



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

Staff Report Shadow Wing Ranch Conditional Use Permit (CU-19-00001)

TO: Kittitas County Hearing Examiner
FROM: Kittitas County Community Development Services Staff Planner, Jeremy Johnston
RE: Shadow Wing Ranch Conditional Use Permit (CU-19-00001)
DATE: May 9, 2019 (Hearing Date)

I. GENERAL INFORMATION

Requested Action: The proposed project is a 7,056 sq. ft. indoor riding academy for equine assisted learning activities with associated parking. The project site is a 4.88 acre parcel in the Agriculture 20 zone. The proposed use would operate Monday through Friday from 10:00 AM to 7:00 PM. Each scheduled session will not exceed 10 persons present including instructors, volunteers, and students. The applicant anticipates less than 10 vehicle trips per day.

Location: Parcel 951596, located at 401 Radiant View Drive, Ellensburg, WA. In the NE1/4 of Section 1, Township 17N, Range 17 E, W.M.; Assessor's map number 17-17-01051-0002.

II. SITE INFORMATION

Total Property Size:	4.88 Acres
Number of Lots:	1
Domestic Water:	Well
Sewage Disposal:	On-Site Septic
Power/Electricity:	PSE
Fire Protection:	Fire District 2 (KVFR)
Irrigation District:	KRD

Site Characteristics:

North: Privately owned land, primarily agricultural and residential uses
South: Privately owned land, primarily agricultural and residential uses
East: Privately owned land, primarily agricultural and residential uses
West: Privately owned land, primarily agricultural and residential uses

Access: The site is accessed from Radiant View Drive, a private road. Radiant View Drive is accessed via Weaver Rd, approximately 3.5 miles west of the city of Ellensburg.

III. ZONING AND DEVELOPMENT STANDARDS

The proposed project is classified as a "Riding Academy." Kittitas County Code permits Riding Academies as a Conditional Use under KCC 17.15.060 in an Agricultural 20 zone. The Agriculture 20 zone is an area where farming, ranching and rural life styles are dominant characteristics. 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.

IV. ADMINISTRATIVE REVIEW

Deem Complete: A conditional use permit application (See Index #1) for the Shadow Wing Ranch (CU-19-00001) was submitted to Kittitas County Community Development Services department on February 04, 2019. The application was deemed complete (See Index #7) on February 25, 2019. The site was posted in accordance with KCC 15A.03.110 on February 27, 2019 (See Index #'s 9 and 10).

Notice of Application: A notice of application (See Index #12) for the Shadow Wing Ranch Conditional Use Permit (CU-19-00001) was mailed and/or emailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel & associated agencies. Notice was given to and published in the official newspaper of record for Kittitas County, and notice was posted to the Kittitas County Website on March 7, 2019, all in conformance with the Kittitas County Project Permit Application Process (Title 15A) (See Index #'s 11, 14, and 16).

V. COMPREHENSIVE PLAN

The Kittitas County Comprehensive Plan designates the proposal site as rural lands. Kittitas County has established the following goals and policies to guide activities that are designated in rural lands. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

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

Staff Consistency Statement: The proposed project is consistent with lower service levels and agricultural character. This assessment can be found in the "Project Analysis" section of this document.

GPO 8.2 Rural lands often have an established land use pattern that inhibits urban character and are generally, and anticipated to continue to be, served by septic systems and individual wells or small community water systems.

Staff Consistency Statement: The proposed project is a permitted use with a Conditional Use permit in the designated zoning district. As such the county has determined that a riding academy use is consistent with rural character within an Agricultural 20 zoning designation.

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

Staff Consistency Statement: The proposed use is consistent with and will not impede agricultural uses on adjacent properties.

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

Staff Consistency Statement: The proposed project is a small expansion of an existing non-profit service. Equine activities are commonly associated with rural lands. CDS finds the proposal consistent with rural mixed use.

This application is consistent with the goals, policies, and objectives of the Kittitas County Comprehensive Plan as outlined above.

VI. ENVIRONMENTAL REVIEW

A SEPA Checklist was submitted with the conditional use application and processed concurrently using the Optional DNS process under WAC 197-11-355. During the combined comment period environmental concerns were raised by public agencies as well as private citizens and neighbors. CDS has considered these comments and found no significant environmental risks with the proposed project. Following the concurrent comment period, CDS issued a Determination of NonSignificance on April 18, 2019 (See Index #33). The appeal period for the SEPA DNS will conclude on May 3, 2019. As of the time of writing this document no appeals have been filed.

In addition CDS performed a critical areas review of the property. GIS information indicates that no critical areas exist on the property as demonstrated in the critical areas map provided in the review materials (See Index #8).

