



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

STAFF REPORT

WDFW Hwy 10 Zoning Conditional Use Permit, Shoreline Substantial Development Permit, and Shoreline Conditional Use Permit (CU-14-00006 & SD-14-00003)

TO: Kittitas County Hearing Examiner
FROM: Kittitas County Community Development Services Staff
RE: WDFW Hwy 10 Zoning Conditional Use Permit, Shoreline Substantial Development Permit, and Shoreline Conditional Use Permit (CU-14-00006 & SD-14-00003)
DATE: June 11, 2015 (Hearing Date)

I. GENERAL INFORMATION

Requested Action: 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.

Location: 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.

II. SITE INFORMATION

Total Property Size: 3.19 acres, project on less than 1 acre
Number of Lots: 1; no new lots are being proposed
Domestic Water: none proposed
Sewage Disposal: vault toilet/portable toilet
Power/Electricity: none proposed
Fire Protection: Fire District 2 - KVHR
Irrigation District: Thorp Mill & Cascade

Site Characteristics:

North: State Hwy 10 and private properties
South: Yakima River and private properties
East: State Hwy 10 and private land with dispersed single family residences
West: Yakima River and private properties

Access: The site is accessed off of State Hwy 10 at MP 101.

Zoning and Development Standards: The subject property is located within the Agriculture-20 zone and allows for the proposed boat launch, haul-out and parking area as an outdoor recreation use as a conditional use. This parcel has a shoreline designation of Conservancy. This proposed use is consistent with KCC 17.15.060.1 (E) Recreation, outdoor and Sections 32 & 39 of the Kittitas County Shoreline Master Program.

III. ADMINISTRATIVE REVIEW

Notice of Application: 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.

IV. COMPREHENSIVE PLAN

The Kittitas County Comprehensive Plan designates the subject property as Rural Working. 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 2.51 Shoreline Use: Kittitas County is characterized by four major shoreline uses: (1) irrigated agriculture; (2) range; (3) forest and wild lands; (4) recreational use. A continuation of such uses should be encouraged.

GPO 2.54 Recreation: It is a goal of our County to encourage recreational opportunities which will not compromise water quality, will not have a detrimental effect on the fragile systems of our shorelines, nor infringe on the rights of the private property owner.

GPO 2.57 Public Access: Shoreline dependent recreational activities are of significant importance to the citizens of Kittitas County. A public access system should facilitate movement to public shoreline areas without compromising the natural features of the shoreline. Public access to public areas shall in no way limit or lessen any private landowner's right to prevent trespassing.

It is a goal, therefore, of our County to develop a network of well-planned and maintained public access areas located on publicly owned shorelines, to purchase additional shoreline property when feasible and to encourage a provision of public access in all future public land shoreline development. Intrusions created by such public access should not have detrimental effects on fragile natural features, endanger life, or infringe upon the rights of private property owners.

GPO 2.73 Recreation: allow various recreational opportunities to meet the needs of the people.

Where uses designated for a specific recreational area are planned to satisfy a diversity of demands, these uses must be compatible with each other and not damaging to the area's environment.

Signs should be posted informing the public of areas available for their use.

The locations, design, construction and operation of recreational facilities should prevent undue adverse impacts on adjacent or nearby privately owned properties.

Parking facilities should be located in areas, which will be the least damaging to the natural character of the area. Large parking lots should be located outside the immediate shoreline area.

Water supplies, sewage, drainage, alteration of shoreline vegetation and other changes associated with recreational development should be planned to preserve a high quality environment.

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

V. ENVIRONMENTAL REVIEW

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.

VI. SHORELINE MASTER PROGRAM

This proposal is located in and adjacent to a portion of the Yakima River with a Conservancy Shoreline Environment. The Conservancy Environment is characterized by land uses which are primarily related to natural resource use. Management objectives are oriented toward maximizing sustained yield natural resources utilization, recreation, and low intensity recreational homes while restricting development in hazardous areas.

Please review the following applicable sections from the County's current 1975 Shoreline Master Program (complete SMP can be found at Index #44):

Section 34: Recreation.

Kittitas County has much to offer in water related recreational activities. Over use or improper use of this resource can result in a diminishing quality, appeal and subsequent viability.

