

The Law Office of
JOHN H. F. UFKES
P.O.Box 1819
Ellensburg, Washington 98926
(509) 925-3193
email: jufkes@johnufkeslaw.com

May 9, 2019

Mr. Andrew Kottkamp
Kittitas County Hearing Examiner
411 N. Ruby, Suite 4
Ellensburg, WA 98926

Re: *CU-19-00001*
SHADOW WING RANCH-Conditional Use Permit

Dear Mr. Kottkamp:

This is an application for a conditional use permit to allow the operation of a Riding Academy, (KCC Section 17.15.060.1(A)). The property is 4.88 acres in size and zoned Agricultural 20. It is located over three miles west of town on Radiant View Drive, a private road accessed by Weaver Road, in an area west of Cove Road. There are references to a 7056 sq. foot riding arena and related parking in the file. Permits were originally submitted some time ago, at which point the Community Development Department advised the applicants that this conditional use permit was required prior to their submission. The building permits will be submitted after a decision is final on this conditional use permit.

General Information in Support of Application

This letter is intended to provide additional written information in support of the conditional use permit.

The staff report presented by Kittitas County Community Development Services identifies the procedural and substantive background for this application. Included in the materials already part of the record, are explanations that the application is compliant with the

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noted goals contained in the Comprehensive Plan and the applicable provisions of Kittitas County Code. When read with the narrative presented with the application, it is clear that the criteria have been fulfilled for the granting of the requested conditional use.

The staff report recommends approval and lists fourteen (14) proposed conditions of approval. The applicant has no objection to these proposed conditions.

The record presented for consideration, however, can be supplemented by presenting a limited number of additional items.

**CUP IS SIMILAR TO APPLICATION SUBMITTED IN
2009 BY SPIRIT THERAPEUTIC RIDING CENTER.**

To assist in the evaluation of this matter there is attached to this letter a copy of the Board of Adjustment decision granting the conditional use permit filed in 2009 by another riding academy. The staff report and application are also included as Exhibit A. The Allenbaugh CU-09-00007 application was submitted to permit the Spirit Therapeutic Riding Center to operate. Although every application is unique, this information is presented to assist in general consistency.

**APPROVING CUP WILL NOT VIOLATE
ACCESS EASEMENT.**

In the two letters submitted objecting to this application, there are some references to the easement serving the various neighborhood properties, and a claim that this proposal somehow offends the grant of this easement. A copy of the recorded easement is attached as Exhibit B. It does not propose any overt limitations, as it operates to grant “nonexclusive access easements... for ingress and egress over and across real property...” as described.

Although compliance with private land use restrictions are not a listed criteria for a conditional use decisions, the applicant is desirous to show that this proposed use is appropriate for this property. The access road as improved, which are clearly evidenced by the pictures presented with application, as well as the terms of this easement expressly granted, are not offended by the application being considered.

Conclusion.

The evidence presented in the record for consideration clearly supports and establishes the conclusion that this application is a proposal in complete compliance with all relevant codes and regulations. For the above reasons the conditional use application should be recommended for approval.

Very truly yours,


John H.F. Ufkes

JHFU

EXHIBIT A



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"

NOTICE OF DECISION

TO: Applicant
Interested Parties (KCC 15A.06)

FROM: Dan Valoff, Staff Planner

DATE: February 18, 2010

SUBJECT: Notice of Decision - Conditional Use Permit
Allenbaugh CU-09-00007

Pursuant to RCW 36.70B.130 and KCC 15A.06, notice is hereby given that Kittitas County Board of Adjustment did on February 10, 2010 approved a Conditional Use Permit on an application from Jeff Slothower, authorized agent for Evelyn Allenbaugh, property owner to operate a riding academy on 3 acres in the Commercial Agriculture zone. The site is located at 1051 Sorenson Road, Ellensburg, WA, located in Section 22, T17N R19E WM in Kittitas County. Assessor's Map number 17-19-22051-0001.

A copy of the Kittitas County Board of Adjustment Findings of Fact and Decision is attached, other related file documents may be examined at Kittitas County Community Development Services, 411 N. Ruby Suite 2, Ellensburg, WA 98926. (509) 962-7506.

Issuance of these land use decisions may be appealed by parties with standing, by filing a land use petition in Superior Court, and serving said petition on all required parties pursuant to RCW 36.70C and KCC 15A.08, within twenty-one days of the issuance of the land use decision.

If you have any questions, please do not hesitate to contact our office at (509) 962-7506.



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"Building Partnerships – Building Communities"

CONDITIONAL USE PERMIT

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

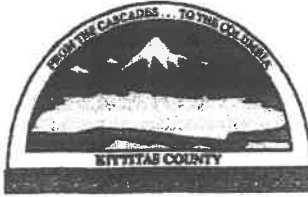
A Conditional Use Permit (CUP-09-00002) is hereby approved and issued to Jeff Slothower, authorized agent for Evelyn Allenbaugh, property owner applied for a Conditional Use Permit to operate a riding academy on 3 acres in the Commercial Agriculture zone. The site is located at 1051 Sorenson Road, Ellensburg, WA, located in Section 22, T17N R19E WM in Kittitas County. Assessor's map number 17-19-22051-0001.