VII. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review. The following are a summary of the substantive comments submitted.

- Washington State Department of Health Office of Drinking Water provided comment expressing the need for the applicant to continue working with Kittitas County Public Health to determine the appropriate water system necessary for the project. (See Index #20).
- Kittitas County Public Health provided comment expressing the need for a well site inspection to obtain approval as a public water source. Additionally Public Health described the need for the applicant to obtain a site evaluation to determine septic requirements (See Index #18).
- Washington State Department of Ecology submitted comment expressing the need for the applicant to obtain an Erosivity Waiver if they plan to excavate between one and five acres (See Index #21).
- Kittitas County Fire Marshall stated that the fire life safety requirement outlined in the pre application meeting will still apply to this project including address visibility and a 16 foot turnaround access. The Fire Marshall also expressed that additional requirements may be necessary when specific building specifications are submitted (See Index #19).
- Kittitas County Public Works provided a comment letter outlining the need for the access road to meet Kittitas County Chapter 12 and International Fire Code Appendix D requirements and be certified by a licensed engineer as being consistent with Kittitas County private road standards. Additionally Kittitas County Public Works outlined a prohibition on parking along the ingress/egress access as well as the need for the stormwater plan to comply with the Eastern Washington Storm Water Manual (See Index #17).
- Ten public comment letters were submitted by Colleen Bol, Crystal Church(2), Jolie Feddema, Judy Jo Roberts, Mike and Nancy Radich, Rebecca Thomas, Sharon Sandnes, Tony and Marni Fox, and Wendy Shufreider. These letters are provided in their entirety in (Index #'s 22-31).
- CDS received a late comment from KRD on April 23, 2019 stating that KRD guidelines will not need to be met for this project, but that no permanent structures will be allowed in KRD right of ways. (See Index# 36).

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 V of this staff report, the following Comprehensive Plan GPO's apply to this proposal: GPO 8.1, 8.2 8.4, and 8.8.

Provided the applicant follows and maintains the GPOs, they shall be in compliance with the Kittitas County Comprehensive Plan. The applicant is proposing a 7,056 sq ft Riding Academy for equine education activities which is consistent with rural character as described in the Kittitas County Comprehensive Plan. Therefore the County and applicant are in compliance with the Comprehensive Plan.

Consistency with the provisions of KCC 17.29, Agricultural 20 zoning:

This proposal is consistent with the Kittitas County Zoning Code 17.29 as conditioned. The proposal is consistent with the "rights and traditions of those engaged in agriculture" as described in the purpose and intent section of KCC 17.29.010.

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

KCC 17.60A.015 provides the following review criteria to be considered in a conditional use analysis:

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: The applicant's narrative states that the proposed use is desirable to the public convenience by teaching youth "the necessary skills to appreciate, and continue the pursuit of, appropriate rural activities." The applicant asserts that size and scope of the proposed use will result in limited impacts with no risk to safety, peace, or character of the surrounding neighborhood (See Index #3).

Staff Response: CDS staff agrees that the proposed use will not be detrimental to the safety or character of the surrounding neighborhood. In addition CDS finds that the proposed use is desirable to the public in that it services disadvantaged youth through equine educational activities.

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*
 - b. *The applicant shall provide such facilities; or*
 - c. *The proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.*

Applicant Response: The applicant states that, "no significant public costs should be necessary as the facility is already accessed by an adequate county road, and the riding academy will not require increased police or fire protection, or impact schools in the area. There is no public detriment to the proposal, as it does not involve additional public costs being required." (See Index #3).

Staff Response: CDS agrees that the proposal should not have any notable impact on public services and facilities. The applicant anticipates a maximum of 10 vehicle trips per day which is within the capacity of a certified private road. The proposed use is adequately serviced by existing facilities. CDS does not anticipate any significant stress added to public facilities or services that would require mitigation.

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 applicant notes, “the proponent is working with the various county departments to ensure the facilities being provided by applicant work well with the existing public facilities, as well as to be sure the relevant development standards are complied with fully.” (See Index #3)

Staff Response: The project, as proposed, complies with Kittitas County Development standards. Recertification of the private access road as well as water and septic system approval will be necessary to ensure safety and adequate capacity.

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

Applicant Response: The applicant states that, “it is not anticipated that there will not be any significant mitigation measures being necessary, but the SEPA review/determination should clarify what actions might be suggested to address these impacts, however negligible.” (See Index #3)

Staff Response: The application, public/agency comments, and staff review have identified potential environmental impacts and appropriate mitigation measures have been included in the recommended conditions.

