

West Fork Teanaway Trailhead Public Facilities Permit
File Number PF-23-00001
FINDINGS OF FACT, DECISION, AND CONDITIONS OF APPROVAL

I. GENERAL INFORMATION

Requested Action: The Washington State Department of Natural Resources (DNR) proposes the development of a trailhead in the Teanaway Community Forest.

Location: Parcel #129234, located at 1701 West Fork Teanaway Rd in Cle Elum, WA. Approximately 1.15 miles west of the intersection of West Fork Teanaway Road and Teanaway Road. Section 1, Township 20, Range 15, W.M.; Kittitas County parcel map number 20-15-01000-0001.

II. SITE INFORMATION

Total Property Size:	572.23 acres
Number of Lots:	1
Domestic Water:	N/A
Sewage Disposal:	Vault Toilet
Fire Protection:	Area Outside Fire Districts
Irrigation District:	None

Site Characteristics:

North: Forest land owned by State of Washington

South: Forest land owned by State of Washington

East: Forest land owned by State of Washington

West: Publicly and privately owned forest land

Access: The site is accessed from West Fork Teanaway Road.

Zoning and Development Standards: The subject property has a split zoning designation of Forest and Range and Commercial Forest. The project is to be sited in the Forest and Range zoning designation of the subject property. The purpose and intent of this zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged. The Forest and Range zone allows for a vast array of permitted and conditional uses. Per 17.15.060.1, Public Facilities are allowed in this zone when permitted administratively pursuant to KCC 17.62 Public Facilities Permits. This project is being proposed under KCC 17.62 Public Facilities Permits, and KCC 17.60B.050 Administrative Review Process.

This Public Facilities Permit requires that the following be met:

17.62.040 Decision criteria (Public Facilities)

The Community Development Services department shall review public facility permit applications in accordance with the provisions of this section and may approve, approve with conditions, or deny the public facility permit. Below is a review of the public facilities decision criteria:

1. Required Findings. A public facility permit may be approved by the Community Development Services department only if all the following findings can be made regarding the proposal and are supported by the record:
 - a. That the granting of the proposed public facilities permit will not:
 - i. Be detrimental to the public health, safety, and general welfare;
 - ii. Be injurious to the property or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located; nor
 - iii. Adversely affect the established character of the surrounding vicinity.

Applicant Response:

- i. *“There is no detrimental impact to public health and safety. Rather, the trailhead offers a positive health and general welfare imp[act [sic] to the residents of Kittitas County by providing free access to outdoor recreation close to home. While the site is under construction, the area will be blocked up using barriers to restrict public access to ensure public safety.”*
- ii. *“There are no injurious impacts to the site. We will remove 10 trees to create the site and will repurpose those trees and root wads in the form of river restoration working with Yakima [sic] Nation and non-profits to accomplish that work. Restoration will aid in habitat improvements and naturalization of the riparian areas.”*
- iii. *“The main purpose of this project is to properly meet the public need for access to outdoor recreation in Kittitas County. Maintaining the natural character of the landscape is of the utmost importance. The set and setting will remain largely unaltered and will provide a natural setting with its character unchanged.”*

Staff Response: Staff agrees that the proposed project will not affect the public health or general welfare. This development is likely to increase public enjoyment of local recreation activities, and it is not injurious to the surrounding property or the existing characteristics of the surrounding area.

- b. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.

Staff Response: The applicant did not address this criterion in their application. CDS has reviewed the application proposal and found no evidence of any potential for hazardous conditions resulting from this project. No hazardous conditions are anticipated at the proposed site.

- c. That the granting of the proposed public facilities permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulations.

Staff Response: The applicant did not address this criterion in their application submittals. The granting of the proposed public facilities permit is consistent with the comprehensive plan and existing regulations. CDS has identified consistency with three capital facilities goals (CF-G1, CF-G3, and CF-G8) and one policy (CF-P29) as described in detail in section IV of this document.

- d. That the facility site and environmental designs:
 - i. Meet local and state siting criteria and design; and
 - ii. Have been reviewed and/or commented upon by local and state agencies responsible for issuing permits.

Staff Response: The applicant did not provide a response to this criterion in their application materials. The proposed project is subject to meeting all applicable codes and regulations. The proposal may be approved in the Forest and Range zone pursuant to KCC 17.15.060.1 and the proposed use is not inconsistent with the character of the surrounding area. All departments and state agencies responsible for permitting this project have been notified of the application and given an opportunity to comment in accordance with KCC Title 15A.

