



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

STAFF REPORT

Reds Fly Shop Conditional Use Permit

TO: Kittitas County Hearing Examiner
FROM: Kittitas County Community Development Services Staff
RE: Reds Fly Shop Conditional Use Permit (CU-13-00003)
DATE: April 24, 2014 (Hearing Date)

I. GENERAL INFORMATION

Requested Action: Steve Joyce, authorized agent for Jack Eaton, land owner, submitted a conditional use permit application for a commercial sporting clay course and potential archery training area on the northern 100 acres of an approximate 306 acre parcel that is zoned Forest & Range. This proposed use is consistent with KCC 17.15.060.1 (C) – shooting range.

Location: The project is located approximately 12 miles southeast of Ellensburg on the east side of SR 821 (Canyon Hwy) at approximately milepost 13, in a portion of Section 33, T16N, R19E, W.M. in Kittitas County, bearing Assessor's map number 16-19-33000-0001.

II. SITE INFORMATION

Total Property Size:	306 acres
Number of Lots:	1; no new lots are being proposed
Domestic Water:	No water proposed
Sewage Disposal:	No septic proposed
Power/Electricity:	Puget Sound Energy
Fire Protection:	Area outside of Fire Districts
Irrigation District:	None

Site Characteristics:

North: Mix of vacant land, public lands and Recreational lodge
South: Mix of vacant land, low density residential, and public lands
East: Vacant land
West: Mix of vacant land, recreation land and public lands

Access: The site is accessed from SR 821 (Canyon Hwy) at MP 13.90 RT.

Zoning and Development Standards: The subject property is located in the Yakima River Canyon area within Kittitas County and has a zoning designation of Forest and Range. The general purpose and intent of the Forest and Range 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. The Forest and Range zone allows for a vast array of permitted and conditional uses; this project is being proposed under KCC 17.15.060.1 (C) shooting range. This use is a conditional use and requires that the following be met:

Structures and facilities associated with the operation of shooting ranges are permitted and subject to all associated Kittitas County building codes and regulations. Shooting Ranges may be operated in conjunction with other permitted or conditional uses for the specified zone. Shooting Ranges are subject

to periodic inspection and certification as deemed necessary by the Kittitas County Sheriff's Department. In considering proposals for the location of Shooting Ranges a detailed site plan shall be required; the Board's review of said site plan and the proposal as a whole shall include, but not be limited, to the following criteria:

- a) The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.
- b) Adherence to the practices and recommendations of the "NRA Range Sourcebook."
- c) Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."
- d) Proposed shooting ranges in areas designated as agricultural land of long-term commercial significance shall comply with RCW 36.70A.177(3) as currently existing or hereafter amended, and shall be limited to lands with poor soils or those unsuitable for agriculture.

Conditional Uses: This application is consistent with KCC 17.60A. There are a number of requirements that must be met; these are addressed under Project Analysis below. 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 Kittitas County Community Development Services department on April 17, 2013. This application was deemed complete on May 17, 2013 and additional information was received on January 21, 2014. The Notice of Application for the conditional use permit was issued on February 5, 2014. 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 February 21, 2014.

IV. COMPREHENSIVE PLAN

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

GPO 2.7 – Kittitas County will maintain a flexible balance of land uses which will protect, preserve, and enhance the rural character, historical forest lands, agriculture industries, mineral lands, and high quality environment.

GPO 8.1 – Rural lands are characterized by a lower level of services; mixed residential, agricultural and open space uses; broad visual landscapes and parcels of varying sizes, a variety of housing types and small unincorporated communities.

GPO 8.4 – Development in rural areas is subject to agricultural and forestry activities that may take place as a right on adjacent properties.

GPO 8.8 – A certain level of mixed uses in rural areas and rural service centers is acceptable and may include limited commercial, service, and rural industrial uses.

GPO 8.13 – Encourage development activities which enhance or result in the preservation of rural lands.

GPO 8.16 – Give preferences to land uses in Rural designated areas that are related to agriculture, rural residential development, tourism, outdoor recreation, and the other open space activities.

GPO 8.44 – Growth and development in Rural lands will be planned to minimize impacts upon adjacent natural resource lands.

GPO 8.48 – Non-farming residents should be informed on the practices of farming so that they are aware of the non-urban activities and impacts that occur in the agricultural environment.

GPO 11.1 – Kittitas County should encourage and does provide new or enhance existing recreational areas whenever feasible.

In consideration of Kittitas County’s Comprehensive Plan as a whole and specifically the above referenced GPOs, the proposed activity is Rural in character, requires few services, is compatible with adjacent agriculture and forestry activities, has a minimum impact on resource lands, and will enhance preservation of rural lands with recreational activity.

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 9, 2014. The appeal period ended on April 23, 2014 at 5:00 p.m. No appeals were filed.

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. As referenced above in Section IV of this staff report, the following Comprehensive Plan GPOs apply to this proposal: GPO 2.7, 8.1, 8.4, 8.8, 8.13, 8.16, 8.44, 8.48, and 11.1.