This permit is subject to the following conditions:

1. Water used on the property will be used consistent with the existing Department of Ecology rules and regulations.
2. The applicant will not provide water to the public for consumption unless that water provided to the public is pre-packaged or is from an approved drinking water source.
3. The applicant will provide access to bathroom facilities either through a permanent or portable bathroom facility. In the event a bathroom is added to the property specifically to serve the individuals utilizing the riding service, the applicant should contact the Kittitas County Department of Health to determine if septic system requirements still met with the addition of a bathroom.
4. The applicant will maintain regular garbage collection and properly store all solid waste.
5. The applicant obtained the Department of Public Works consent that the turning apron meets the conditions in the January 12, 2010 comment letter.
6. In the event the applicant proposes new construction in the future to be used as part of the conditional use then, depending on the size of the structures, a sprinkler and/or fire alarm system may be required.
7. A fire and life safety inspection shall be conducted prior to beginning operations and an annual fire and life safety inspection is required, as well.
8. All development, design and construction shall comply with Kittitas County Code, Kittitas County Zoning and the 2006 International Fire & Building Codes.

Issued this 18th day of February 2010

By: 
Dan Valoff, Staff Planner



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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CDS@CO.KITTTITAS.WA.US

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"Building Partnerships - Building Communities"

Findings of Fact Allenbaugh Conditional Use Permit CU-09-07

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

1. The Board of Adjustment finds that Jeff Slothower, authorized agent for Evelyn Allenbaugh, property owner applied for a Conditional Use Permit to operate a riding academy on 3 acres in the Commercial Agriculture zone..
2. The site is located at 1051 Sorenson Road, Ellensburg, WA, located in Section 22, T17N R19E WM in Kittitas County. Assessor's Map number 17-19-22051-0001.
3. The Board of Adjustment finds that the Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on November 4, 2009. The application was deemed complete on December 3, 2009. A Notice of Application was issued on December 17, 2009. This notice was mailed to government agencies, adjacent property owners, and the applicant. The Board of Adjustment finds further that said notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners, and other interested parties. Written comments were received and included in the record for consideration.
4. The Board of Adjustment finds that in accordance with Kittitas County Code 15A.03.110, this project was accurately posed with the "Land Use Action" sign as provided by Community Development Services. The Affidavit of Posting was signed by the authorized agent and returned to the planner and is included as part of the record.
5. The Board of Adjustment finds that The Community Development Services Department on January 14, 2010 issued a SEPA Determination of Non-significance (DNS). The Board finds that the notice of said determination was provided to all required parties of record pursuant to 43.21C RCW and that said notice that said notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners, and other interested parties. No appeals were filed.
6. The Board of Adjustment finds that an open record hearing was held on February 10, 2010 and that testimony was taken from those persons present who wished to be heard. The Board of Adjustment also finds that due notice of this public hearing has been given as required by law, and the necessary inquiry has been made into the public interest to be served by this proposed project.
7. The Board of Adjustment finds that the Comprehensive Plan's Land Use Element designates the subject parcel as Commercial Agriculture and the zoning is Commercial Agriculture.
8. The Board of Adjustment finds that the purpose and intent of the Commercial Agriculture zone is an area wherein farming and ranching are the priority. The intent of this zoning classification is to preserve fertile farmland from encroachment by nonagricultural land uses and protect the rights and traditions of those engaged in agriculture.

9. The Board of Adjustment finds that in KCC 17.31.030(14): Riding Academies; subject to the conditions set forth in Chapter KCC 17.60 Conditional Uses.
10. The Board of Adjustment finds that an administrative site analysis was completed by the staff planner in compliance with Kittitas County Code Title 17A, Critical Areas. No critical areas were identified on site.
11. The Board of Adjustment finds that 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.
12. The Board of Adjustment finds that 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 or (2) that the applicant shall provide such facilities and (3) has demonstrated that the proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.
13. The Board of Adjustment finds that the proposed development has met the requirements of KCC. 17.60.010 (as listed in items 12 and 13 of the conditions).
14. The Board of Adjustment finds that the following conditions are required for approval of the Conditional Use Permit.
 1. Water used on the property will be used consistent with the existing Department of Ecology rules and regulations.
 2. The applicant will not provide water to the public for consumption unless that water provided to the public is pre-packaged or is from an approved drinking water source.
 3. The applicant will provide access to bathroom facilities either through a permanent or portable bathroom facility. In the event a bathroom is added to the property specifically to serve the individuals utilizing the riding service, the applicant should contact the Kittitas County Department of Health to determine if septic system requirements still met with the addition of a bathroom.
 4. The applicant will maintain regular garbage collection and properly store all solid waste.
 5. The applicant obtained the Department of Public Works consent that the turning apron meets the conditions in the January 12, 2010 comment letter.
 6. In the event the applicant proposes new construction in the future to be used as part of the conditional use then, depending on the size of the structures, a sprinkler and/or fire alarm system may be required.
 7. A fire and life safety inspection shall be conducted prior to beginning operations and an annual fire and life safety inspection is required, as well.
 8. All development, design and construction shall comply with Kittitas County Code, Kittitas County Zoning and the 2006 International Fire & Building Codes.
15. Additional conditions are not necessary to protect the public's interest.


Daryl Akerman, Chairman, Board of Adjustment

02-18-10
Date



STAFF REPORT

TO: Kittitas County Board of Adjustment
FROM: Dan Valoff, Staff Planner
DATE: February 10, 2010
SUBJECT: Allenbaugh CUP-09-00007
Operate a Riding Academy on 3 acres in the Commercial Agriculture zone.

