

**BOARD OF COUNTY COMMISSIONERS  
COUNTY OF KITTITAS  
STATE OF WASHINGTON**

**CONDITIONAL USE PERMIT APPROVAL  
WHEATLEY CONDITIONAL USE PERMIT (CU-15-00003)**

**RESOLUTION**

**NO. 2016- 044**

**WHEREAS**, according to Kittitas County Code Title 15A, relating to Hearings and Title 17.60A Conditional Uses, an open record hearing was held by the Kittitas County Hearing Examiner on February 4, 2016 for the purpose of considering a conditional use permit known as the Wheatley Conditional Use Permit CU-15-00003 and described as follows:

*The operation of an enhanced agricultural facility with farm visits that sells local products, food, wine/beer tasting, and educational classes. This proposal also includes the desire to hold community events and seminars on-site not to exceed eight (8) events per year. Additionally an agricultural processing facility is proposed where Northwest products are repackaged into spice blends, baking mixes, make at home dinners, etc. and sold to businesses. The operation is located on a 5 acre parcel which is zoned Agriculture 20 and has a Land Use Designation of Rural Working. The proposal is located approximately 1250 feet north of the Thorp I-90 interchange at 9201 N. Thorp Hwy, in a portion of Section 11, T18N, R17E, WM, in Kittitas County, Assessor's map number 18-17-11040-0023. Proponent: Ninon Wheatley, applicant and authorized agent for landowner Antoinette Stroscher.*

**WHEREAS**, public testimony was heard, both in favor and in opposition of the proposal; and,

**WHEREAS**, due notice of the hearing had been given as required by law, and the necessary inquiry has been made into the public interest to be served by such use; and,

**WHEREAS**, the Hearing Examiner recommended approval of said proposed conditional use permit; and,

**WHEREAS**, a closed record public hearing was held by the Board of County Commissioners on March 1, 2016 to consider the Hearing Examiner's recommendation on this matter; and,

**WHEREAS**, the Kittitas County Board of Commissioners make the following FINDINGS OF FACT



and CONCLUSIONS AT LAW concerning said proposed conditional use permit:

1. Ninon Wheatley, applicant, submitted a request to operate an enhanced agricultural facility with farm visits that sells local products, food, wine/beer tasting, and educational classes. This proposal also includes the desire to hold community events and seminars on-site not to exceed eight (8) events per year. Additionally an agricultural processing facility is proposed where Northwest products are repackaged into spice blends, baking mixes, make at home dinners, etc. and sold to businesses. The operation is located on a 5 acre parcel.
2. The proposal is located approximately 1250 feet north of the Thorp I-90 interchange at 9201 N. Thorp Hwy, in a portion of Section 11, T18N, R17E, WM, in Kittitas County, Assessor's map number 18-17-11040-0023.
3. The Kittitas County Comprehensive Plan's Land Use Element designates the subject property as Rural Working and the zoning for this proposal is Agriculture 20.
4. A zoning conditional use permit and SEPA checklist were submitted to Community Development Services on September 1, 2015 and were deemed incomplete on September 25, 2015. Additional information was received from the applicant on September 28, 2015. On October 2, 2015 the application packet was deemed complete. The affidavit of site posting in accordance with KCC 15A.03.110 was received by CDS on October 2, 2015. The Notice of Application was issued on October 16, 2015. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on November 2, 2015.
5. The following agencies provided comments during the comment period: WA Department of Health, KC Community Development Services – Building, KC Public Works, and WA Department of Ecology. Additionally, comments were provided during a pre-application meeting with Kittitas County staff, which was held on May 27, 2015. These comments have been considered and included as conditions of approval to address these agency concerns. Late comments were received from the WA Department of Health and KC Environmental Health Department.
6. One (1) public comment was submitted for this proposal at the time of staff review and was considered. This comment is attached to the staff report as part of the Index file.
7. 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 January 13, 2016. The appeal period ended on January 28, 2016 at 5:00 p.m. No appeals were filed.



8. The Hearing Examiner hearing was held on February 4, 2016 at 6:00 p.m. Five members of the Public were present and three provided testimony. On February 10, 2016 the Kittitas County Hearing Examiner recommended approval of the Wheatley Conditional Use Permit (CU-15-00003).
9. The Board of County Commissioners conducted a closed record meeting on March 1, 2016 for the purpose of considering the Wheatley Conditional Use Permit (CU-15-00003). A motion was made and seconded that the conditional use permit be approved subject to correcting two conditions to be consistent with Kittitas County Code 9.45.030 Noise and the correction of minor scrivener's errors in the Hearing Examiner's Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval document (see Exhibit A), the motion carried with a vote of 3-0.
10. The Board of County Commissioners finds that item #23 on page 4 of the Hearing Examiner's Recommended Findings of Fact document (Exhibit A) contains a scrivener's error. The sentence "The proposed conditional use will be adequately served by rural levels of service." appears twice in a row and one of the sentences shall be stricken.
11. The Board of County Commissioners finds that item #23.1.2 on page 5 of the Hearing Examiner's Recommended Findings of Fact document (Exhibit A) contains a scrivener's error. The word "natural" shall be stricken and replaced with "nature" in the first sentence.
12. The Board of County Commissioners finds that recommended condition #6 (the first #6) on page 12 of the Hearing Examiner's Recommended Findings of Fact document (Exhibit A) contains a scrivener's error. The word "treat" shall be stricken and replaced with "treated" in the first sentence.
13. The Board of County Commissioners finds that recommended conditions #9 & 11 on page 12 of the Hearing Examiner's Recommended Findings of Fact document (Exhibit A) shall be re-written to be consistent with Kittitas County Code 9.45.030 Noise. These conditions will be replaced with the following:

"9. Any and all enhanced agricultural sales activities must end by 10:30 pm daily in conformance with KCC 9.45.030."

"11. All small-scale events must end by 10:30 pm in conformance with KCC 9.45.030."
14. The Board of County Commissioners finds that the numbering of conditions on page 12 of the Hearing Examiner's Recommended Findings of Fact document (Exhibit A) contains a scrivener's error. The numbers "5, 6, & 7" have been duplicated. Conditions shall be considered renumbered 1-15 instead of 1-12.



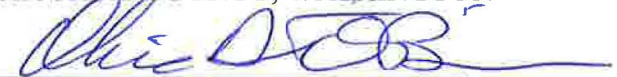
15. The Board of County Commissioners finds that additional conditions **are not** necessary to protect the public's interest.

**NOW THEREFORE,**

**BE IT HEREBY RESOLVED** that the Kittitas County Board of Commissioners hereby grants approval of the **Wheatley Conditional Use Permit (CU-15-00003)** and adopts the Kittitas County Land Use Hearing Examiner's Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval (Exhibit A) with the changes stated above and the same hereby is approved with the proposed development configuration (See Exhibit B).

DATED this 15th day of March, 2016 at Ellensburg, Washington.

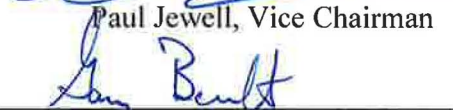
BOARD OF COUNTY COMMISSIONERS  
KITITITAS COUNTY, WASHINGTON



Obie O'Brien, Chairman



Paul Jewell, Vice Chairman



Gary Berndt, Commissioner

APPROVED AS TO FORM:

\_\_\_\_\_  
Greg Zempel WSBA #19125



CLERK OF THE BOARD



Julie A Kjorsvik



# Exhibit "A"

RECEIVED

FEB 16 2016

## KITTITAS COUNTY LAND USE HEARING EXAMINER

KITTITAS COUNTY  
CDS

IN THE MATTER OF	)	RECOMMENDED FINDINGS OF
	)	FACT, CONCLUSIONS OF LAW,
CU-15-00003	)	DECISION AND
Wheatley	)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on February 4, 2016, the Hearing Examiner having taken evidence hereby submits the following Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

### I. RECOMMENDED FINDINGS OF FACT

1. Ninon Wheatley, applicant, submitted a request to operate an enhanced agricultural facility with farm visits that sells local products, food, wine/beer tasting, and educational classes. Additionally an agricultural processing facility is proposed where Northwest products are repackaged into spice blends, baking mixes, make at home dinners, etc. and sold to businesses. The operation is located on a 5 acre parcel which is zoned Agriculture 20 and has a Land Use Designation of Rural Working.
2. The proposal is located approximately 1250 feet north of the Thorp I-90 interchange at 9201 N. Thorp Hwy, in a portion of Section 11, T18N, R17E, WM, in Kittitas County, Assessor's map number 18-17-11040-0023.
3. Site Information:

Total Property Size:	5 acres
Number of Lots:	1; no new lots are being proposed
Domestic Water:	existing Group A system
Sewage Disposal:	individual septic
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District 1 - Thorp
Irrigation District:	West Side Irrigation
4. Site Characteristics:

North:	private properties and agricultural uses
South:	private properties, agricultural uses, and Interstate 90
East:	private properties and agricultural uses
West:	private properties and agricultural uses
5. The Comprehensive Plan designation is "Rural Working."
6. The subject property is zoned "Agriculture 20," which allows for the proposed agriculture processing, farm visits with enhanced agriculture, and small-scale event facility uses as a conditional use.