- e. That all conditions to mitigate the site-specific impacts of the proposed use which were identified can be monitored and enforced.

Staff Response: The applicant did not provide a response to this criterion in their application materials. The project underwent SEPA review by the lead agency (DNR) and a DNS was issued on October 3, 2023.

- f. That all yards, open spaces, landscaping, walls and fences, and other buffering features are properly provided to mitigate the impacts of the facility to make it compatible with the character of the surrounding area.

Staff Response: The applicant did not provide a response to this criterion in their application materials. CDS believes, as proposed, this development is compatible with the character of the surrounding area. No fencing or walls are being proposed in this application. Re-vegetation with native plants and grasses is being proposed for disturbed areas. The proposed informational kiosks and vault toilet are typical of low intensity use recreation sites.

- g. That the proposed public facility will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

Staff Response: The applicant did not provide a response to this criterion in their application materials. No adverse effects on existing public facilities and services are anticipated. The project does not propose any use of water or septic/sewer. Increased need for public services is not expected as a result of this development. The project has been conditioned to ensure consistency with Kittitas County Public Health standards for Sanitary Privy/Compost Toilets.

III. REVIEW PROCESS

Notice of Application: A Public Facilities permit application was submitted to Kittitas County Community Development Services on October 24, 2023. This application was deemed complete on November 17, 2023. A notice of application for the West Fork Teanaway Trailhead Public Facilities Permit (PF-23-00001) 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 on November 21, 2023, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).

IV. COMPREHENSIVE PLAN

Kittitas County has established the following goals and policies to guide activities related to Rural Lands and Critical Areas. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

CF-G1: Provide needed public facilities that are within the ability of the County to fund the facilities, or within the County's authority to require others to provide the facilities.

Staff Consistency Statement: The proposed trailhead should increase enjoyment of recreation opportunities on public land and does not require funding from Kittitas County.

CF-G3: Provide consistency with the adopted land use map and the goals and policies of other elements of this Comprehensive Plan.

Staff Consistency Statement: The proposed trailhead is sited in the Forest and Range zone which prioritizes natural resource management and discourages incompatible land uses. This low intensity recreational development is not seen as incompatible with the purpose and intent of the Forest and Range zoning designation.

CF-G8: Ensure public involvement when siting of essential public facilities using timely press releases, newspaper notices, public information meetings, and public hearings.

Staff Consistency Statement: The proposed project has been noticed in accordance with Kittitas County Code Title 15A. A notice of application was published in the newspaper of record, neighbors within 500 feet of the property boundaries and applicable local and state agencies were notified and provided an opportunity to comment on the proposal.

CF-P29: Essential public facilities sited outside of urban growth areas must be self-supporting and not require the extension, construction, or maintenance of urban services and facilities.

Staff Consistency Statement: This project is outside of an urban growth area and does not require the extension, construction or maintenance of urban services and facilities.

This application is consistent with Kittitas County Comprehensive Plan. There are several requirements that must be met, which are stated above under Zoning and Development Standards; some of these are addressed under Project Analysis below.

V. ENVIRONMENTAL REVIEW

The Washington State Department of Natural Resources operated as the lead agency for SEPA review of this project. A Determination of Non-significance (DNS) was issued by the lead agency on October 3, 2023. SEPA #202304780.

CDS performed an administrative review of critical areas on the subject property. Several critical areas exist on the 572.23-acre parcel; however, no critical areas or associated buffers are present at the approximately 1.45-acre project site. A Type 4 Seasonal stream exists just south of the project site, however, West Fork Teanaway Road acts as an interrupted buffer. There is no anticipated impact on any critical areas.

VI. 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 agencies provided comments on the proposal: Confederated Tribes of the Colville Reservation, Kittitas County Fire Marshal's Office, Kittitas County Public Works, Kittitas County Public Health, WSDOT - Aviation. A review of their comments can be seen below:

Confederated Tribes of the Colville Reservation

The Confederated Tribes of the Colville Reservation provided comments regarding cultural resource concerns and requested a cultural resource survey prior to ground disturbing activities.

Applicant Response

DNR is committed to following the EO21-02 process as required. An initial survey of the project area was completed by a contractor in 2021 in addition to a desk review by an agency archaeologist. DNR will follow the EO21-02 process for this project.

