



## KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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“Building Partnerships – Building Communities”

### Staff Report Brightside Farms Event Center Conditional Use Permit (CU-19-00002)

TO: Kittitas County Hearing Examiner  
FROM: Kittitas County Community Development Services Staff Planner, Chelsea Benner  
RE: Staff Report Brightside Farms Event Center Conditional Use Permit (CU-19-00002)  
DATE: May 9, 2019

#### I. GENERAL INFORMATION

Requested Action: The proposed project site is located on approximately 41 acres currently zone Agriculture 20. Applicant is proposing to run a Small Scale Event Facility for weddings and other gatherings. Events will be limited to 200 guests' maximum, and is proposed to be developed in 2 phases as business allows.

Location: Parcel 01443, located at 511 Moreau Rd Ellensburg, WA. in a portion of the NW ¼ NW ¼ of S. 22, T. 18N., R.19 E., W.M.; Assessor's map number 18-19-22000-0001.

#### II. SITE INFORMATION

Total Property Size: 41.2 Acres  
Number of Lots: 1  
Domestic Water: Well  
Sewage Disposal: On-Site Septic  
Power/Electricity: Kittitas County PUD  
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: Moreau Rd, Privately owned land, primarily agricultural and residential uses

West: Privately owned land, primarily agricultural and residential uses

Access: The site is accessed from Moreau Road, and is located approximately eight (8) miles from the City of Ellensburg.

#### III. ZONING AND DEVELOPMENT STANDARDS

The proposed project is located in the Agriculture 20 zone. The agriculture (A-20) zone is an area wherein 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. This project is classified as a “Small-scale Event Facility.” Kittitas County Code permits Small-scale Event Facilities as a Conditional Use under KCC 17.15.060 in an Agricultural 20 zone. Per KCC a full conditional use permit is required for a small-scale event facility that intends on allowing more than 8 events per year.

#### IV. ADMINISTRATIVE REVIEW

Deem Complete: A conditional use permit application (See Index #2) for the Brightside Farms Small Scale Event Facility (CU-19-00002) was submitted to Kittitas County Community Development Services department on February 07, 2019. The application was deemed complete (See Index #7) on February 19, 2019.

Posting Site: A land use sign giving project specifications was posted at the proposed project site on February 25, 2019 pursuant to KCC 15A.03.110 (See Index #8).

Notice of Application: A notice of application (See Index #9) for the Brightside Farms Small Scale Event Facility Conditional Use Permit (CU-19-00002) 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 February 28, 2019, all in conformance with the Kittitas County Project Permit Application Process (Title 15A) (See Index #11 ).

## **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 8.2 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 serviced by a private septic and water system, and does not require more urban types of services, nor is it proposing to subdivide the property. Therefore is maintaining established land use patterns of the area.*

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 neighboring 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: Even with allowed mixed uses, the proposed project maintains dominate agricultural characteristic of the project site. CDS finds this consistent with rural character.*

GPO 8.18 Limit development in rural areas through density requirements that protect and maintain existing rural character, natural open space, critical areas, and recreation areas. Direct rural development to lands that have adequate public services.

*Staff Consistency Statement: The proposed project does not increase density, nor impede existing open space. This project is also consistent as per the comments received for this project, the proposal site has adequate existing public services.*

GPO 10.4 Encourage economic growth while protecting the rural character of the County.

*Staff Consistency Statement: CDS has determined that the proposed use is consistent with the character of the surrounding rural area. The approval of this project would be encouraging economic growth while*

*maintaining rural character.*

**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 Permit and processed concurrently.

A notice of application and SEPA Checklist for the Brightside Farms Small Scale Event Facility Conditional Use Permit (CU-19-00002) were 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 February 28, 2019 (See Index #11). Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Determination of Non-Significance (DNS) was issued on April 22, 2019. The appeal period ended on May 3, 2019 at 5:00 p.m. (See Index #23). At the time of writing this staff report, no appeal has been filed.

## **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 approve the appropriate water system (See Index #13).
- Department of Ecology provided comment regarding water uses and water resources (See Index #15).
- Kittitas County Public Health provided comment expressing the need for a Group A water system and regulation on event catering (See Index #17).
- Kittitas Valley Fire and Rescue provided comment expressing required access standards as well as concern for addressing and emergency access (See Index #12).
- 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. Additionally Kittitas County Public Works outlined a prohibition on parking along county right of way as well as the need for the stormwater plan to comply with the Eastern Washington Storm Water Manual (See Index #19).
- Kittitas County Building Department provided comment expressing building code compliance requirements for existing and future structures (See Index #20).
- Kittitas County Fire Marshall did not provide comments however notes given by the Fire Marshall at the project pre-application meeting on December 19, 2018 were considered in the proposed conditions.(See Index #1)
- Two public comment letters were submitted by Joe and Mary O'leary (See Index #16), and Jim Ridgway (See Index #18).

## 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 8.2, 8.4, 8.8, 8.18, and 10.4.

### **Consistency with the provisions of KCC 17.29, Agriculture 20 zoning:**

This proposal is consistent with the Kittitas County Zoning Code 17.29 as conditioned. Small Scale Event Facilities are permitted with a Conditional Use Permit in this zoning district.