7. A zoning conditional use permit and SEPA checklist were submitted to Community Development Services on September 1, 2015 and were deemed incomplete on September 25, 2015. Additional information was received from the applicant on September 28, 2015. On October 2, 2015 the application packet was deemed complete. The affidavit of site posting in accordance with KCC 15A.03.110 was received by CDS on October 2, 2015. The Notice of Application was issued on October 16, 2015. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on November 2, 2015.
8. 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 January 13, 2016. The appeal period ended on January 28, 2016 at 5:00 p.m. No appeals were filed.
9. This proposal is consistent with the provisions of KCC Title 17A, Critical Areas. Staff conducted an administrative critical area review in accordance with KCC 17A and found that this proposal is located within the buffer of Elwin Gibson's Mineral Resource Land designation (Exhibit #6). Staff has determined that this proposed activity will not have a negative impact on the Mineral Resource Land designation that is separated from this proposal by Thorp Highway. The Mineral Resource Lands designation of the property to the east of the proposed project puts neighbors on notice that resource activities, including but not limited to, noise and dust are to be expected in the area and that it should not be considered a nuisance to the neighbors. This is similar to the "right to farm" notification. No other critical areas were found to be on site.
10. This proposal is consistent with the provisions of KCC Title 20, Fire and Life Safety.
11. The following agencies provided comments during the comment period: WA Department of Health, KC Community Development Services – Building, KC Public Works, and WA Department of Ecology. Additionally, comments were provided during a pre-application meeting with Kittitas County staff, which was held on May 27, 2015. These comments have been considered and included as conditions of approval to address these agency concerns. Late comments were received from the WA Department of Health and KC Environmental Health Department.
12. One (1) public comment (Exhibit 20) was submitted for this proposal at the time of staff review.
13. An open record public hearing after due legal notice was held on February 4, 2016.
14. The entire Planning Staff file was admitted into the record at the public hearing.
15. Admitted into the record were the following exhibits:
  - 15.1 Exhibit 1. Pre Application Packet
  - 15.2 Exhibit 2. KC CDS Receipt
  - 15.3 Exhibit 3. Application Packet
  - 15.4 Exhibit 4. Deem Incomplete Letter



- 15.5 Exhibit 5. Deem Incomplete Email
- 15.6 Exhibit 6. Staff Review (CA Checklist and GIS Maps)
- 15.7 Exhibit 7. Additional Info – landowner info and signature
- 15.8 Exhibit 8. Deem Complete letter
- 15.9 Exhibit 9. Deem Complete email
- 15.10 Exhibit 10. Affidavit of posting\_unsigned
- 15.11 Exhibit 11. Affidavit of posting\_signed
- 15.12 Exhibit 12. Email request of notification – J Matthews
- 15.13 Exhibit 13. Notice of Application – memo
- 15.14 Exhibit 14. Notice of Application – legal
- 15.15 Exhibit 15. Affidavit of mailing & publication – Notice of Application
- 15.16 Exhibit 16. DOH Comment Letter
- 15.17 Exhibit 17. KC CDS Building Comment Letter
- 15.18 Exhibit 18. KC DPW Concurrency Determination
- 15.19 Exhibit 19. KC DPW Comment Memo
- 15.20 Exhibit 20. J. Matthews Comment Letter
- 15.21 Exhibit 21. DOE Comment Letter
- 15.22 Exhibit 22. Transmittal of Comments – Letter
- 15.23 Exhibit 23. Transmittal of Comments – email
- 15.24 Exhibit 24. Notice of Application – Returned mail (Gibson)
- 15.25 Exhibit 25. DR copy of publication – Notice of Application
- 15.26 Exhibit 26. Transportation Concurrency Management Application
- 15.27 Exhibit 27. Email correspondence between CDS & Applicant – 1.8.16
- 15.28 Exhibit 28. SEPA DNS
- 15.29 Exhibit 29. DR copy of publication – Notice of SEPA Action
- 15.30 Exhibit 30. Notice of SEPA Action and Public Hearing – memo & legal
- 15.31 Exhibit 31. Affidavit of Mailing & Publication – Notice of SEPA Action & Public Hearing
- 15.32 Exhibit 32. DOH & KC EH\_LATE\_comments – 1.14.16
- 15.33 Exhibit 33. Email correspondence between J. Sharar & CDS – 1.22.16
- 15.34 Exhibit 34. Hearing Examiner Agenda
- 15.35 Exhibit 35. Hearing Examiner Staff Report
- 15.36 Exhibit 36. Staff Power Point Presentation
- 15.37 Exhibit 37. January 29, 2016 email from Lindsay Ozbolt to the applicant.

- 16. Appearing and testifying on behalf of the applicant was Ninon Wheatley. Ms. Wheatley testified that she's not the property owner but is the applicant for this project. She testified that she has the property owner's written permission to make this application and to conduct the activities on the property. Ms. Wheatley testified that weddings are not contemplated as part of this project. She testified that all of the proposed Conditions of Approval were acceptable.
- 17. Appearing and testifying from the public were the following individuals:
  - 17.1 Sheryl Grunden. Ms. Grunden testified that she was in favor of this project and saw it as a positive addition to the community of Thorp.
  - 17.2 John Matthews. Mr. Matthews spoke generally in opposition to the project. Mr. Matthews testified that his handwritten letter, Exhibit 20, was written on behalf of the Water District. He had concerns as to the amount of impervious surface that will be on the project and whether stormwater would be treated or contained on site. His



primary concern was that contamination may result as a result of stormwater run-off from the subject property.