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

Applicant Response: The applicant states that, “the nature of the proposed use is compatible with neighboring land uses, in both a long term and short term analysis.” (See Index #3)

Staff Response: Equine activities are consistent with agricultural uses and have been demonstrated as compatible throughout agricultural areas in Kittitas County.

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

Applicant Response: The proposed use “is consistent with the intent and character of the Agricultural zone.” (See Index #3)

Staff Response: Equine uses are historically consistent with Agricultural zones and as such are commonly permitted uses within these zones.

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;*
- b. *Preserves “rural character” as defined in the Growth Management Act*
- c. *Requires only rural government services ; and*
- d. *Does not compromise the long term viability of designated resource lands.*

Applicant Response: The applicant asserts that the proposal is “consistent with a number of rural planning policies specified in the Kittitas County Comprehensive Plan.” The applicant states that the proposal is consistent with GPO’s 8.1, 8.2, 8.3, 8.4, and 8.8 (See Index #3).

Staff Response: Kittitas County Code allows for riding academies in the Agricultural 20 zone with a Conditional Use Permit. The project preserves rural character as it does not increase density, impact rural lifestyles or economies, require urban government services, and does not impact surface or groundwater flows.

Staff Conclusion:

This proposal, as conditioned, is consistent with the Kittitas County Zoning Code for Conditional Uses. The proposed conditional use will be adequately served by rural levels of service. As conditioned, staff finds the proposal is 1) desirable to public convenience, 2) will not be detrimental to public health, safety or welfare, 3) is not economically detrimental to the public, 4) is adequately serviced by public facilities, 5) is compatible with the neighborhood character, and 6) is consistent with the character of the zoning district. The project is being proposed outside of the UGA. KCC 17.60A.015(7) requires 4 additional review criteria considerations; 1) the proposed project is consistent with the intent, goals, policies, and objectives of the Kittitas County Comprehensive Plan including Chapter 8, Rural and Resource Lands as demonstrated above, 2) preserves “rural character” as defined by GMA 36.70A.030, 3) requires only rural government resources, and does not compromise the long term viability of designated resource lands.

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

CDS conducted an administrative critical areas review in accordance with KCC 17A and found no critical areas on the property (See Index #8 “Critical Areas Map”).

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

All buildings must be consistent with International Building Codes. Future building permits for this project will require a pre application meeting.

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

As conditioned, the proposal is consistent with the provisions of KCC Title 12.

Consistency with the provisions of KCC Title 20, Fire and Life Safety:

As conditioned, the proposal is consistent with the provisions of KCC Title 20.

Agency Comments:

The following agencies provided comments during the comment period: Kittitas County Public Health, Kittitas County Public Works, Kittitas County Fire Marshal, Washington State Department of Ecology, and Washington State Department of Health Office of Drinking Water. All comments are on file and available for public review (See Index #'s 17-21).

Public Comments:

There were ten public comment letters submitted during the comment period by nine individuals (See Index #'s 22-31). Of the ten comment letters, eight were in support of the proposed project citing the various benefits of the Shadow Wing Ranch and the positive impacts they have experienced with the organization. There were two comment letters citing concerns with the project associated with dust control, the intended use of the easement, privacy impacts to neighbors, the accuracy of fill projections by the applicant, and other concerns (See Index #'s 27 and 30). These comment letters are provided in their entirety in the review materials provided.

IX. Findings of Fact

1. The proposed project is a 7,056 sq. ft. indoor riding academy for equine assisted learning activities with associated parking. The project site is a 4.88 acre parcel in the Agriculture 20 zone. The proposed use would operate Monday through Friday from 10:00 AM to 7:00 PM. Each scheduled session will not exceed 10 persons present including instructors, volunteers, and students. The applicant anticipates less than 10 vehicle trips per day.

2. Site Information

Total Property Size:	4.88 Acres
Number of Lots:	1
Domestic Water:	Well
Sewage Disposal:	On-Site Septic
Power/Electricity:	PSE
Fire Protection:	Fire District 2 (KVFR)
Irrigation District:	KRD

3. Site Characteristics:

North: Privately owned land, primarily agricultural and residential uses

South: Privately owned land, primarily agricultural and residential uses

East: Privately owned land, primarily agricultural and residential uses

West: Privately owned land, primarily agricultural and residential uses

4. Access: The site is accessed from Radiant View Drive, a private road. Radiant View Drive is accessed via Weaver Rd, approximately 3.5 miles west of the city of Ellensburg.

