



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

AGENDA STAFF REPORT

AGENDA DATE: July 21, 2015

ACTION REQUESTED: Board signature of the Resolution approving the WDFW Hwy 10 Zoning Conditional Use Permit, Shoreline Substantial Development Permit, and Shoreline Conditional Use Permit (CU-14-00006 & SD-14-00003).

BACKGROUND: Washington State Department of Fish and Wildlife (WDFW) submitted an application packet requesting a zoning conditional use permit, a shoreline substantial development permit, and a shoreline conditional use permit for a new boat launch and haul-out area on the Yakima River along with up to 12 parking spaces and a portable toilet facility on a 3.19 acre parcel that is zoned Agriculture 20. The parking will include eight (8) passenger car spaces, one (1) of which will be designated as ADA accessible, and four (4) spaces intended for trailer or longer vehicles. The project was revised and two (2) passenger vehicle spaces have been eliminated.

The proposal is located in a portion of Section 12, T. 18 N., R. 17 E., W.M. in Kittitas County, Washington. More generally, it is located at MP 101 on Hwy 10 along the eastern shore of the Yakima River.

A zoning conditional use permit, shoreline substantial development permit, and shoreline conditional use permit were submitted to Community Development Services on November 6, 2014 and were deemed incomplete on December 4, 2014. Additional information was received from the applicant on December 29, 2014. On January 30, 2015, the application packet was deemed complete. The affidavit of site posting in accordance with KCC 15A.03.110 was received by CDS on February 17, 2015. The Notice of Application was issued on March 10, 2015. 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. A corrected Notice of Application was published on March 12, 2015 to correct an error regarding the lead agency for SEPA determination. The last day to submit written comments was on April 8, 2015.

The following agencies provided comments during the comment period: WA Department of Health, Kittitas Valley Fire and Rescue, KC Fire Marshal, KC Public Works, & KC Building Department. These comments have been considered and included as conditions of approval to address these agency concerns. A late comment was received by the WA Department of Ecology. Numerous public comments were submitted for this proposal at the time of staff review and were considered. All comments received are included in the Index file.

WDFW acted as the lead agency for the SEPA determination and issued a DNS (Determination of Non-Significance) in February 2014 (Index #2). This determination was not appealed. Based on comments received during the comment period for the permits with Kittitas County, WDFW chose to revise their DNS and amend their SEPA checklist on April 28, 2015 (Index #37). This revised DNS was not appealed.

The Hearing Examiner hearing was held on June 11, 2015 at 6:00 p.m. Numerous members of the public testified both in favor and against this proposal at the hearing. On June 24, 2015 the Kittitas County Hearing Examiner **recommended approval** of the WDFW Hwy 10 Zoning Conditional Use Permit, Shoreline Substantial Development Permit, and Shoreline Conditional Use Permit (CU-14-00006 & SD-14-00003). This recommended decision was received by CDS on June 26, 2015. In the recommended decision, the Hearing Examiner included one (1) additional condition which states: “the applicant shall take reasonable steps to prohibit boat launches from the site.”

The Board of County Commissioners conducted a closed record hearing on July 7, 2015 for the purpose of considering the WDFW Hwy 10 Zoning Conditional Use Permit, Shoreline Substantial Development Permit, and Shoreline Conditional Use Permit (CU-14-00006 & SD-14-00003). A motion was made and seconded that the zoning conditional use permit, shoreline substantial development permit, and shoreline conditional use permit be approved per the Hearing Examiner’s recommendation. The motion carried with a vote of 2-0. Commissioner Paul Jewell was absent.

INTERACTION: Kittitas County CDS and the Prosecutor’s office have discussed this resolution.

ATTACHMENTS: Staff Report and 2 copies of the resolution for signature.

STAFF

RECOMMENDATION: Staff recommends that the Kittitas County Board of County Commissioners sign the resolution for the WDFW Hwy 10 Zoning Conditional Use Permit, Shoreline Substantial Development Permit, and Shoreline Conditional Use Permit (CU-14-00006 & SD-14-00003).

HANLDING: Return signed resolution to CDS Staff Planner for issuance of the Notice of Decision and subsequent transmittal of project file to WA DOE for shoreline approvals.

RESPONSIBLE STAFF: Lindsey Ozbolt, Planner II