- 17.3 Also testifying in opposition of the project was Paula Thompson. Ms. Thompson testified generally regarding zoning issues and that this project was not located within the proper zoning designation.
18. Consistency with the Comprehensive Plan:  
The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. This proposal is located within the Rural Working Land Use designation and the following Comprehensive Plan GPOs apply to this proposal: GPO 2.2, 8.1, 8.8, 8.13, 8.16, 8.22, 10.2 and 10.4. It is clear, based on these GPOs, Kittitas County values its rural character, agricultural activities, private property rights, and economic growth that supports the rural nature of the area. As conditioned, this project is consistent with the County's Comprehensive Plan.
19. Consistency with the provisions of KCC Title 12, Roads and Bridges:  
As conditioned, this project is consistent with the provisions of KCC Title 12. The applicant will be required to meet Washington State Department of Transportation Design Manual Exhibits 1340-1 and 1340-2 for construction of a driveway for commercial standards. A transportation concurrency determination was made that no mitigation is required for this project. (Exhibit #18 & 19).
20. Consistency with the provisions of KCC Title 13, Water and Sewers:  
As conditioned, this project is consistent with the provisions of KCC Title 13. The applicant is required to meet KC Environmental Health and WA Department of Health requirements for the existing Group A water system and septic system (Exhibit #1, 16, & 32).
21. Consistency with the provisions of KCC Title 14, Buildings and Construction:  
As conditioned, this project is consistent with the provisions of KCC Title 14. The applicant is working with Kittitas County Community Development Services – Building division regarding necessary remodel and change of use permits for the existing structures on the premises (Exhibit #17).
22. Consistency with the provision of KCC Title 17.29, Agriculture 20 zoning:  
This proposal is consistent with the Kittitas County Zoning Code 17.29. Specifically this project's proposed use is Agriculture: agriculture processing, farm visits with enhanced agriculture sales, and small-scale event facility per KCC 17.15.060.1 (A) Agriculture. The agriculture processing activity requires a zoning conditional use and the farm visit activity with enhanced agriculture sales and small-scale event facility requires an administrative conditional use permit. Since this project is being proposed and processed holistically, the entire project is being considered through the full zoning conditional use permit process.
23. Consistency with the provisions of KCC Title 17.60A, Conditional Uses:  
This proposal, as conditioned, is consistent with the Kittitas County Zoning Code for Conditional Uses KCC Title 17.60A. The proposed conditional use will be adequately served by rural levels of service. The proposed conditional use will be adequately served by rural levels of service. The following is the criteria and responses for recommending approval of a conditional use permit per KCC 17.60A.015 review criteria:



23.1 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.

23.1.1 The proposed use is both essential and desirable to the community of Thorp. We have approached all the neighbors within 500 feet of the land and they are not only okay with the project but excited. Thorp has been without a store or community meeting spot for 8 years and we are ready for a new one. A meeting point is essential to the health of small rural communities such as Thorp. The new businesses will not only provide jobs and economic stimulation to a rural community but they will provide a location in which community bonds can be strengthened. The proposed businesses will also be beneficial to the area and its farmers by offering a new avenue in which to sell their products and get them to the consumer.

23.1.2 The proposed uses are rural in nature, with agriculture being at the center of the proposal. Additionally, the proposed site will not be further disturbed by the proposed activity since it used to be a Montessori school. As conditioned, this proposal will not be detrimental or injurious to the public health, peace, safety or character of the surrounding neighborhood.

23.2 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.

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

The applicant shall provide such facilities; or

The proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.

23.2.1 The proposed project will not place any excessive costs on the community of Thorp or on Kittitas County. It is already serviced with a road, located within the district 1 fire department, easily accessible for garbage pick-up, serviced by phone lines and electrical. Costs for changes to comply with county health and building codes will be incurred by the landowners, not the public.

23.2.2 This proposal is located within Fire District 1 – Thorp, is accessed off of Thorp Hwy with easy access to I-90, and is utilizing existing structures, water system, and septic system that were in existence when the site housed a Montessori school. Additionally, this activity will not generate additional demand on the school district, since it is not proposing additional residences, or additional use on the surrounding roads as a Transportation Concurrency determined that mitigation was not necessary for the proposed amount of vehicular trips to and from the site. As conditioned, this proposal will not be



detrimental to the economic welfare of the county and will not create excessive public cost for facilities and services.