5. The Comprehensive Plan land use designation is Rural Working.

6. The project is within the Agriculture 20 zoning designation.

7. A conditional use permit application for the Shadow Wing Ranch (CU-19-00001) was submitted to Kittitas County Community Development Services department on February 04, 2019. The application was deemed complete on February 25, 2019. The site was posted in accordance with KCC 15A.03.110 on February 27, 2019

8. A notice of application for the Shadow Wing Ranch Conditional Use Permit (CU-19-00001) was mailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel & associated agencies. Notice was given to and published in the official newspaper of record for Kittitas County, and notice was posted to the Kittitas County Website on March 7, 2019, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).

9. A SEPA Checklist was submitted with the conditional use application and processed concurrently using the Optional DNS process under WAC 197-11-355. During the combined comment period environmental concerns were raised by public agencies as well as private citizens and neighbors. CDS has considered these comments and found no significant environmental risks with the proposed project. Following the concurrent comment period, CDS issued a Determination of NonSignificance on April 18, 2019. The appeal period for the SEPA DNS will conclude on May 3, 2019. As of the time of writing this document no appeals have been filed.

10. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan.

As referenced above in Section V of this staff report, the following Comprehensive Plan GPO's apply to this proposal: GPO 8.1, 8.2 8.4, and 8.8.

11. The proposal is consistent with Kittitas County Review Criteria 17.60A.015 as described in section VIII "Project Analysis" of this determination. Riding Academy development is a permitted use in the Agricultural 20 zoning district with a conditional use permit.

12. Road Standards and access requirements are subject to the standards outlined in Kittitas County Code Title 12.

13. The following agencies provided comments during the comment period: Kittitas County Public Health, Kittitas County Public Works, Kittitas County Fire Marshal, Washington State Department of Ecology, and Washington State Department of Health Office of Drinking Water.

14. Ten comment letters from the public were received. Eight comment letters were in support of the project. Two comment letters raised various concerns associated with the project.

15. A late comment was received from KRD on April 23, 2019 stating that KRD guidelines will not need to be met for this project, but that no permanent structures will be allowed in KRD right of ways.

16. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan.

17. This proposal is consistent with the provisions of KCC Title 12, Roads and Bridges as conditioned.

18. This proposal is consistent with the provisions of KCC Title 14, Buildings and Construction as conditioned.

19. This proposal is consistent with the provisions of KCC Title 17.29, Agriculture 20 zoning.

20. This proposal is consistent with the provisions of KCC 17.60A, Conditional Uses and meets the criteria of KCC 17.60A.015 (7).

21. This proposal is consistent with the provisions of KCC 17A, Critical Areas.

22. This proposal, as conditioned is consistent with KCC 20, Fire Life and Safety.

X. Conclusions:

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public use and interest will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, Title 17A Critical Areas, Title 14.04 Building Code, Title 12 Roads and Bridges, and Title 20 Fire and Life Safety.

XI. Recommendation and Conditions of Approval:

Kittitas County recommends *preliminary approval* of the Shadow Wing Ranch Riding Arena CU-19-00001 based on the above staff analysis, findings of fact, and conclusions with the following conditions of approval.

1. The project shall proceed in substantial conformance with the plans and application materials on file with CDS dated February 4, 2019 and subsequent information included in the complete file index except as amended by the conditions herein.
2. Applicant must meet all applicable state and federal regulations.
3. All new construction must meet the International Building Code requirements.
4. A pre application meeting shall be required prior to building permit submittal.
5. Access Roads will need to meet Kittitas County Code Chapter 12 and International Fire Code Appendix D requirements. The private road will need to be recertified by a licensed engineer that it meets Private Road Standards.
6. Fire Apparatus Turnarounds will need to be constructed to International Fire Code Appendix D.
7. No event parking will be allowed on the ingress/egress to the facility and must remain clear for fire response.
8. All development, design and construction shall comply with the International Fire Code requirements.
9. No event parking will be allowed on the ingress/egress to the facility and must remain clear for Fire Response.
10. Stormwater Plan designed to the Eastern Washington Storm Water Manual.
11. If the proposed site is between one and five acres of excavation and/or paving, an Erosivity Waiver is required.
12. A well site inspection shall be conducted to the satisfaction of Kittitas County Public Health to approve the water system as a public water source. The applicant shall comply with all water system requirements.
13. A site evaluation shall be performed by Kittitas County Public Health to determine and implement recommended septic requirements.
14. It is a proponent's responsibility to demonstrate compliance with the approval conditions of a conditional use permit. Compliance with all conditions must be demonstrated in writing to Kittitas County CDS prior to Final Conditional Use Permit issuance. Final approval of a Conditional Use Permit is required within 5 years of the approval date pursuant to KCC 17.60A.090.