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

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 states that, "The proposed use is desirable to the public as there are very few options in Kittitas County for small event hosting. We will also be preserving a beautiful "vintage and elegant" farm homestead property and the rural character will be preserved within our valley and neighborhood. Very little will change about this farm, the improvements will be complimentary and in keeping with an English countryside elegant, green pastoral setting. The peace, serenity and "farm charm" will be enhanced and preserved with the approval of this use (Index #4)."

Staff Response: CDS staff agrees that the proposed use will not be detrimental to the safety or character of the surrounding neighborhood. Certain measures may be necessary regarding event impacts to ensure the peace of neighbors is not impacted through approval of this use. These are addressed in the proposed conditions section of this staff report.

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, "proposed use will be beneficial to local economy by using local Caterers, Restaurants, Florists, Bakeries, Hotels, Photographers, Shopping, and more. We will not create excessive public cost as the use is limited to a small area on private land" (See index #4).

Staff Response: CDS agrees that the proposal should not have any notable impact on public services and facilities. 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 proposed use complies with relevant development standards and criteria for approval” (See Index #4).

Staff Response: The project, as conditioned, complies with Kittitas County Development standards.

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

Applicant Response: The applicant states that, “the proposed use will mitigate material impacts (if any), we do not foresee any” (See Index #4).

Staff Response: The application, SEPA comment period, and staff review have identified no potential environmental impacts and appropriate conditions have been included in this staff report to offset other impacts.

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

Applicant Response: The applicant states that, “proposed use is compatible with existing neighboring land uses; again the English Countryside Pastoral Green setting is a cherished part of what Brightside Vintage Farm is all about” (See Index #4).

Staff Response: As proposed the facility will be a secondary use to an existing producing farm, therefore it is compatible with the surrounding property uses.

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

Applicant Response: The applicant notes that the proposed use “is consistent with the intent and character of the Agricultural zone” (See Index #4).

Staff Response: Small Scale Event Facilities are an allowable use within agricultural lands, specifically Agriculture 20 zoning. Per KCC “The agriculture (A-20) zone is an area wherein farming, ranching and rural life styles are dominant characteristics.” The dominant use of the proposed site remains in agriculture production therefore maintaining its consistency with the intent of the zone.

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.*

Staff Response: Kittitas County Code allows for Small Scale Event Facilities in the Agriculture 20 zone. This project is consistent with these policies. The project preserves rural character as it does not increase density, maintains the existing agricultural use, does not impact the rural lifestyles or economies, does not require urban government services, and does not compromise the viability of designated resource lands.

Staff Conclusions: Staff finds that the proposed use will not be injurious to the public or surrounding neighborhood and adequate public services exist to accommodate the new use. Also, that the project as conditioned, is consistent with the provisions outlined in KCC 17.60A.015 Review Criteria.

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, and 4) 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 that the proposed project site does include a possible small wetland area identified as PUBH by the county GIS data. After review of Aerial images CDS has determined that the identified wetland is located in an area that is continually disturbed by farming practices, and is located a sufficient distance away from the proposed project activities. The proposed project will not disturb any critical areas or critical area buffers. CDS finds this project is consistent with the provisions of KCC 17A (See Index #6).

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

All buildings must be consistent with International Building Codes. All future building permits will be regulated by the most current version of the IBC as conditioned.

**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 Building, Kittitas County Public Works, Washington State Department of Health, Washington State Department of Ecology, Kittitas Reclamation District, and Kittitas Valley Fire and Rescue. All comments are on file and available for public review (See Index #12, 13, 14, 15, 17, 19, 20).

**Public Comments:**

There were two public comments submitted during the comment period by Joe and Mary O’leary, and Jim Ridgway. All comments are on file and available for public review (See Index #16, 18).

**X. FINDINGS OF FACT**

1. Heidi Bright, owner of Brightside Vintage Farms, is proposing to run a Small Scale Event Facility for weddings and other gatherings. Events will be held to 200 guests’ maximum, and is proposed to be developed in 2 phases as business allows.
2. The proposed project site is located at 511 Moreau Rd Ellensburg, WA. in a portion of NW ¼ NW ¼ of S. 22, T. 18N., R.19 E., W.M.; Assessor’s map number 18-19-22000-0001.
3. Site Information

Total Property Size:	41.2 Acres
Number of Lots:	1

Domestic Water:	Well
Sewage Disposal:	On-Site Septic
Power/Electricity:	Kittitas County PUD
Fire Protection:	Fire District 2 (KVFR)
Irrigation District:	KRD