- 23.3 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.
- 23.3.1 KCC Title 17 Zoning – The proposed use as outlined in the application narrative is consistent with the provisions of Kittitas County Code title 17.08.255A Farm Visit as an Administrative Conditional Use which is provisioned for in KCC chapter 17.15.060 Farm Visit with enhanced agricultural sales.
  - 23.3.2 KCC Title 8 Health, Welfare, and Sanitation – The businesses will receive annual inspections by the WSDA and the County Health inspectors to make sure the businesses are meeting sufficient safety and health standards including handling of food and disposing of wastes. There will also be no smoking within the buildings.
  - 23.3.3 KCC Chapter 9.45 Noise – The proposed uses will not be nuisance or make noises that will unreasonably disturb the peace of our neighbors.
  - 23.3.4 KCC Title 10 Vehicles and Traffic & KCC Title 12 Roads and Bridges – Parking for guests and customers will be provided onsite; county property and/or right of way will not be utilized in any way.
  - 23.3.5 KCC Title 13 Water and Sewers – The applicant states that they have been working with the Kittitas County Public health to ensure we follow all county and state regulations regarding septic system size, location and design as well as water testing and treatment.
  - 23.3.6 KCC Title 14 Building and Construction – No new building will take place on the property but there will be remodel in both of the large buildings on the property. The remodel will be done and overseen by licensed contractors who are familiar with the building code. Any changes to the property will fall within the code.
  - 23.3.7 KCC Title 15A Permit Application Process –The applicant states that we have made ourselves familiar with the KCCP, the applicable code and the permit process we will be required to go through.
  - 23.3.8 KCC Title 17 Zoning – The applicant states that they have made ourselves very familiar with the zoning code for Ag20 and we believe that the proposed uses are consistent with the goals and uses of Ag20. The applicant believes their uses hold true to the rural character of the county and preserve the land for historically rural and farm uses.
  - 23.3.9 KCC Title 20 Fire and Life Safety – The applicant states that they have been in contact with the Kittitas County Fire Marshals, and that they will follow all code including marking exit doors and installing sprinkler systems if needed.



- 23.3.10 This proposal complies and is compatible with the Kittitas County Comprehensive Plan and Kittitas County codes. Additionally, the farm visit aspect of this proposal includes, but is not limited to, the growing of fruit & vegetables, the possibility of visitors being able to pick some of the fruits & vegetables grown on-site, and interaction with on-site animals like goats & chickens.
- 23.4 The proposed use will mitigate material impacts of the development, whether environmental or otherwise.
- 23.4.1 Impacts on the environment or the land will be minimal since the buildings are already there. The economic stimulation in Thorp will offset any of the small-scale impacts that may be incurred by having more traffic to and from the business.
- 23.4.2 The proposed use of the property will not require any mitigation because it will be no more intense than the previous use as a school. Additionally, no new buildings or paving will take place other than updating the access to Thorp Hwy per KC Public Works and WSDOT requirements. Additionally, KC Public Works determined that there will not be a significant impact to the County roads serving this proposal and that no mitigation is required.
- 23.5 The proposed use will ensure compatibility with existing neighboring land uses.
- 23.5.1 The proposed businesses are compatible with the neighboring land uses. Both farmers and residents in neighboring areas will not be negatively influenced by the proposed plans. Residents will be benefited by increasing their options for fresh local products and prepared foods. Farmers will also be benefited by increasing their avenues to bring their products to the public. The business will also engage in small scale farming itself to supplement local products used in its kitchen. Neither business would be positively impacted by limiting the ability to farm for itself or its neighbors. The agricultural processing facility is small scale and has very little foot traffic since the business sells mainly to other stores. Therefore, the processing will not interfere with its neighbors.
- 23.5.2 Agriculture processing, farm visits providing enhanced agricultural sales, and a small-scale event facility limited to a maximum of eight (8) events per year for community gatherings and educational seminars are uses compatible with the Rural Working character in this area. The proposal is only approximately 1250 feet away from the Thorp I-90 Interchange, there is also a Fruit and Antique Mall and gas station located near the interchange. Additionally, this proposal is in an area where agriculture and mineral lands is the dominate land use with little residential development. The proposal is compatible with the existing neighboring land uses.
- 23.6 The proposed use is consistent with the intent and character of the zoning district in which it is located.



- 23.6.1 Ag 20 zoning is meant to preserve fertile farmland for future generations. The proposed business is located in a rural county and zoned as Ag 20. The business will fit into the restrictions placed on the land with said zoning. The business will grow crops to prepare and sell to its customers. It will also repackage crops from other farmers in order to make ready to make dinners. It is in the best interest of the business to use the land available to grow crops and food stuffs.

23.7 For conditional uses outside of Urban Growth Areas, the proposed use:

- 23.7.1 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;

- 23.7.1.1 The businesses are consistent with the Kittitas County comprehensive plan for a number of reasons. Rural working lands are supposed to encourage “commercial and industrial uses compatible with rural environment” (KCCP 2-16). The proposed businesses both encourage economic growth and work within the rural character of the Kittitas County.