The regulations in this section shall apply to uses related to the recreational experience. The recreational experience may be either an active one involving boating, swimming, fishing or hunting or the experience may be passive such as enjoying the natural beauty of a lake, river or mountain vista.

It is the purpose of this section to foster practices which will preserve and/or enhance the natural shoreline qualities which are necessary to that recreational experience.

(3) Conservancy Environment: Recreational activities such as clubhouses, swimming beaches, developed camping and picnicking facilities shall be permitted provided the facility(ies) or structure(s) will not change or detract from the character of the local environment.

(a) only that clearing of vegetation which is necessary to the development and use of a recreational structure, facility, or access road shall be permitted.

(b) boat launching facilities shall be a ***conditional use*** (emphasis added)

(5) Signs informing the public of areas available for their use should be posted. The signs should be informative and they should blend with the area.

Section 39: Conditional Uses:

Conditional uses are those uses which may be permitted to locate in shoreline areas, but are usually considered not to be suitable for siting in shoreline locations. It is understood, however, that there may be special circumstances or special type or style of conditional use that would make shoreline siting of special cases acceptable to the goals, policies, and intentions of the Master Program.

(1) The procedure for obtaining permission to create or conduct a conditional use is the same as the Substantial Development Permit Procedure, and it is intended that the applicant may make a joint application for the Permit and for the conditional use. Certain additional information will be required as specified in Section 39 (2). No additional permit fee is required for a conditional use application.

(2) The applicant must supply whatever evidence, information, or agreements indicating that all of the following conditions will be met:

(a) That there is some necessity for a shoreline site for the proposed use, or that the particular site applied for is essential for this use, and that denial of the condition use request would create a hardship on the applicant to locate the proposed use anywhere outside the shoreline

jurisdiction area.

- (b) That the design of the proposed use will make it compatible with the environment it will be placed in.
 - (c) That water, air, noise, and other classes of pollution will not be more severe than the pollution that would result from the uses which are permitted in the particular environment.
 - (d) That none of the Goals, Policy Statements or specific aims of the particular environments would be violated, abrogated, or ignored.
 - (e) That no other applicable regulations will be violated.
- (3) Failure to satisfy any one of the provisions of Section 39 (2) will result in denial of the conditional use application.
 - (4) Review and hearing procedures shall be as established in Section 38(2)(a) through (j).
 - (5) If action by the legislative authority is affirmative, the specific conditions of approval shall be written on the permit issued to the applicant.
 - (6) Action by the legislative authority to approve the Conditional Use application shall mean approval of the Substantial Development Permit also.
 - (7) A decision by the legislative authority on Conditional Use applications is preliminary pending a final decision by the Department of Ecology as provided in RCW 90.58.140. Department of Ecology's review period shall be forty-five (45) days. Failure by the Department to act within forty-five (45) days shall imply concurrence with the decision of the legislative body.

VII. 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 in the index file transmitted to the Hearing Examiner.

VIII. 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, this proposal is located within the Rural Working Land Use designation and the following Comprehensive Plan GPOs apply to this proposal: GPO 2.51, 2.54, 2.57, 2.73 and 8.44. It is clear, based on these GPOs, Kittitas County values its shorelines and the importance of public access to our natural resources while retaining the private property rights of individuals. As conditioned, this project is consistent with the County's Comprehensive Plan.

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

As conditioned, this project is consistent with the provisions of KCC Title 12. The applicant will be required to meet all of Washington State Department of Transportation access requirements since this project is located off of State Hwy 10 (Index #15 & 23).

Consistency with the provisions of KCC Title 14, Buildings and Construction:

As conditioned, this project is consistent with the provisions of KCC Title 14. The applicant is working with the Kittitas County Public Works Department to obtain a floodplain development permit and a clearing and grading permit (Index #23). Additionally, the vault toilet is exempt from a building permit as long as it is 120 sq. ft. or less (Index #24).

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 project's proposed use

is Recreation, outdoor per KCC 17.15.060.1 (E) Recreation – Recreation, outdoor. This use requires a zoning conditional use permit.