I. BACKGROUND INFORMATION

Proposal:

Conditional Use Application from Jeff Slothower, authorized agent for Evelyn Allenbaugh, property owner to operate a riding academy on 3 acres in the Commercial Agriculture zone.

Location:

The project is located at 1051 Sorenson Road, Ellensburg, WA, located in Section 22, T17N R19E WM in Kittitas County. Assessor's Map number 17-19-22051-0001.

II. POLICY AND REGULATORY REQUIREMENTS

- A. The Comprehensive Plan Land Use designates this parcel as Commercial Agriculture and the property is zoned Commercial Agriculture.
- B. The purpose and intent of the Commercial Agriculture zone is an area wherein farming and ranching are the priority. The intent of this zoning classification is to preserve fertile farmland from encroachment by nonagricultural land uses and protect the rights and traditions of those engaged in agriculture.
- C. KCC 17.31.030(14): Riding Academies; subject to the conditions set forth in Chapter KCC 17.60 Conditional Uses.
- D. An administrative critical area site analysis was completed by staff in compliance with Title 17A: Critical Areas. There were no critical areas on site.

III. ADMINISTRATIVE REVIEW

Notice of application:

The submitted application was received by Community Development Services on November 4, 2009. The application was deemed complete on December 3, 2009. A Notice of Application was issued on December 17, 2009. This notice was mailed to government agencies, adjacent property owners, and the applicant.

Posting of Site:

In accordance with Kittitas County Code 15A.03.110, this project was accurately posed with the "Land Use Action" sign as provided by Community Development Services. The Affidavit of Posting was signed by the authorized agent and returned to the planner and is included as part of the record.

Written Testimony:

Written comments were solicited as part of the Notice of Application the final date to submit comments was January 4, 2010 by 5:00pm. Written comments were received and are included in your packets for review.

State Environmental Policy Act:

Based on the comment period and other information submitted with this project permit application, a SEPA Determination of Nonsignificance (DNS) was issued by Community Development Services on January 14, 2010. No appeals were filed.

Recommended Conditions:

Community Development Services recommends approval of the Conditional Use Permit with the following suggested conditions. The Board of Adjustment may impose further conditions as needed:

1. Water used on the property will be used consistent with the existing Department of Ecology rules and regulations.
2. The applicant will not provide water to the public for consumption unless that water provided to the public is pre-packaged or is from an approved drinking water source.
3. The applicant will provide access to bathroom facilities either through a permanent or portable bathroom facility. In the event a bathroom is added to the property specifically to serve the individuals utilizing the riding service, the applicant should contact the Kittitas County Department of Health to determine if septic system requirements still met with the addition of a bathroom.
4. The applicant will maintain regular garbage collection and properly store all solid waste.
5. The applicant obtained the Department of Public Works consent that the turning apron meets the conditions in the January 12, 2010 comment letter.
6. Depending on the size of the structures, a sprinkler and/or fire alarm system may be required.
7. A commercial project review will be required.
8. A fire and life safety inspection shall be conducted prior to beginning operations, and an annual fire and life safety inspection is required, as well.
9. All development, design and construction shall comply with Kittitas County Code, Kittitas County Zoning and the 2006 International Fire & Building Codes

IV. SUGGESTED FINDINGS OF FACT

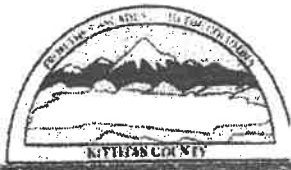
This matter having come before the Kittitas County Board of Adjustment upon the above referenced Conditional Use Application from Jeff Slothower, authorized agent for Evelyn Allenbaugh, landowners, the Board of Adjustment makes the following Findings of Facts, Conclusions at Law and Decision related to the above referenced matter:

1. The Board of Adjustment finds that Jeff Slothower, authorized agent for Evelyn Allenbaugh, property owner applied for a Conditional Use Permit to operate a riding academy on 3 acres in the Commercial Agriculture zone..
2. The site is located at 1051 Sorenson Road, Ellensburg, WA, located in Section 22, T17N R19E WM in Kittitas County. Assessor's Map number 17-19-22051-0001.
3. The Board of Adjustment finds that the Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on November 4, 2009. The application was deemed complete on December 3, 2009. A Notice of Application was issued on December 17, 2009. This notice was mailed to government agencies, adjacent property owners, and the applicant. The Board of Adjustment finds further that said notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners, and other interested parties. Written comments were received and included in the record for consideration.
4. The Board of Adjustment finds that in accordance with Kittitas County Code 15A.03.110, this project was accurately posed with the "Land Use Action" sign as provided by Community Development Services. The Affidavit of Posting was signed by the authorized agent and returned to the planner and is included as part of the record.