The KCCP seek to preserve the rural character of the valley and enhance the community. Both businesses will preserve the rural character of the town and add to of Thorp. The businesses will keep land open for a traditional rural life style and rural based activities (KCCP 8-2) by preserving the acreage for larger scale farming and by participating in small scale farming to supplement crops bought from other local farmers.

The Kittitas County Comprehensive Plan states that a purpose of rural lands is to provide rural economic opportunity (KCCP 8-6). Both businesses provide jobs and economic opportunity in Thorp, a small unincorporated community dominated by farms and farmers. Both businesses are built on the ideals of wholesome meals made from fresh unprocessed products.

The Comprehensive plan states, “A certain level of mixed uses in rural areas and rural service centers is acceptable and may include limited commercial, service and industrial uses. (GPO 8.8).

According to GPO 8.16, planning will give preference to uses that are related to agriculture. Both businesses support agriculture by buying from local farmers and by growing crops for the kitchen and prepared foods.

- 23.7.2 Preserves “rural character” as defined in the Growth Management Act (RCW 36.70A.030(15));

- 23.7.2.1 The businesses at 9201 N Thorp Hwy will not hurt the rural character of the valley or the town of Thorp. By using a building



that is already standing and remodeled from an old hay barn we are keeping space open and preserving the visual and natural landscape. Both businesses create opportunities for rural based economic growth while keeping space for Thorp's rural lifestyle to persist.

- 23.7.2.2 The applicant is proposing to run agriculture based businesses that are consistent with rural character, use existing buildings that are compatible with the rural character of the area, and is consistent with our comprehensive plan and zoning regulations.

23.7.3 Requires only rural government services; and

- 23.7.3.1 The businesses require only rural governmental services. Thorp will not need to be included in any urban government because of these businesses.

- 23.7.3.2 Staff did not anticipate an increased need for any rural government services.

23.7.4 Does not compromise the long term viability of designated resource lands.

- 23.7.4.1 By working in buildings that are already in place and using the open land for growing food stuffs and crops, the businesses in Thorp will not compromise long term viability of resource lands. They will, in fact, preserve the land in order to continue to reap gains off the land.

- 23.7.4.2 The subject property is designated as rural working lands and not as resource lands. Regardless, the proposal is compatible with the existing character of the area and meets the rural element of Kittitas County's Comprehensive Plan and zoning regulations, thereby not compromising the long term viability of designated resource lands.

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

This proposal is consistent with the provisions of KCC Title 17A, Critical Areas. Staff conducted an administrative critical area review in accordance with KCC 17A and found that this proposal is located within the buffer of Elwin Gibson's Mineral Resource Land designation (Exhibit #6). Staff determined that this proposed activity will not have a negative impact on the Mineral Resource Land designation that is separated from this proposal by Thorp Highway. The Mineral Resource Lands designation of the property to the east of the proposed project puts neighbors on notice that resource activities, including but not limited to, noise and dust are to be expected in the area and that it should not be considered a nuisance to the neighbors. This is similar to the "right to farm" notification. No other critical areas were found to be on site.



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

This project is consistent with the provisions of KCC Title 20. The applicant is working with Kittitas County Fire Marshal's office regarding necessary fire safety requirements for the remodel and change of use permits for the existing structures on the premises (Exhibit #1). Fire and life safety requirements will be addressed during the building permit process.

24. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
25. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
26. The cumulative impact of additional requests for like actions (the total of the conditional uses over time or space) will not produce significant adverse effects to the environment that cannot be mitigated by conditions of approval.
27. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
28. The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the proposed use will not unreasonably interfere with allowable development or use of neighboring properties.
29. The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood.
30. Land uses, activities, and structures that are allowed by this conditional use permit will comply with the required performance standards specified in the Kittitas County Code.
31. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

## **II. RECOMMENDED CONCLUSIONS OF LAW**

1. The Hearing Examiner has been granted authority to render this decision.
2. As conditioned, the proposal meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. As conditioned the proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan.
5. As conditioned this proposal is consistent with the provisions of KCC Title 12, Roads and Bridges as conditioned.



6. As conditioned this proposal is consistent with the provisions of KCC Title 13, Water and Sewers as conditioned.
7. As conditioned this proposal is consistent with the provisions of KCC Title 14, Buildings and Construction as conditioned.
8. As conditioned this proposal is consistent with the provisions of KCC Title 17.29, Agriculture 20 zoning.
9. As conditioned this proposal is consistent with the provisions of KCC Title 17.60A, Conditional Uses and meets the criteria of KCC 17.60A.015 (1-7), as conditioned.
10. Public use and interest will be served by approval of this proposal.
11. As conditioned, the proposal is consistent with Kittitas County Code Title 12 Roads & Bridges, Title 13 Water and Sewers, Title 14 Building and Construction, Title 17 Zoning, Title 17A Critical Areas, and Title 20 Fire and Life Safety.
12. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
13. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

### **III. RECOMMENDED DECISION**

Based on the above Recommended Findings of Fact and Conclusions of Law, Conditional Use Permit Application CU-15-00003 is recommended to be APPROVED subject to the following Recommended Conditions of Approval.