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

This proposal, as conditioned, is consistent with the Kittitas County Zoning Code for Conditional Uses KCC 17.60A. The proposed conditional use will be adequately served by rural levels of service. The proposed conditional use will be adequately served by rural levels of service. The following is the criteria and responses for recommending approval of a conditional use permit per KCC 17.60A.015 review criteria:

1. *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.*

Applicant Response:

This public access site is proposed to give the public a safe and convenient way to haul out small crafts from the Yakima River. There are no safe haul-out spots along this section of the river before reaching the dam just downstream. The parking area with guardrail will add to the safety of the pullout area and a portable toilet will add extra convenience for users.

Staff Response:

A designated recreational parking and haul-out location is in the best interest of the public. There are numerous locations along the Yakima River and Hwy 10 that are used as informal river access sites. Providing for a public location will allow for a formal and safe haul-out area prior to the dam just downstream of the proposed site, provide an amenity that will reduce the need for members of the public to trespass on private property, provide for designated parking areas that are much safer than parking along the side of the highway, and allow for those needing ADA compliant accommodations the ability to recreate along/within the Yakima River.

2. *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*
 - A. *The proposed use 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*

Applicant Response:

The new boat launch has adequate highway access, as it is a turnoff on Highway 10. The site will not require increase in county police, fire, refuse, disposal, water and sewers, or schools.

Staff Response:

Staff agrees with the applicant's response. Existing facilities are in place to support this use.

- B. *The applicant shall provide such facilities; or*

Applicant Response:

There will be a portable toilet placed on the site that will be the responsibility of WDFW and cleaned and/or replaced as required for optimal health and convenience of users.

Staff Response:

Providing a portable or vault toilet and designated parking area are amenities that further support the public health, safety and welfare for the county and its citizens.

- C. *The proposed use will be of sufficient economic benefit to offset additional public costs or economic*

detriment.

Applicant Response:

There will be no additional public costs or economic detriment. The access site will be paid for in full by WDFW as will its maintenance and upkeep.

Staff Response:

Staff agrees with the applicant's response. There will be no additional public costs or economic detriment as a result of this proposal.

- 3. The proposed use complies with relevant development standards and criteria for approval set forth in this title or other applicable provisions of Kittitas County Code.*

Applicant Response:

The proposed use of this shoreline area for a boat launch is compatible with the Shoreline Master Plan, Section 39. Other documentation has been provided that details the compliance with this section. The use and development is also compliant with the Comprehensive Plan GPO 2.57 for Public Access and GPO 2.73 for Recreation.

Staff Response:

As described in other sections of this staff report, this proposal complies and is compatible with the Kittitas County Comprehensive Plan, Kittitas County Codes, and the existing 1975 Kittitas County Shoreline Master Program.

- 4. The proposed use will mitigate material impacts of the development, whether environmental or otherwise.*

Applicant Response:

Mitigation for this project will be native bank plantings approximately 500 feet upstream of the new launch. An area of approximately 2050 square feet will be planted primarily with willow stakes. This mitigation was chosen to enhance the riparian area, stabilize bank soils, and eliminate river access in this area with the new access site. A mitigation plan is attached. (Index #5 & 39)

Staff Response:

Staff agrees that the mitigation proposed by the applicant is sufficient to mitigate for any impacts of this development.

- 5. The proposed use will ensure compatibility with existing neighboring land uses.*

Applicant Response:

The addition of the improved access site will not disturb the neighboring properties. The public property is over 3 acres and the development is only a small portion of this area. There will be no impacts to neighboring land uses.

Staff Response:

Staff agrees with the applicant's response. Currently, there is no designated public access/haul-out area in this portion of the Yakima River. The addition of this public facility should reduce the impacts that surrounding neighbors have experienced in past years with trespassers.

- 6. The proposed use is consistent with the intent and character of the zoning district in which it is located.*

Applicant Response:

This area is zoned Agriculture 20, which is a Rural Working designation. The use is consistent with the

zoning, specifically GPO 8.44, because it will have no impact to adjacent natural resource lands.

Staff Response:

Staff agrees with the applicant's response. As discussed in other sections of this staff report, the proposed use is consistent with the Agriculture 20 zoning designation.