5. The Board of Adjustment finds that The Community Development Services Department on January 14, 2010 issued a SEPA Determination of Non-significance (DNS). The Board finds that the notice of said determination was provided to all required parties of record pursuant to 43.21C RCW and that said notice that said notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners, and other interested parties. No appeals were filed.
6. The Board of Adjustment finds that an open record hearing was held on February 10, 2010 and that testimony was taken from those persons present who wished to be heard. The Board of Adjustment also finds that due notice of this public hearing has been given as required by law, and the necessary inquiry has been made into the public interest to be served by this proposed project.
7. The Board of Adjustment finds that the Comprehensive Plan's Land Use Element designates the subject parcel as Commercial Agriculture and the zoning is Commercial Agriculture.
8. The Board of Adjustment finds that the purpose and intent of the Commercial Agriculture zone is an area wherein farming and ranching are the priority. The intent of this zoning classification is to preserve fertile farmland from encroachment by nonagricultural land uses and protect the rights and traditions of those engaged in agriculture.
9. The Board of Adjustment finds that in KCC 17.31.030(14): Riding Academies; subject to the conditions set forth in Chapter KCC 17.60 Conditional Uses.
10. The Board of Adjustment finds that an administrative site analysis was completed by the staff planner in compliance with Kittitas County Code Title 17A, Critical Areas. No critical areas were identified on site.
11. The Board of Adjustment finds that 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.
12. The Board of Adjustment finds that 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 or (2) that the applicant shall provide such facilities and (3) has demonstrated that the proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.
13. The Board of Adjustment finds that the proposed development has/has not met the requirements of KCC. 17.60.010 (as listed in items 12 and 13 of the conditions).
14. The Board of Adjustment finds that the following conditions are required for approval of the Conditional Use Permit.
 1. Water used on the property will be used consistent with the existing Department of Ecology rules and regulations.
 2. The applicant will not provide water to the public for consumption unless that water provided to the public is pre-packaged or is from an approved drinking water source.
 3. The applicant will provide access to bathroom facilities either through a permanent or portable bathroom facility. In the event a bathroom is added to the property specifically to serve the individuals utilizing the riding service, the applicant should contact the Kittitas County Department of Health to determine if septic system requirements still met with the addition of a bathroom.
 4. The applicant will maintain regular garbage collection and properly store all solid waste.
 5. The applicant obtained the Department of Public Works consent that the turning apron meets the conditions in the January 12, 2010 comment letter.

6. Depending on the size of the structures, a sprinkler and/or fire alarm system may be required.
7. A commercial project review will be required.
8. A fire and life safety inspection shall be conducted prior to beginning operations, and an annual fire and life safety inspection is required, as well.
9. All development, design and construction shall comply with Kittitas County Code, Kittitas County Zoning and the 2006 International Fire & Building Codes

15. Additional conditions are/are not necessary to protect the public's interest.



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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Fax (509) 962-7682

"Building Partnerships - Building Communities"

CU-09-00007

ZONING CONDITIONAL USE
PERMIT APPLICATION

(Proposing a use such as a Bed & Breakfast or Campground)

KITTITAS COUNTY ENCOURAGES THE USE OF PRE-APPLICATION MEETINGS. PLEASE CONTACT COMMUNITY DEVELOPMENT SERVICES TO SET UP A PRE-APPLICATION MEETING TO DISCUSS A PROPOSED PROJECT.

PLEASE TYPE OR PRINT CLEARLY IN INK. ATTACH ADDITIONAL SHEETS AS NECESSARY. PURSUANT TO KCC 15A.03.030, A COMPLETE APPLICATION IS DETERMINED WITHIN 28 DAYS OF RECEIPT OF THE APPLICATION SUBMITTAL PACKET AND FEE. THE FOLLOWING ITEMS MUST BE ATTACHED TO THE APPLICATION PACKET:

REQUIRED ATTACHMENTS

- ADDRESS LIST OF ALL LANDOWNERS WITHIN 500 FEET OF THE SUBJECT PARCEL(S). IF ADJOINING PARCELS ARE OWNED BY THE APPLICANT, THEN THE 500 FOOT AREA SHALL EXTEND FROM THE FARTHEST PARCEL. IF THE PARCEL IS WITHIN A SUBDIVISION WITH A HOMEOWNERS' OR ROAD ASSOCIATION, PLEASE INCLUDE THE MAILING ADDRESS OF THE ASSOCIATION. See attached Exhibit 1.
- SITE PLAN OF THE PROPERTY WITH ALL PROPOSED BUILDINGS POINTS OF ACCESS, ROADS, PARKING AREAS, SEPTIC TANK, DRAINFIELD, DRAINFIELD REPLACEMENT AREA, AREAS TO BE CUT AND/OR FILLED, NATURAL FEATURES SUCH AS CONTOURS, STREAMS, GULLIES, CLIFFS, ETC.
- SEPA CHECKLIST (UNLESS EXEMPT)



APPLICATION FEE:

\$2,030.00 (\$1,560 fee + \$470 SEPA) for Community Development Services
\$130.00 for Fire Marshal
(One check made payable to KCCDS)

Accessory Dwelling Units and Special Care Dwellings are exempt from SEPA

FOR STAFF USE ONLY

APPLICATION RECEIVED BY:
(CDS STAFF SIGNATURE)

[Handwritten Signature]

DATE:

11.04.09

RECEIPT #

PAID

NOV 04 2009
KITTITAS CO.
CDS

NOTES:

1. **Name, mailing address and day phone of land owner(s) of record:**
Landowner(s) signature(s) required on application form.