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

Staff has conducted an administrative critical area review in accordance with KCC 17A and found there to be critical areas on-site. There is a DNR stream type 9 – unknown in the northern 100 acres of the subject property. There are steep slopes in the project area ranging from 0 to 50% slope. The area primarily utilized for the walking trail leading to the individual stations is located in the 0-25% slopes and is along the DNR stream-type 9 drainage. Additionally, the western portion of the proposal area is listed as having Mt. Baldy Bighorn Sheep winter range on it.

Consistency with the provision of KCC 17.56, Forest and Range zoning:

This proposal is consistent with Kittitas County Zoning Code 17.56. The proposal is compatible with KCC 17.56.020 referring to the uses table in KCC 17.15. Specifically, this is compatible as a conditional use with 17.15.060.1 (C) shooting range. There are a number of conditions associated with shooting ranges and these are addressed below:

- a) *The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.*

- **Answer:** The sporting clay course and potential archery training area is located on the northern 100 acres of an approximately 306 acre parcel. The shooting area is located in the middle of the 100 acre project area. This course placement along with the natural steep terrain of the area protect the general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property. Additionally, agricultural activities are not occurring in the immediate vicinity of this property.
- b) *Adherence to the practices and recommendations of the “NRA Range Sourcebook.”*
- **Answer:** Condition III. Environmental C. of the SEPA MDNS requires that “a plan must be completed and submitted to Community Development Services showing adherence to the practices and recommendations of the “NRA Range Sourcebook” prior to the issuance of the final conditional use permit.”
- c) *Adherence to the practices and recommendations of the “EPA Best management Practices for Lead at Outdoor Shooting Ranges.”*
- **Answer:** Condition III Environmental A. and B. of the SEPA MDNS require that only non-toxic shot shells and non-toxic biodegradable clay targets are allowed on the course. There will not be any lead shells or targets used on the course. Additionally, the applicant has indicated that they will pick up the biodegradable targets periodically.
- d) *Proposed shooting ranges in areas designated as agricultural land of long-term commercial significance shall comply with RCW 36.70A.177(3) as currently existing or hereafter amended, and shall be limited to lands with poor soils or those unsuitable for agriculture.*
- **Answer:** Agricultural land of long-term commercial significance does not exist on the subject property.

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.

- A) *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.*
- Staff response:** This clay shooting course will not be detrimental or injurious to the public health, peace, or safety or to the character of the surrounding area. The closest building to this proposal is the Canyon River Ranch and Fly Fishing Shop which is owned and operated by the applicant. This clay shooting course is intended to be a part of the recreation opportunities already offered by the applicant in the area. The fact that the course was designed by professionals in the field of target shooting, it will be operated and managed by the applicant, only non-toxic shells and clays will be utilized on the course, and the placement of the course in the middle of 100 acre proposal site all provide for public health and safety. The Yakima Canyon area is home to numerous recreational activities.
- B) *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 such as highways, roads, police and fire protection, irrigation and drainage structures, refuse*

disposal, water and sewers, and schools; or (2) that the applicant shall provide such facilities; or

Staff response: This proposal is providing a safe opportunity for people to practice target shooting. There is an approved access and three (3) car parking area off of SR 821 and any group larger than that will be shuttled from the Canyon River Ranch. This will keep users from parking along the side of the highway. Water and septic is not proposed or required for this site as it is a recreational use with no structures proposed. Additionally, because it is for recreational purposes only, it will not have a negative impact on the schools. As required by Kittitas County Code and as conditioned, this proposal will not be detrimental to the economic welfare of the county.

C) *Demonstrate that the proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.*

Staff response: The Kittitas County Comprehensive Plan recognizes that the “most common uses in rural lands are agriculture, recreation and logging, which have been basic industries historically and remain important in terms of employment, income and tax base.” The addition of monitored and regulated sport clay shooting and potential archery course in Rural Kittitas County will not be an economic detriment; instead it will encourage recreational opportunities and tourism to the Yakima River Canyon.

Consistency with the provisions of the KCC Title 14.04, Building Code:

This proposal is consistent with the Kittitas County Building Code as no building is proposed. It is the applicant’s responsibility to contact Community Development Services, building department prior to construction of any structures to determine if permits are required.

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

The proposal is consistent with the provisions of KCC Title 12 as no roads are proposed for this project.

Agency Comments:

The following agencies provided comments during the comment period: Kittitas County Department of Public Works and Kittitas County Environmental Health Department. These comments have been included in the index file record and were considered when preparing the recommended conditions for this proposal.

Public Comments:

No public comments were submitted for this proposal by the end of the comment period. One late public comment was received prior to the completion of this staff report. It is attached to this staff report as part of the Reds Fly Shop 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 14.04, Title 17.15, Title 17.56, Title 17.60A, & Title 17A of the Kittitas County Code and the Kittitas County Comprehensive Plan. Staff recommends approval of the Reds Fly Shop Conditional Use Permit application, subject to the following findings of fact and conditions:

Staff Findings of Fact

1. Steve Joyce, authorized agent for Jack Eaton, land owner, submitted a conditional use permit application for a commercial sporting clay course and potential archery training area on the northern 100 acres of an approximate 306 acre parcel that is zoned Forest & Range. This proposed use is consistent with KCC

17.15.060.1 (C) – shooting range.