7. *For conditional uses outside of Urban Growth Areas, the proposed use:*

A. *Is consistent with the intent, goals, policies, and objectives of the Kittitas County Comprehensive Plan, including the policies of Chapter 8, Rural and Resource Lands;*

Applicant Response:

The parcel is zoned Rural Working and this project preserves the rural character of this portion of Kittitas County while providing recreational opportunities to the public.

Staff Response:

Staff agrees with the applicant's response. As discussed in other sections of this staff report, the proposed use is consistent with the goals, policies, and objectives of the Kittitas County Comprehensive Plan.

B. *Preserves "rural character" as defined in the Growth Management Act (RCW 36.70A.030(15));*

Applicant Response:

Rural character will be preserved in many ways. Though the parcel is over 3 acres, less than half an acre will be manipulated to serve the access. This assures that RCWs 36.70A.030 (15)(a), (15)(d), and (15)(e) are met. Adding a boat ramp to a rural area fosters traditional rural lifestyles including the ability to live and work in rural areas (36.70A.030 (15)(b)). Due to the location of the parking lot and the launch, aesthetic impacts are small. The launch and parking area are not easily seen so the rural visual landscape is not impacted (36.70A.030 (15)(c)). The proposed project does not require the extension of urban governmental services (36.70A.030 (15)(f)). Since the project does not alter or divert any flows, natural surface water and groundwater flows will be protected, as well as surface water recharge and discharge areas. A bioswale has been added to aid in recharge and reduction of sheet flows (36.70A.030 (15)(g)).

Staff Response:

Staff agrees with the applicant's response. Additionally, a boat launch and haul-out area with 10 parking spaces is a small facility that one would expect along a river and highway. Due to the trees and other vegetation on site, the parking area will be shielded from view when on the Yakima River or across the river and the boat ramp will be shielded from view when on Hwy 10.

C. *Requires only rural government services; and*

Applicant Response:

No additional government services will be required, but if they are, they will be minimal. This may include police or fire, but this is unexpected.

Staff Response:

Staff does not anticipate an increased need for any rural government services.

D. *Does not compromise the long term viability of designated resource lands.*

Applicant Response:

While this area is not a designated resource land, the long-term viability of the parcel and the launch along with the surrounding area will remain intact. Boat launches take a minimal amount of maintenance

and provide access and recreational opportunities to the public.

Staff Response:

Staff agrees with the applicant's response. The subject property and surrounding area is designated rural working land use and not designated resource lands. Regardless of this, the parking and boat ramp will not compromise any of the surrounding property.

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

Staff has conducted an administrative critical area review in accordance with KCC 17A and found that this proposal is located along the eastern shoreline of the Yakima River which is a Shoreline of the State. The applicant provided a biological assessment regarding the impacts to the environment and habitat due to the placement of a boat launch and haul-out within the Yakima River (Index #39). Additionally, the applicant is applying concurrently with their zoning conditional use permit for a shoreline substantial development permit and shoreline conditional use permit as required by Kittitas County (Index #2 & 5). The applicant is also working with Kittitas County's Floodplain manager to obtain a floodplain development permit consistent with KCC 14.08 Flood Damage Prevention code section due to work being performed within the 100 year floodplain. Staff review (Index #3) also found that there are two PSSC wetlands on the subject property. The current KCC 17A.04.020 buffer width requirement is a minimum of 25 feet, which this proposal meets. Additionally, the biological assessment addresses mitigation measures both for the in-stream and upland work (Index #39). Finally, this site has a Priority Habitat Species (PHS) designation of Yakima River: Bald Eagle wintering area, goose nest area. As conditioned, this project is consistent with the provisions of KCC 17A.

Consistency with the Shoreline Master Program:

As conditioned, the proposal is consistent with the Shoreline Master Program. The Conservancy Shoreline designation allows for this proposed recreational project per Section 32 as long as a shoreline conditional use permit is approved per Section 39. Signage will be required for this site to protect the public and private property owners. The related project documents address the need for this project. In order for a shoreline conditional use permit to be approved it must meet the following criteria in Section 39 (2) (a – e) of the current existing 1975 Shoreline Master Program (Index #44):

- a. *That there is some necessity for a shoreline site for the proposed use, or that the particular site applied for is essential for this use, and that denial of the conditional use request would create a hardship on the applicant to locate the proposed use anywhere outside the shoreline jurisdiction area.*

Applicant Response:

The proposed use is a boat launch and haul-out. It needs to be placed within shoreline jurisdiction in order to be a reasonable river access for the public. Without granting the use of this site, the access will not be able to be provided for public use.