Name: Evelyn Allenbaugh
Mailing Address: 1051 Sorenson Road
City/State/ZIP: Ellensburg, WA 98926
Day Time Phone: (509) 929-1401
Email Address: spirit@elltel.net

2. **Name, mailing address and day phone of authorized agent, if different from land owner of record:**
If an authorized agent is indicated, then the authorized agent's signature is required for application submittal.

Agent Name: Jeff Slothower, Attorney at Law
Mailing Address: P.O. Box 1088
City/State/ZIP: Ellensburg, WA 98926
Day Time Phone: (509) 925-6916
Email Address: jslothower@lwhsd.com

3. **Street address of property:**

Address: 1051 Sorenson Road
City/State/ZIP: Ellensburg, WA 98926

4. **Legal description of property:**

Lot 61 of the Roy short Plat No. 296-11 being a portion of Section 22, Township 17 North, Range 19 EWM

5. **Tax parcel number:** 17-19-22051-0001 (11673)

6. **Property size:** 3 acres (acres)

7. **Narrative project description:** Please include the following information in your description: describe project size, location, water supply, sewage disposal and all qualitative features of the proposal; include every element of the proposal in the description (be specific, attach additional sheets as necessary):

The applicant seeks a Conditional Use Permit to operate a riding academy on the property pursuant to KCC 17.31.030 (14). The riding academy is a conditional use under the current zone. The riding academy would specialize in providing equine-assisted activities to individuals with disabilities and would be affiliated with NARHA, which was formerly referred to as the North American Riding for the Handicapped Association. NARHA has been in existence since 1969 and provides equine-assisted activities and therapy programs throughout the United States and Canada through a network of 800 riding academies. The facility would be owned and operated by Ms. Allenbaugh, the owner of the property, who has gone through the NARHA training and desires to use her property part-time for a training center.

It is anticipated that individuals who attend the riding academy would be on the property one hour per week from 3:30 p.m. to 7:00 p.m. Tuesday through Saturday. The riding activities would be conducted in a completely enclosed indoor riding arena. The riding academy would use horses which belong to the applicant and which are stabled on the property.

8. Provision of the zoning code applicable: KCC 17.31.030(14)
9. A conditional use permit may be granted when the following criteria are met. Please describe in detail how each criteria is met for this particular project (attach additional sheets as necessary):

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.

The proposed use is desirable to the public's convenience because it provides a therapeutic riding activity to individuals with disabilities that is not otherwise available in Kittitas County. The benefits of this therapeutic activity are well known, and attached hereto as Exhibit A is a brief statement of the benefits of therapeutic riding. Currently, there is one NARHA facility located in Woodinville, Washington and another in the Lower Yakima Valley. These are the only two NARHA facilities in close proximity to Ellensburg. Oftentimes, the individuals who benefit from this type of therapy are unable to travel great distances because of their physical limitations and/or do not have the financial means to travel. The existence of a local facility will provide these individuals with a close, safe and inexpensive facility.

The activity would be conducted entirely on the applicant's property and the applicant's property is configured in such a way that the activity would occur within an enclosed riding arena, creating no potential for activities off-site to interfere with the riding academy and no interference with any ongoing land use activities on adjacent property. The proposed use is not detrimental or injurious to the public health, peace, safety or the character of the surrounding neighborhood. The applicant has contacted all of the neighbors whose property adjoins the applicant's property. Each of those adjoining neighbors have indicated in writing that, not only is the proposed conditional use not injurious to them as neighbors, but they fully support the proposed activity. (See letters attached as Exhibit B). In addition, the applicant contacted other property owners who live in the general vicinity of the applicant's property. Those individuals also support the activity. Letters from other members of the neighborhood are attached hereto as Exhibit C.

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 (3) demonstrate that the proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.

The proposed use is not unreasonably detrimental to the economic welfare of the county and it will not create excessive public cost for facilities and services because of the following:

- a) The existing facility is located on private property that is accessed by a county road;
- b) The activity will not require increased police or fire protection;
- c) The activity is not dependent upon irrigation or drainage structures, nor will it have any impact on schools.

As depicted on the map attached as Exhibit D, the property is well served by a variety of county roads and is less than one mile from an existing fire station.

10. Application is hereby made for permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed and or completed work.

All correspondence and notices will be mailed to the Land Owner of Record and copies sent to the authorized agent.

Signature of Authorized Agent:

(REQUIRED if indicated on application)

X Evelyn M Allenburg

Date:

11-4-09

Signature of Land Owner of Record

(REQUIRED for application submittal)

X Evelyn M Allenburg

Date:

11-4-09

EXHIBIT B

Filed for and return to:



Lonny D. Bauscher, P.C.
610 N. Mission Street, Ste. A3
Wenatchee, WA 98801
(509) 664-3704 / (509) 662-1434 Fax

REVIEWED BY
KITTITAS COUNTY TREASURER
COUNTY CLERK M. Starke
DATE 5.5.2006

The information contained in this boxed section is for recording purposes only pursuant to RCW 36.18 and RCW 65.04 and is not to be relied upon for any other purpose, and shall not affect the intent of or any warranty contained in the document itself.