### **IV. RECOMMENDED CONDITIONS OF APPROVAL**

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. The project shall proceed in substantial conformance with the plans and application materials on file dated September 1, 2015 and subsequent information included in the complete file index except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. All development, design and construction shall comply with Kittitas County Code and the most current version of the International Fire & Building Codes.
4. All remodel and change of use for the structures will require permitting approvals through CDS prior to issuance of the final conditional use permit.



5. All parking will occur on site.
6. All storm water will be treat and contained on site as provided by the applicable rules and regulations for the State of Washington and Kittitas County.
7. There shall be no outdoor amplified music unless there is strict compliance with the noise standards as set forth in the Kittitas County Code and Washington Administrative Code 173-60.
5. The driveway must be constructed to commercial standards, as shown in the WSDOT Design Manual Exhibits 1340-1 and 1340-2. Please contact Kelly Bacon at 509-962-7523 to discuss the requirements and the existing paved apron. A Kittitas County Access Permit is required prior to driveway construction.
6. Contact WA Department of Ecology at 509-457-7126 to determine if an air quality permit is required for the agricultural processing facility. Documentation of permit approval or exemption shall be submitted to Kittitas County CDS prior to issuance of the final conditional use permit.
7. The public water system serving this proposal shall be converted from a Group A-NTNC system to a Group A-TNC prior to issuance of the final conditional use permit.
8. Enhanced agricultural sales activities can only occur on days when farm visit activities are also available to the public.
9. Any and all enhanced agricultural sales activities must end by 10 pm daily.
10. No more than eight (8) small-scale events, limited to community gatherings and educational seminars are allowed per calendar year.
11. All small-scale events must end by 10 pm.
12. The maximum number of attendees allowed at small-scale events shall not exceed the maximum allowed occupancy of the structure used for enhanced agricultural sales. Occupancy of this structure will be determined during the building permit process.

Dated this 10<sup>th</sup> day of February, 2016.

KITTITAS COUNTY HEARING EXAMINER



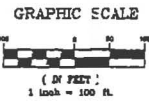
Andrew L. Kottkamp



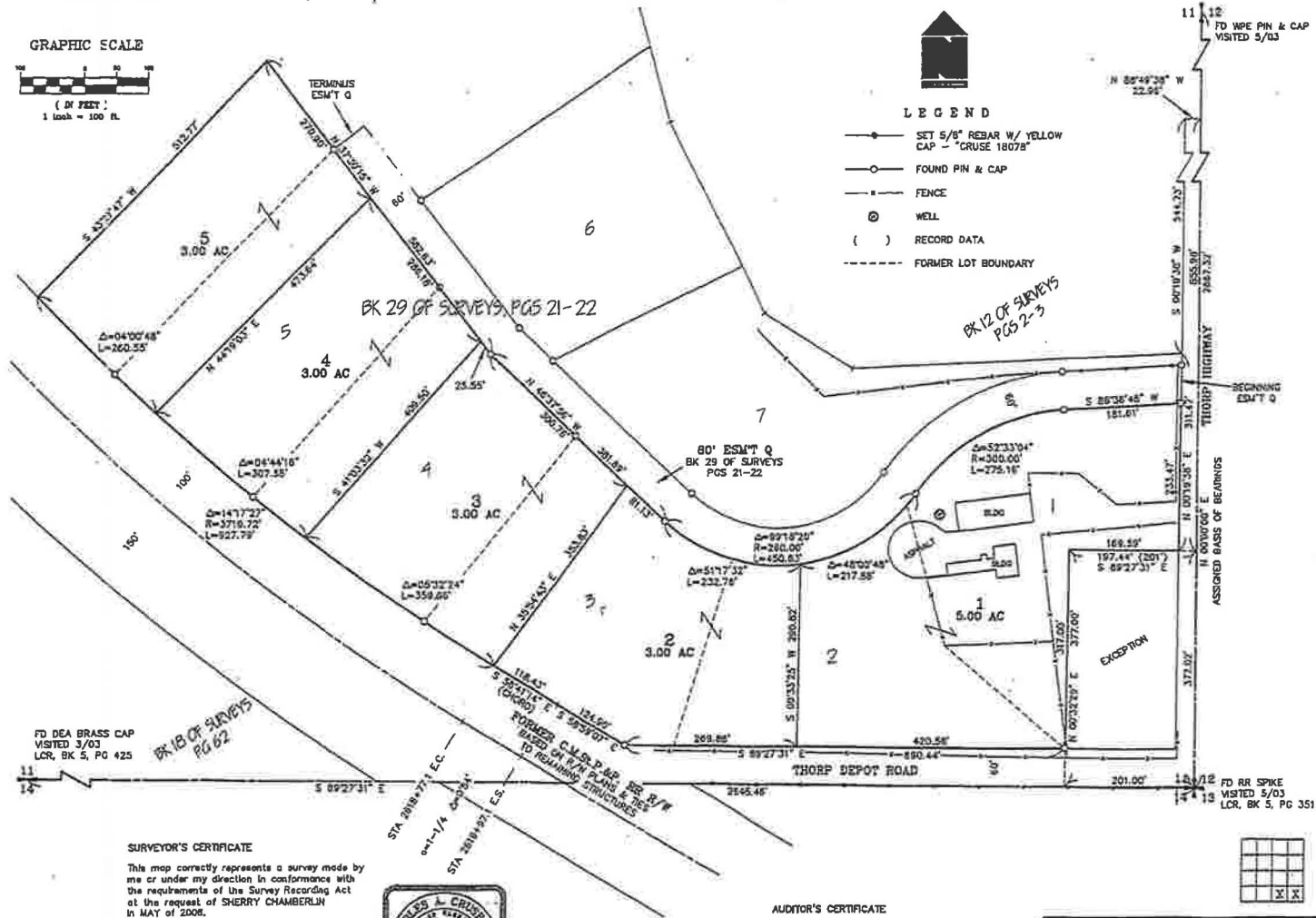
**ANYONE AGGRIEVED BY THIS DECISION HAS TWENTY-ONE (21) DAYS FROM THE  
ISSUANCE OF THIS DECISION TO FILE AN APPEAL WITH THE KITTITAS COUNTY  
SUPERIOR COURT AS PROVIDED FOR UNDER THE REVISED CODE OF  
WASHINGTON AND THE KITTITAS COUNTY CODE.**