Staff Response

Staff has conditioned this proposal to prepare for the inadvertent discovery of cultural resources.

Kittitas County Fire Marshal's Office

The Kittitas County Fire Marshal's Office stated they have no comment.

Applicant Response

No response.

Staff Response

Staff has no response.

Kittitas County Public Works

Kittitas County Public Works provided comments regarding access, grading and filling, transportation concurrency, and flood requirements.

Applicant Response

"The design of this project aims to reduce congestion at the end of the West Fork (county) road rather than cause more. As things stand, the current parking situation is along the county road on the edge of the turnaround and down in the floodplain. This project proposal creates a parking area that is designed to get traffic and parked vehicles off the county road, away from the floodplain and into a loop that connects to the existing vault toilet and mitigate safety issues for motorists and recreationists.

This project will not encourage more traffic or users of the trails, rather it will meet the need of the existing and organically growing popularity of the Community Forest. Our goal is to get ahead of the issues of growth caused by the popularity of the surrounding forest and provide a safer and more sustainable parking area. From the proposed trailhead, trails will lead users directly from the parking area and off the roads. This project will greatly reduce traffic, confusion, and address safety concerns for this high-use area.”

Staff Response

Staff has conditioned this proposal to comply with State, Federal, and Local codes.

Kittitas County Public Health

Kittitas County Public Health regarding permit requirements for the vault toilet and requirements to record a Declaration of Covenant stating no domestic water shall be used on any structure on the property.

Staff Response

Staff has conditioned this proposal to obtain a Sanitary Privy/Compost Toilet permit and to record the requested Declaration of Covenant.

Washington Department of Transportation - Aviation

WSDOT-Aviation stated they have no comment.

Applicant Response

No response

Staff Response

Staff has no response.

Public comments were received from Dave & Jill Going, John Lucchesini, John Windh, Larry Ted Fudacz, Mike Butorac, and Steve Chatman. All comments are on file and available for public review.

VII. PROJECT ANALYSIS

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff’s analysis and consistency review for the subject application.

Consistency with the Comprehensive Plan:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section IV of this staff report, the following Comprehensive Plan Goals and Policies apply to this proposal: CF-G1, CF-G3, CF-G8, and CF-P29.

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

CDS performed an administrative review of critical areas on the subject property. Several critical areas exist on the 572.23-acre parcel; however, no critical areas or associated buffers are present at the approximately 1.45-acre project site. A Type 4 Seasonal stream exists just south of the project site, however, West Fork Teanaway Road acts as an interrupted buffer. There is no anticipated impact on any critical areas.

Consistency with the provisions of KCC 17.56 Forest and Range Zoning:

The project is proposed as a Public Facility. Per KCC 17.08.457 "Public facilities" means capital improvements and systems to support transportation, law enforcement, fire protection, and recreation. Public Facilities are allowed in the Forest and Range zone through approval of an Administrative Permit process pursuant to KCC 17.15.060.1 Allowed Use Table. Therefore, this proposal is consistent with the Kittitas County Zoning Code 17.56.

Consistency with the provisions of KCC 17.62.040 Decision criteria (Public Facilities):

This proposal as conditioned is consistent with the Kittitas County Zoning Code for Permitted Administrative Uses as described in section II of this staff report.

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

All buildings must be consistent with International Building Codes.

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

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

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

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

Agency Comments:

The following agencies provided comments during the comment period: Confederated Tribes of the Colville Reservation, Kittitas County Fire Marshal's Office, Kittitas County Public Works, Washington State Department of Transportation - Aviation. All comments are on file and available for public review.

Public Comments:

Comments from the public were submitted by Dave & Jill Going, John Lucchesini, John Windh, Larry Ted Fudacz, Mike Butorac, and Steve Chatman. All comments are on file and available for public review.

VIII. FINDINGS OF FACT

1. A Public Facilities permit application was submitted to Kittitas County Community Development Services on October 24, 2023. This application was deemed complete on November 17, 2023. A notice of application for the West Fork Teanaway Trailhead Public Facilities Permit (PF-23-00001) 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 on November 21, 2023, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).
2. The subject property is located at 1701 West Fork Teanaway Rd in Cle Elum, WA. Approximately 1.15 miles west of the intersection of West Fork Teanaway Road and Teanaway Road. Section 1, Township 20, Range 15, W.M.; Kittitas County parcel map number 20-15-01000-0001. Parcel #129234.