Grantor(s): Craig Duncan and Reesa Duncan, husband and wife
Grantee(s): David J. Duncan, III and Karen Duncan, husband and wife; Clinton M. Duncan and Joann Duncan, husband and wife; Bradford W. Duncan and Michelle Duncan, husband and wife
Reference Number(s) of Documents Assigned or Released: No. 20060504001
Abbreviated Legal Description: Lots 5, 6, 7, 8, 9, & 10, Ptns. of the NE ¼ and the NW ¼ of S. 1, T. 17 N., R. 17, E.W.M., Kittitas County, WA.
Complete or Additional Legal Description on Exhibits "A," "B," "C," "D," "E," and "F" of Document
Assessor's Parcel Numbers: 17-17-01-000-034; 17-17-000-035; 17-17-01-000-033; 17-17-01-000-036; 17-17-01-000-037; 17-17-01-000-038

RECIPROCAL ACCESS EASEMENT *Unit 100792 43-*

1. Grant of Easement. CRAIG DUNCAN and REESA DUNCAN, husband and wife, are the owners of real property located in Kittitas County, Washington, legally described on Exhibit "A" attached hereto and incorporated by reference. DAVID J. DUNCAN, III, and KAREN DUNCAN, husband and wife, CLINTON M. DUNCAN and JOANN DUNCAN, husband and wife, and BRADFORD W. DUNCAN and MICHELLE DUNCAN, husband and wife, as tenants in common, are the owners of real property in Kittitas County, Washington, legally described on Exhibit "B" attached hereto and incorporated by reference. The Parties for and in consideration of the benefits herein received, hereby grant to each other, their heirs, personal representatives, successors and assigns, nonexclusive access easements, legally described on Exhibits "C," "D," "E," and "F" attached hereto and incorporated herein by reference, for ingress and egress over and across real property located in Kittitas County, Washington, described in Exhibits "A" and "B," various parcels of which are benefited and burdened. It is the Parties intent that the benefits of the aforesaid easements extend to all parcels described in Exhibits "A" and "B," the burdens affecting the parcels described in Exhibits "C," "D," "E," and "F."

2. Nondisturbance. No Party shall perform any activity which would unreasonably interfere with the use of the easement described herein.

ACCESS EASEMENT -1


LONNY D. BAUSCHER, P.C.
610 N. MISSION STREET, STE. A3
WENATCHEE, WA 98801
(509) 664-3704 / (509) 662-1434 FAX



3. Running Easement. The burden and benefit of the Easement as described herein shall run with the land owned by the Parties, respectively. The Easements shall be appurtenant to Parties' property. This Easement shall be binding on the heirs, personal representatives, successors, and assigns of the Parties.

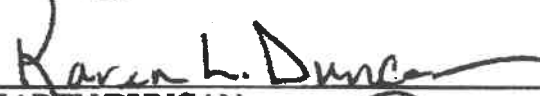
4. Revocation. The easement recorded under Kittitas County Auditor's No. 20060504001 is hereby revoked and replaced with the easement herein described.

DATED this 4th day of MAY, 2006.


CRAIG DUNCAN


REESA DUNCAN


DAVID J. DUNCAN, III


KAREN DUNCAN


CLINTON M. DUNCAN


JOANN DUNCAN


BRADFORD W. DUNCAN


MICHELLE DUNCAN

STATE OF WASHINGTON)
) ss.
County of Kittitas)

I certify that I know or have satisfactory evidence that CRAIG DUNCAN is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 4th day of May, 2006.



Jackie Peebles
JACKIE PEEBLES
(Printed name)
NOTARY PUBLIC, State of Washington
My Appointment Expires 6-11-07

STATE OF WASHINGTON)
) ss.
County of Kittitas)

I certify that I know or have satisfactory evidence that REESA DUNCAN is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 4 day of May, 2006.



Linda Lee Snyder
Linda Lee Snyder
(Printed name)
NOTARY PUBLIC, State of Washington
My Appointment Expires 12-31-06

STATE OF WASHINGTON)
) ss.
County of Kittitas)

I certify that I know or have satisfactory evidence that DAVID J. DUNCAN, III, is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 4th day of May, 2006.



Schirce Sullivan
Schirce Sullivan
(Printed name)
NOTARY PUBLIC, State of Washington
My Appointment Expires 9-9-09

STATE OF WASHINGTON)
) ss.
County of Kittitas)

I certify that I know or have satisfactory evidence that KAREN DUNCAN is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 4th day of May, 2006.



Schirce Sullivan
Schirce Sullivan
(Printed name)
NOTARY PUBLIC, State of Washington
My Appointment Expires 9-9-09

ACCESS EASEMENT 4

LONNY D. BAUSCHER, P.C.
610 N. MISSION STREET, STE. A3
WENATCHEE, WA 98801
(509) 664-3704 / (509) 662-1434 FAX

STATE OF WASHINGTON)
) ss.
County of Kittitas)

I certify that I know or have satisfactory evidence that CLINTON M. DUNCAN is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 4th day of May, 2006.

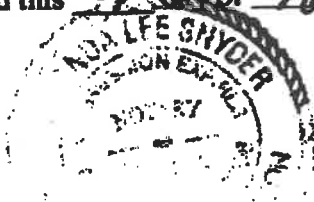


Schirce Sullivan
Schirce Sullivan
(Printed name)
NOTARY PUBLIC, State of Washington
My Appointment Expires 9-9-09

STATE OF WASHINGTON)
) ss.
County of Kittitas)

I certify that I know or have satisfactory evidence that JOANN DUNCAN is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 4th day of May, 2006.



