for certain periods of limited duration. Commercial natural resource activities and/or mineral operations performed in accordance with county, state and federal laws are not subject or legal action as public nuisances. (RCW 7.48.305)
6. 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 April 17, 2013. The following are the mitigation contained within the MDNS and shall be conditions of approval:

Transportation

1. An access permit must be obtained and filed with Kittitas County Public Works Department for access to the site prior to operation of the produce stand.
2. The approach must be constructed to commercial standards and the apron must be paved prior to operation of the produce stand.

3. The parking area shall provide for at least six (6) vehicles at any given time. Parking along South Thorp Hwy will not be allowed.

Water & Sewer

4. An ADA accessible sani-can shall be provided on-site. A copy of the signed contract with the sani-can provider shall be submitted to Kittitas County Public Health prior to operation of the produce stand. Public Health shall be provided with a new copy of the signed contract as it is renewed and/or revised.
5. The existing well on the property for the residence shall not be utilized for business purposes.

Fire & Life Safety

6. A turn-around shall be provided for fire department access.
7. Any man-doors shall have lever type handles or panic hardware installed.
8. Fire extinguishers shall be located appropriately; coordination with the Kittitas County Fire Marshal shall occur prior to operation of the produce stand.
9. A Tenant Improvement application shall be submitted and approved prior to operation of the produce stand.
10. A fire and life safety inspection shall be conducted prior to beginning operation, and an annual fire and life safety inspection will be required as well.
11. All development, design and construction shall comply with Kittitas County Code and the most current version of the International Fire & Building Codes.
12. One (1) ADA accessible parking space shall be required with proper signage. This space must be hard-surfaced and provide for hard-surface access to the produce stand and ADA accessible sani-can. This must be completed prior to operation of the produce stand.
13. Full-time year-round operation for three (3) consecutive years will require additional requirements such as a permanent restroom facility etc. It is the responsibility of the business owner to contact Kittitas County Community Development Services and Building Department for further review/requirements if extended full-time year-round operation beyond two (2) years is desired.

Aesthetics

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