**4. Site Characteristics**

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

5. Access: The site is accessed from Moreau Road, and is located approximately eight (8) miles from the City of Ellensburg.
6. The Comprehensive Plan land use designation is Rural Working.
7. The project site is in the Agriculture 20 zoning designation.
8. A conditional use permit application (See Index #2) for the Brightside Farms Small Scale Event Facility (CU-19-00002) was submitted to Kittitas County Community Development Services department on February 07, 2019. The application was deemed complete (See Index #7) on February 19, 2019. A notice of application (See Index #9) for the Brightside Farms Small Scale Event Facility Conditional Use Permit (CU-19-00002) were 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 February 28, 2019, all in conformance with the Kittitas County Project Permit Application Process (Title 15A) (See Index #11).
9. A land use sign giving project specifications was posted at the proposed project site on February 25, 2019 per KCC 15A.03.110 (See Index #8).
10. A SEPA checklist was submitted with the Conditional Use Permit and processed concurrently (See Index #3). A notice of application and SEPA Checklist for the Brightside Farms Small Scale Event Facility Conditional Use Permit (CU-19-00002) were 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 February 28, 2019 (See Index #11). Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Determination of Non-Significance (DNS) was issued on April 22, 2019. The appeal period ended on May 3, 2019 at 5:00 p.m. (See Index #23). At the time of writing this staff report, no appeal has been filed.
11. 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 8.2, 8.4, 8.8, 8.18, and 10.4.
12. The proposal is consistent with Kittitas County Review Criteria 17.60A.015 and KCC 17.29 Agriculture 20 Zone.

13. The following agencies provided comments during the comment period: Kittitas County Public Health, Kittitas County Building, Kittitas County Public Works, Washington State Department of Health, Washington State Department of Ecology, Kittitas Reclamation District, and Kittitas Valley Fire and Rescue (See Index #12, 13, 14, 15, 17, 19, 20).
14. There were two public comments submitted during the comment period by Joe & Mary O’leary, and Jim Ridgway (See Index #16, 18).
15. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan.
16. This proposal is consistent with the provisions of KCC Title 12, Roads and Bridges as conditioned.
17. This proposal is consistent with the provisions of KCC Title 14, Buildings and Construction as conditioned.
18. This proposal is consistent with the provisions of KCC 17.60A, Conditional Uses and meets the criteria of KCC 17.60A.015 (7).
19. This proposal is consistent with the provisions of KCC 17A, Critical Areas.
20. This proposal, as conditioned is consistent with KCC 20, Fire Life and Safety.

## **XI. 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 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 Brightside Farms Event Center Conditional Use Permit (CU-19-00002) 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 7, 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 buildings, renovated buildings, or structures that have a change of use in either phase, shall be regulated by and permits required under the following codes as discussed during the pre-application meeting 12/19/18 (See Index #20):



- i. IBC 303.3 Occupancy Class A2
  - ii. IBC 903.2.1.2 Fire Sprinklers
  - iii. IBC 1103.1 Accessibility
  - iv. IBC Table 2902.1 Restrooms and IBC 2902.3.2
  - v. IBC 3103.1 Temporary Structures
  - vi. Kittitas County Code Title 14 Entirety
4. All new structures considered a “Commercial Structure” by CDS building department shall be subject to additional pre-application meetings.
  5. No parking in County Right-of-Way is allowed associated with any activity of the conditional use permit.
  6. A grading permit is required if more than 100 cubic yards of material are excavated from the site or imported onto the site during either phase.
  7. The new proposed access shall meet all requirements of Kittitas County Code Title 12.
  8. Access roads will need to meet International Fire Code appendix D requirements.
  9. In lieu of a transportation concurrency application, “Event Ahead” signs shall be placed along Brick Mill Road, 500’ East, and 500’ West of the intersection of Moreau Road and Brick Mill Road, for two (2) hours prior and one (1) hour after every event (See Index #28).
  10. Fire apparatus turn around to be constructed to International Fire Code Appendix D hammerhead requirements at the location where it terminates at an outbuilding as approved by the Fire Marshal, so long as no parking anywhere on or along the driveway in and the driveway to the right takes place.
  11. If any of the event spaces are secured or if there is a locked access gate, a Knox box located as designated by KVFR shall be required.
  12. Should ground disturbing or other activities related to the proposed conditional use permit result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State Department of Archaeology and Historic Preservation (DAHP). Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.
  13. Plans prepared in accordance with the Stormwater Management Manual for Eastern Washington by a Professional Engineer, licensed in the State of Washington, are required to be submitted to Public Works for approval prior to development of any permanent structures or development of Phase Two, whichever comes first.
  14. All events must end by 10 pm.
  15. The maximum number of attendees allowed at any and all events shall not exceed 200 guests.

- 16.** Any signage to advertise the activities on-site will be required to obtain a land use sign permit and meet KCC 17.70 prior to placement. Depending on the specifications of the signage a building permit may also be necessary.
- 17.** All caterers that come to the site to prepare and/or serve food shall be licensed by the Kittitas County Public Health Department.
- 18.** The Phase One (1) portable restroom trailer shall be maintained/cleaned after each event.
- 19.** The existing well on site shall be approved through DOH as a Group A transient non-community water system before any events can take place.
- 20.** It is the applicant/proponent's responsibility to demonstrate compliance with the approval conditions of this conditional use permit. Compliance with all 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 five (5) years of the approval date pursuant to KCC 17.60A.090.