Ann Lee Snyder
Ann Lee Snyder
(Printed name)
NOTARY PUBLIC, State of Washington
My Appointment Expires 12-31-10

STATE OF WASHINGTON)
) ss.
County of Kittitas)

I certify that I know or have satisfactory evidence that BRADFORD W. DUNCAN is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 4 day of May, 2006.



Amanda Lee Snyder
Amanda Lee Snyder
(Printed name)
NOTARY PUBLIC, State of Washington
My Appointment Expires 12-31-06

STATE OF WASHINGTON)
) ss.
County of Kittitas)

I certify that I know or have satisfactory evidence that MICHELLE DUNCAN is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 4 day of May, 2006.

Amanda Lee Snyder
Amanda Lee Snyder
(Printed name)
NOTARY PUBLIC, State of Washington
My Appointment Expires 12-31-06

EXHIBIT "A"

Property owned by Craig and Reesa Duncan:

PARCEL 6 OF THAT CERTAIN SURVEY AS RECORDED AUGUST 9, 2005, IN BOOK 31 OF SURVEYS AT PAGES 148 - 150, UNDER AUDITOR'S FILE NO. 200508090026, RECORDS OF KITTITAS COUNTY, WASHINGTON; BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 17 NORTH, RANGE 17 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

PARCEL 7 OF THAT CERTAIN SURVEY AS RECORDED AUGUST 9, 2005, IN BOOK 31 OF SURVEYS AT PAGES 148 - 150, UNDER AUDITOR'S FILE NO. 200508090026, RECORDS OF KITTITAS COUNTY, WASHINGTON; BEING A PORTION OF THE NORTHWEST QUARTER AND OF THE NORTHEAST QUARTER, ALL IN SECTION 1, TOWNSHIP 17 NORTH, RANGE 17 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

[END OF EXHIBIT "A"]

EXHIBIT "B"

Property owned by David J. Duncan, III and Karen Duncan, husband and wife; Clinton M. Duncan and Joann Duncan, husband and wife; Bradford W. Duncan and Michelle Duncan, husband and wife; as tenants in common:

PARCEL 5 OF THAT CERTAIN SURVEY AS RECORDED AUGUST 9, 2005, IN BOOK 31 OF SURVEYS AT PAGES 148 - 150, UNDER AUDITOR'S FILE NO. 200508090026, RECORDS OF KITTITAS COUNTY, WASHINGTON; BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 17 NORTH, RANGE 17 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

PARCEL 8 OF THAT CERTAIN SURVEY AS RECORDED AUGUST 9, 2005, IN BOOK 31 OF SURVEYS AT PAGES 148 - 150, UNDER AUDITOR'S FILE NO. 200508090026, RECORDS OF KITTITAS COUNTY, WASHINGTON; BEING A PORTION OF THE NORTHWEST QUARTER AND OF THE NORTHEAST QUARTER, ALL IN OF SECTION 1, TOWNSHIP 17 NORTH, RANGE 17 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

ACCESS EASEMENT -7

LONNY D. BAUSCHER, P.C.
610 N. MISSION STREET, STE. A3
WENATCHEE, WA 98901
(509) 664-3704 / (509) 662-1434 FAX

PARCEL 9 OF THAT CERTAIN SURVEY AS RECORDED AUGUST 9, 2005, IN BOOK 31 OF SURVEYS AT PAGES 148 – 150, UNDER AUDITOR'S FILE NO. 200508090026, RECORDS OF KITTITAS COUNTY, WASHINGTON; BEING A PORTION OF THE NORTHWEST QUARTER AND OF THE NORTHEAST QUARTER, ALL IN OF SECTION 1, TOWNSHIP 17 NORTH, RANGE 17 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

PARCEL 10 OF THAT CERTAIN SURVEY AS RECORDED AUGUST 9, 2005, IN BOOK 31 OF SURVEYS AT PAGES 148 – 150, UNDER AUDITOR'S FILE NO. 200508090026, RECORDS OF KITTITAS COUNTY, WASHINGTON; BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 17 NORTH, RANGE 17 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

[END OF EXHIBIT "B"]

EXHIBIT "C"

Easement in Kittitas County, Washington, legally described as follows:

AN EASEMENT ACROSS A PORTION OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 17 NORTH, RANGE 17 EAST, W.M., KITTITAS COUNTY, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS:

THAT PORTION OF PARCELS 5 AND 6 OF THAT CERTAIN SURVEY AS RECORDED AUGUST 9, 2005, IN BOOK 31 OF SURVEYS AT PAGES 148, 149, AND 150, UNDER AUDITOR'S FILE NO. 200508090026, RECORDS OF KITTITAS COUNTY, WASHINGTON, LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL 5, THENCE S 89°45'03" W, ALONG THE NORTH BOUNDARY OF SAID PARCEL 5, 46.72 FEET TO THE TRUE POINT OF BEGINNING FOR SAID DESCRIBED LINE; THENCE S 02°33'45" E, 509.05 FEET; THENCE S 02°07'15" W, 42.08 FEET; THENCE S 10°37'16" W, 24.89 FEET; THENCE S 22°12'12" W, 36.15 FEET; THENCE S 29°35'02" W, 97.46 FEET; THENCE S 22°54'16" W, 112.10 FEET; THENCE S 18°30'09" W, 121.05 FEET; THENCE S 24°54'09" W, 32.99 FEET; THENCE S 39°34'46" W, 29.76 FEET; THENCE S 57°58'06" W, 34.38 FEET; THENCE S 65°09'54" W, 76.48 FEET; THENCE S 63°51'38" W, 110.30 FEET; THENCE S 47°52'02" W, 28.18 FEET; THENCE S 33°37'26" W, 32.97 FEET; THENCE S