Staff Response:

Staff agrees with the applicant's response. The intrinsic nature of a boat ramp is that it must be placed within the shoreline and ordinary high water mark. If this permit request is not granted then there will not be a safe haul-out point prior to the dam just downstream of this location.

- b. *That the design of the proposed use will make it compatible with the environment it will be placed in.*

Applicant Response:

The boat launch was designed to have a minimal impact on the environment and is a more primitive launch than WDFW's typical design. The launch will be angled slightly upstream to allow for easy haul-out of small crafts. This site was chosen due to its proximity to a dam just downstream and its

ability to provide safe haul-out before that dam.

Staff Response:

Staff agrees with the applicant's response. The biological assessment (Index #39) and SEPA documents (Index #2 & 37) address mitigation and minimal impacts to the environment at this location.

- c. *That water, air, noise, and other classes of pollution will not be more severe than the pollution that would result from the uses which are permitted in the particular environment.*

Applicant Response:

This area is zoned Agriculture 20. In many agriculture lands, air and noise pollution are common, as is soil pollution that can seep into groundwater and run off into surface waters. This parcel is not anticipated to foster additional pollution. Vehicle emissions may cause some air pollution and there are always chances of leaks from vehicles parked on the premises. Bioswales and vegetation will reduce water pollution from the project site.

Staff Response:

Staff agrees with the applicant's response. Additionally, there is no greater risk to pollution with this site then there is already associated with a state highway running parallel to the Yakima River.

- d. *That none of the Goals, Policy Statements or specific aims of the particular environments would be violated, abrogated, or ignored.*

Applicant Response:

Goals, Policy Statements, and specific aims of the shoreline environment itself will not be violated, abrogated, or ignored. It is the mission of WDFW to preserve, protect, and perpetuate the state's fish and wildlife resources. Shorelines are preserved to enhance the landscape for fish and wildlife and it is in the best interest of the state to abide by regulations that protect these areas, while providing fish and wildlife related recreational opportunities, as is the case in this boat launch.

Staff Response:

Staff agrees with the applicant's response. WDFW has addressed this sufficiently through their proposed mitigation measures.

- e. *That no other applicable regulations will be violated.*

Applicant Response:

Regulations set forth by regulating agencies are followed by WDFW as conditions of permits. This includes all agencies issuing permits.

Staff Response:

WDFW has been working the US Army Corps of Engineers and WSDOT. Additionally they are working towards obtaining all necessary permits from Kittitas County.

Agency Comments:

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. All comments received are included in the Index file.

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 Index file.

IX. 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, Title 17.29, Title 17.60A, & Title 17A of the Kittitas County Code, the Kittitas County Comprehensive Plan and the Kittitas County Shoreline Master Program. Staff recommends approval of the WDFW Hwy 10 Zoning Conditional Use Permit, Shoreline Substantial Development Permit, and Shoreline Conditional Use Permit applications, subject to the following findings of fact, conclusions and conditions:

Staff Findings of Fact

1. 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.
2. 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. More generally the site is accessed off of State Hwy 10 at MP 101.
3. Site Information:
 - Total Property Size: 3.19 acres, project on less than 1 acre
 - Number of Lots: 1; no new lots are being proposed
 - Domestic Water: none proposed
 - Sewage Disposal: vault toilet/portable toilet
 - Power/Electricity: none proposed
 - Fire Protection: Fire District 2 - KVHR
 - Irrigation District: Thorp Mill & Cascade
4. Site Characteristics:
 - North: State Hwy 10 and private properties
 - South: Yakima River and private properties
 - East: State Hwy 10 and private land with dispersed single family residences
 - West: Yakima River and private properties
5. The Comprehensive Plan designation is “Rural Working.”
6. The subject property is zoned “Agriculture 20,” which allows for the proposed recreational use as a conditional use.
7. 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.