3. Site information:

Total Property Size:	572.23 acres
Number of Lots:	1
Domestic Water:	N/A
Sewage Disposal:	Vault Toilet
Fire Protection:	Area Outside Fire Districts
Irrigation District:	None

4. Site Characteristics:

North: Forest land owned by State of Washington
South: Forest land owned by State of Washington
East: Forest land owned by State of Washington
West: Publicly and privately owned forest land

5. The Comprehensive Plan land use designation is “Rural Working.”
6. The subject property is zoned “Forest and Range.”
7. The proposal is consistent with the Kittitas County Comprehensive plan as referenced in section IV and VII above.
8. This application is consistent with KCC 17.62.040 Decision criteria (Public Facilities) as demonstrated in Section II of this staff report.
9. The Washington State Department of Natural Resources operated as the lead agency for SEPA review of this project. A Determination of Non-significance (DNS) was issued by the lead agency on October 3, 2023. SEPA #202304780.
10. CDS performed an administrative review of critical areas on the subject property. Several critical areas exist on the 572.23-acre parcel; however, no critical areas or associated buffers are present at the approximately 1.45-acre project site. A Type 4 Seasonal stream exists just south of the project site, however, West Fork Teanaway Road acts as an interrupted buffer. There is no anticipated impact on any critical areas.
11. This application is consistent with the International Building Code as conditioned.
12. The following agencies provided comments during the comment period: Confederated Tribes of the Colville Reservation, Kittitas County Fire Marshal’s Office, Kittitas County Public Works, Kittitas County Public Health, Washington State Department of Transportation - Aviation. All comments are on file and available for public review.
13. Comments from the public were submitted by Dave & Jill Going, John Lucchesini, John Windh, Larry Ted Fudacz, Mike Butorac, and Steve Chatman. All comments are on file and available for public review.
14. Access and driveways must be consistent with Kittitas County Code Title 12.

IX. STAFF CONCLUSIONS

1. As conditioned, the proposed project 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, Title 15 Environmental Policy, and Title 20 Fire and Life Safety.

X. DECISION AND CONDITIONS OF APPROVAL

Kittitas County grants **Approval** of the West Fork Teanaway Trailhead public facilities permit based on the project record, above staff analysis, findings of fact, and conclusions with the following conditions:

1. Site Plan

- A. The project shall proceed in substantial conformance with the site plan and application materials on file with CDS that were received on October 24, 2023.

2. Building

- A. All new construction must meet the International Building Code requirements.

3. Roads and Transportation

- A. Except as exempted in Section KCC 14.05.060, no grading or filling upon a site involving more than one hundred (100) cubic yards shall be performed without a grading permit from the County Engineer or Public Works designee (KCC 14.05.050). An application for grading in excess of five hundred (500) cubic yards shall be accompanied by an engineered grading plan (KCC 14.05.080).
- B. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
- C. Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
- D. In addition to the above-mentioned conditions, all applicable Kittitas County Road Standards apply to this proposal. Access is not guaranteed to any existing or created parcel on this application.

4. State and Federal

- A. Applicant must meet all state and federal regulations.

5. Fire & Life Safety

- A. All development, design and construction shall comply with the International Fire Code requirements.

6. Water/Septic

- A. The applicant shall obtain an approved Sanitary Privy/Compost Toilet permit from Kittitas County Public Health.


- B. The applicant shall record a Declaration of Covenant with the Kittitas County Auditor's Office stating that no domestic water shall be used in any structure on the subject property.

7. Other

- A. Should ground disturbing or other activities related to the proposed project 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 & Historic Preservation (DAHP) and Confederated Tribes of the Colville Reservation. Work shall remain suspended until the findings are 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.

From these conclusions and findings, the proposed Public Facilities Permit is approved with the above conditions. Kittitas County Code (Chapter 15A.07.010) stipulates that an appeal of this administrative land use decision must be filed within 10 (ten) working days by submitting specific factual objections and a fee of \$1670 to Kittitas County. The appeal deadline for this project is February 6, 2024, at 5:00p.m. Appeals submitted on or before February 6, 2024, shall be submitted to Kittitas County Community Development Services at 411 N Ruby St, Suite 2 Ellensburg, WA 98926.

Responsible Official



Chace Pedersen

Title: Planner I

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411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7637

Date: January 23, 2024