2. The project is located approximately 12 miles southeast of Ellensburg on the east side of SR 821 (Canyon Hwy) at approximately milepost 13, in a portion of Section 33, T16N, R19E, W.M. in Kittitas County, bearing Assessor's map number 16-19-33000-0001.

3. Site Information:

Total Property Size:	306 acres
Number of Lots:	1; no new lots are being proposed
Domestic Water:	No water proposed
Sewage Disposal:	No septic proposed
Power/Electricity:	Puget Sound Energy
Fire Protection:	Area outside of Fire Districts
Irrigation District:	None

4. Site Characteristics:

North: Mix of vacant land, public lands and Recreational lodge

South: Mix of vacant land, low density residential, and public lands

East: Vacant land

West: Mix of vacant land, recreation land and public lands

5. Site Characteristics: The area is located in the Yakima River Canyon area of Kittitas County. The area is comprised predominantly with public lands and recreational opportunities. In the greater vicinity there is some ranching, grazing, farming, and low density residential development.

6. The Comprehensive Plan designation is "Rural Working Land."

7. The subject property is zoned "Forest and Range," which allows for a shooting range as a conditional use.

8. A conditional use permit application was submitted to Kittitas County Community Development Services department on April 17, 2013. This application was deemed complete on May 17, 2013. Additional information was received on January 21, 2014. The Notice of Application for the conditional use permit was issued on February 5, 2014. 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 February 21, 2014.

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 9, 2014. The appeal period ended on April 23, 2014 at 5:00 p.m. No appeals were filed.

10. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section IV of this staff report, the following Comprehensive Plan GPOs apply to this proposal: GPO 2.7, 8.1, 8.4, 8.8, 8.13, 8.16, 8.44, 8.48, and 11.1.

11. Staff has conducted an administrative critical area review in accordance with KCC 17A and found there to be critical areas on-site. There is a DNR stream type 9 – unknown in the northern 100 acres of the subject property. There are steep slopes in the project area ranging from 0 to 50% slope. The area primarily utilized for the walking trail leading to the individual stations is located in the 0-25% slopes and is along the DNR stream-type 9 drainage. Additionally, the western portion of the proposal area is listed as having Mt. Baldy Bighorn Sheep winter range on it.

12. This proposal is consistent with Kittitas County Zoning Code 17.56. The proposal is compatible with KCC 17.56.020 referring to the uses table in KCC 17.15. Specifically, this is compatible as a conditional use with 17.15.060.1 (C) shooting range.
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. This proposal is consistent with the Kittitas County Building Code.
15. This proposal is consistent with the provisions of KCC Title 12.
16. The following agencies provided comments during the comment period: Kittitas County Department of Public Works and Kittitas County Environmental Health Department. These comments have been included in the index file record and were considered when preparing the recommended conditions for this proposal.
17. No public comments were submitted for this proposal by the end of the comment period. One late public comment was received prior to the completion of this staff report. It is attached to this staff report as part of the Reds Fly Shop 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 14.04 Building Code, and Title 12 Roads and Bridges.

Recommended Conditions of Approval:

1. All development, design and construction shall comply with Kittitas County Code and the most current version of the International Fire & Building Codes.
2. 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 9, 2014. The following are the mitigation measures contained within the MDNS and shall be conditions of approval:

I. Water & Sewer

- A. Activities such as road widening, stump pulling and clearing, grading and fill work and utility placements may require a 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.

- B. 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.
- II. Transportation**
- A. A maximum of 3 parking spaces will be allowed. The subject property has an approved access permit (ACP 5359) from WSDOT not to exceed 3 vehicles at MP 13.9 rt off of SR 821. All conditions of this access permit shall be complied with to the satisfaction of WSDOT.
 - B. Shuttle service shall be provided by the applicant between Red’s Fly Shop/Canyon River Ranch and the clay shooting course if the 3 parking spaces cannot accommodate the number of vehicles needed to transport groups.
- III. Environmental**
- A. Only non-toxic shot shells are allowed to be used on the course.
 - B. Only non-toxic, biodegradable clay targets are allowed to be used on the course.
 - C. A plan must be completed and submitted to Community Development Services showing adherence to the practices and recommendations of the “NRA Range Sourcebook” prior to issuance of the final conditional use permit.
- IV. Light & Glare**
- A. Any future outdoor lighting shall be shielded and directed downward to minimize the effect to surrounding properties.
- V. Noise**
- A. Development and construction practices for this project shall only occur between the hours of 7:00 am and 7:00 pm to minimize the effect of construction noise on nearby residential properties.
 - B. Operation of the clay shooting course is only allowed during daylight hours.
- VI. Historic and Cultural Preservation**
- A. Should ground disturbing or other activities related to the proposed conditional use permit result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State Department of Archaeology and Historic Preservation (DAHP). Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.