8. 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.
9. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan.
10. This proposal is consistent with the provisions of KCC Title 12, Roads and Bridges as conditioned.
11. This proposal is consistent with the provisions of KCC Title 14, Buildings and Construction as conditioned.
12. This proposal is consistent with the provisions of KCC Title 17.29, Agriculture 20 zoning.
13. This proposal is consistent with the provisions of KCC 17.60A, Conditional Uses and meets the criteria of KCC 17.60A.015 (1-7).
14. Staff has conducted an administrative critical area review in accordance with KCC 17A and found that this proposal is located along the eastern shoreline of the Yakima River which is a Shoreline of the State. The applicant provided a biological assessment regarding the impacts to the environment and habitat due to the placement of a boat launch and haul-out within the Yakima River. Additionally, the applicant is applying concurrently with their zoning conditional use permit for a shoreline substantial development permit and shoreline conditional use permit as required by Kittitas County. The applicant is also working with Kittitas County's Floodplain manager to obtain a floodplain development permit consistent with KCC 14.08 Flood Damage Prevention code section due to work being performed within the 100 year floodplain. Staff review also found that there are two PSSC wetlands on the subject property. The current KCC 17A.04.020 buffer width requirement is a minimum of 25 feet, which this proposal meets. Additionally, the biological assessment addresses mitigation measures both for the in-stream and upland work. Finally, this site has a Priority Habitat Species (PHS) designation of Yakima River: Bald Eagle wintering area, goose nest area. As conditioned, this project is consistent with the provisions of KCC 17A.
15. As conditioned, the proposal is consistent with the Shoreline Master Program. The Conservancy Shoreline designation allows for this proposed recreational project per Section 32 as long as a shoreline conditional use permit is approved per Section 39. Signage will be required for this site to protect the public and private property owners. The related project documents address the need for this project. This proposal meets all of the criteria in Section 39 (2) (a – e) of the current existing 1975 Shoreline Master Program for approval of a shoreline conditional use permit.
16. 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.
17. Numerous public comments were submitted for this proposal at the time of staff review and were considered.

Staff Conclusions:

1. As conditioned, the proposal 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 12 Roads & Bridges, Title 14 Building & Construction, Title 17 Zoning, Title 17A Critical Areas, and the Kittitas County Shoreline Master Program.

Recommended Conditions of Approval:

1. The project shall proceed in substantial conformance with the plans and application materials on file dated November 6, 2014 and subsequent information included in the complete file index 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 development, design and construction shall comply with Kittitas County Code and the most current version of the International Fire & Building Codes.
4. The boat launch and haul-out ramp shall maintain at least a 25 foot buffer from the two PSSC wetlands known to be on-site.
5. All work shall take place outside of the OHWM except that work necessary to construct the boat launch & haul-out ramp. All work performed shall be completed in conformance with the best practices and mitigation measures described in the Biological Assessment (Index #39) and information, including site plans/construction drawings, associated with the SEPA DNS revised packet (Index #37) and additional information submitted on December 29, 2014 (Index #5).
6. Prior to any construction activity within the regulated floodplain, a floodplain substantial development permit is required to be issued by Kittitas County.
7. Prior to any construction activity on-site, a clearing and grading permit is required to be issued by Kittitas County.
8. All requirements of WA Department of Transportation (WSDOT) shall be complied with. The access permit and lease have been approved by WSDOT. The approach must be constructed and approved by WSDOT.
9. Informational signage is required to be posted on site with warnings and rules of use. The sign(s) shall include at a minimum: notice of danger regarding the dam downstream of the boat launch & haul-out ramp, hours of operation, respecting surrounding private property, and pack-it-out policy if no waste receptacle is provided by WDFW.
10. Signage less than 7 feet in height is exempt from a building permit and will not require engineering. Information signage is exempt from a land use sign permit. Applicant is encouraged to contact Kittitas

County Community Development Services regarding any signage prior to placement to determine if any permits will be required.

11. The proposed vault toilet or portable toilet will require a building permit if the entire structure is larger than 120 square feet in size.
12. A turn-around shall be provided for fire department access. The applicant shall consult with the Kittitas County Fire Marshal's office for specific requirements.
13. Access shall be a minimum width of 20 feet and the address shall be clearly visible from both directions of travel on the highway.