ACCESS EASEMENT -8

LONNY D. BAUSCHER, P.C.
610 N. MISSION STREET, STE. A3
WENATCHEE, WA 98801
(509) 664-3704 / (509) 662-1434 FAX

30°22'20" W, 135.95 FEET; THENCE S 42°01'08" W, 26.18 FEET; THENCE S 7°18'36" E, 60.57 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID PARCEL 6 AND THE TERMINUS OF SAID DESCRIBED LINE;

EXCEPT EASEMENT Q AS DELINEATED ON THAT CERTAIN SURVEY RECORDED JANUARY 7, 1994, IN BOOK 19 OF SURVEYS AT PAGES 205, 206, AND 207, UNDER AUDITOR'S FILE NO. 566917, RECORDS OF KITTITAS COUNTY, WASHINGTON;

AND EXCEPT EASEMENT R AS DELINEATED ON THAT CERTAIN SURVEY RECORDED AUGUST 9, 2005, IN BOOK 31 OF SURVEYS AT PAGES 148, 149, AND 150, UNDER AUDITOR'S FILE NO. 200508090026, RECORDS OF KITTITAS COUNTY, WASHINGTON.

[END OF EXHIBIT "C"]

EXHIBIT "D"

Easement in Kittitas County, Washington, legally described as follows:

AN EASEMENT LOCATED IN THE NORTH HALF OF SECTION 1, TOWNSHIP 17 NORTH, RANGE 17 EAST, W.M., KITTITAS COUNTY, STATE OF WASHINGTON, 110.00 FEET IN DIAMETER, CENTERED ON THE FOLLOWING DESCRIBED POINT:

BEGINNING AT THE SOUTHEAST CORNER OF PARCEL 7 OF THAT CERTAIN SURVEY AS RECORDED AUGUST 9, 2005, IN BOOK 31 OF SURVEYS AT PAGES 148, 149, AND 150, UNDER AUDITOR'S FILE NO. 200508090026, RECORDS OF KITTITAS COUNTY, WASHINGTON; THENCE N 00°22'06" E, ALONG THE EAST BOUNDARY OF SAID PARCEL 7, 27.50 FEET; THENCE N 89°05'59" W, 276.19 FEET TO SAID DESCRIBED POINT;

AFFECTING PARCELS 7 AND 9 OF SAID SURVEY.

[END OF EXHIBIT "D"]



EXHIBIT "E"

Easement in Kittitas County, Washington, legally described as follows:

EASEMENT Q AS DELINEATED ON THAT CERTAIN SURVEY RECORDED JANUARY 7, 1994, IN BOOK 19 OF SURVEYS AT PAGES 205, 206, AND 207, UNDER AUDITOR'S FILE NO. 566917, RECORDS OF KITTITAS COUNTY, WASHINGTON;

[END OF EXHIBIT "E"]

EXHIBIT "F"

Easement in Kittitas County, Washington, legally described as follows:

EASEMENT R AS DELINEATED ON THAT CERTAIN SURVEY RECORDED AUGUST 9, 2005, IN BOOK 31 OF SURVEYS AT PAGES 148, 149, AND 150, UNDER AUDITOR'S FILE NO. 200508090026, RECORDS OF KITTITAS COUNTY, WASHINGTON.

[END OF EXHIBIT "F"]

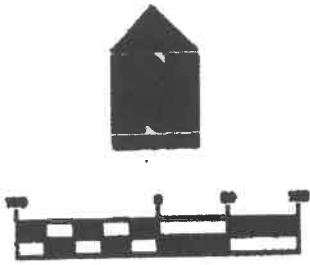
N 89°45'03" E
48.72'

NORTH B'DY
PARCEL 5

NE CORNER
PARCEL 5

S 02°33'45" E

509.05'



(IN FEET)
1 inch = 100 ft.

LINE	DIRECTION	DISTANCE
L1	S 02°07'15" W	42.08'
L2	S 10°37'16" W	24.89'
L3	S 22°12'12" W	38.15'
L4	S 28°35'02" W	87.45'
L5	S 22°54'18" W	112.10'
L6	S 18°30'08" W	121.05'
L7	S 24°54'09" W	32.99'
L8	S 39°34'48" W	28.78'
L9	S 57°58'06" W	34.38'
L10	S 65°09'54" W	78.46'
L11	S 63°51'38" W	110.30'
L12	S 47°52'02" W	28.18'
L13	S 33°37'26" W	32.97'
L14	S 30°22'20" W	135.95'
L15	S 42°01'00" W	26.18'
L16	S 07°18'35" E	60.57'

PARCEL 5

BK 31 OF SURVEYS
PGS 148-150

PARCEL 6

ESM'T R
BK 31 OF SURVEYS
PGS 148-150

SOUTH B'DY
PARCEL 6

ESM'T Q
BK 19 OF SURVEYS
PGS 205-207

TERMINUS OF ESM'T Q
BEGINNING OF ESM'T R

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Kittitas Co Auditor AMERITITLE ERS

