

Kittitas County Commissioners

Agenda Staff Report

Agenda Date: March 7, 2017

Action requested:

Sign resolution to dismiss the Conditional Use Permit appeal, deny the motion to dismiss SEPA appeal and deny the SEPA appeal for the Webb Small Scale Event Facility (CU-16-00001).

Background:

Proposal: Terra Design Group Inc authorized agent for Matt Webb, landowner, has submitted a conditional use application for a Small Scale Event Facility (8 events or less per year) on approximately 12 acres. The subject property is zoned Commercial Agriculture.

Location: 2 parcels, located approximately 4.75 miles south of the City of Kittitas at 6280 Badger Pocket Road, in a portion of Section 36, T17N, R19E, WM in Kittitas County, bearing Assessor's map numbers 17-19-36000-0016 and 17-19-36000-0025.

Administrative Decision: Kittitas County Code (KCC) identifies a small scale event facility which holds 8 or less events annually as an Administrative Conditional Use (KCC 17.15.050 footnote 25), and as such under the provisions of KCC 17.60A.010, 015, and 020 the decision for this application will be made by the Director of CDS after consideration of the comments received by other agencies, interested parties, and the public at large.

Environmental Review: The applicant applied for a similar use to Kittitas County Community Development Services (CDS) in 2012 at which time SEPA review was performed and a Determination of Non-Significance (DNS) was issued (dated October 6, 2014) and no appeals were filed. WAC 197-11-600 provisions for the adoption of existing environmental documents; Kittitas County finds that the use applied for in this instance represents a diminished environmental impact from the one originally applied for in 2012 and therefore is utilized the provisions allowed for in the citation above to adopt the existing SEPA checklist. A DNS was issued for this application on May 24, 2016. A timely appeal was filed on June 8, 2016 by Ritch Brownlee. Under the provisions of KCC 15.04.210(4) a single simultaneous appeal is mandated. This Decision, Findings of Fact and Conclusions of law must be issued, publicized and given a 10 working day appeal period (KCC 15A.07.010(1)). In the event that the decision is appealed as well, a single meeting time and place will be announced and publicized where the Kittitas County Board of Commissioners will hear the merits of one or both appeals (KCC 15A Table A and KCC 15.04.210(1)(a)).

Conditional Use Permit Review: An Administrative conditional use permit application was submitted to Kittitas County Community Development Services (CDS) on March 16, 2016. The application was deemed complete on April 13, 2016. A Notice of Application and a Notice of SEPA were mailed to all state and local agencies/departments with potential interest in the project and required by SEPA, as well as to adjacent landowners located within five hundred (500) feet of any portion of the boundary of the proposal's tax parcel on April, 29, 2016. Notice was published in the Daily Record, the official newspaper of record for Kittitas County, on May 2, 2016. On October 10, 2016 a decision was rendered and

articulated through findings of fact, conclusions of law, and conditions of approval. A timely appeal was filed by Ritch Brownlee of that decision on October 26, 2016.

Hearing: An open record hearing was held by the Kittitas County Board of County Commissioners on January 17, 2017 and February 7, 2017 for the purpose of considering a SEPA appeal and Administrative Decision appeal for the conditional use permit. The BoCC voted to deny the motion to dismiss the SEPA appeal (2-1 vote), deny the SEPA appeal (3-0 vote), and grant the motion to dismiss the appeal of the conditional use permit (2-1 vote). The following findings were made by the BoCC regarding these decisions:

1. Noise, transportation, utilities, public safety, storm water, and light and glare, were all included as elements of concern in Mr. Brownlee's SEPA appeal letter and all fall within the zone of interest protected by SEPA.
2. The appellant's potential lack of sleep, the potential diminished quiet enjoyment of his property, the potential negative traffic impacts, the proximity of Mr. Brownlee's home to the proposed use, and past experiences with the activity as proposed represent alleged demonstrable, specific, and perceptible, injury or harm.
3. The appellant did not provide the required material and information in his conditional use appeal documentation. The appellant did not provide a statement identifying why he felt the decision to be wrong, nor did he provide a statement identifying desired outcome or changes to the decision.
4. Determinations made by the responsible SEPA official are accorded substantial weight.
5. The appellant failed to provide substantive information for the Board of County Commissioners on the record which left it with the definite and firm conviction that a mistake had been committed.
6. The decision to issue an MDNS was based on information sufficient to evaluate the proposal's environmental impact.

Interaction:

Kittitas County Community Development Services.

Recommendation:

Staff recommends the BoCC sign the resolution to dismiss the Conditional Use Permit appeal and deny the SEPA appeal for the Webb Small Scale Event Facility (CU-16-00001).

Handling: None.

Lead Staff: Jeff Watson; Planner II and Planner of Record for the above permit.