PART OF THE SE 1/4 OF SEC. 11, TOWNSHIP 18 NORTH, RANGE 17 EAST, W.M.



- LEGEND
- SET 5/8" REBAR W/ YELLOW CAP - "CRUSE 18078"
  - FOUND PIN & CAP
  - — — FENCE
  - ⊙ WELL
  - ( ) RECORD DATA
  - - - - - FORMER LOT BOUNDARY



SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of SHERRY CHAMBERLIN in MAY of 2008.

*Charles A. Cruse, Jr.*  
CHARLES A. CRUSE, JR.  
Professional Land Surveyor  
License No. 18078  
MAY 24, 2008  
DATE



AUDITOR'S CERTIFICATE

Filed for record this 24TH day of MAY, 2008, at 12:27 PM, in Book 32 of Surveys at page(s) 118-120 at the request of Cruse & Associates.

EROLD V. PETRY BY: *[Signature]*  
KITITAS COUNTY AUDITOR

**CRUSE & ASSOCIATES**  
PROFESSIONAL LAND SURVEYORS  
217 East Fourth Street P.O. Box 959  
Ellensburg, WA 98928 (509) 962-8242  
**CHAMBERLIN PROPERTY**



PART OF THE SE 1/4 OF SEC. 11, TOWNSHIP 18 NORTH, RANGE 17 EAST, W.M.

NOTES:

1. THIS SURVEY WAS PERFORMED USING A NIKON DD4-521 TOTAL STATION. THE CONTROLLING MONUMENTS AND PROPERTY CORNERS SHOWN HEREON WERE LOCATED, STAKED AND CHECKED FROM A CLOSED FIELD TRAVERSE IN EXCESS OF 1:10,000 LINEAR CLOSURE AFTER AZIMUTH ADJUSTMENT.
2. THIS SURVEY MAY NOT SHOW ALL EASEMENTS OR IMPROVEMENTS WHICH MAY PERTAIN TO THIS PROPERTY.
3. FOR THORP HIGHWAY AND THORP DEPOT RIGHT OF WAY INFORMATION, AND ADDITIONAL SURVEY INFORMATION, SEE BOOK 29 OF SURVEYS, PAGES 22-22 AND THE SURVEYS REFERENCED THEREON.
4. THESE PARCELS ARE EXEMPT FROM THE KITTITAS COUNTY SUBDIVISION ORDINANCE UNDER CHAP. 18.04.020(2). DATE OF APPLICATION: 4/5/06.

LEGAL DESCRIPTIONS

ORIGINAL PARCELS - PART OF AFN 199803200034

PARCEL 1

PARCEL 1 OF THAT CERTAIN SURVEY AS RECORDED MAY 24, 2006 IN BOOK 32 OF SURVEYS AT PAGES 196-197, UNDER AUDITOR'S FILE NO. 200605240018, RECORDS OF KITTITAS COUNTY, WASHINGTON; BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 18 NORTH, RANGE 17 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

PARCEL 2

PARCEL 2 OF THAT CERTAIN SURVEY AS RECORDED MAY 24, 2006 IN BOOK 32 OF SURVEYS AT PAGES 196-197, UNDER AUDITOR'S FILE NO. 200605240018, RECORDS OF KITTITAS COUNTY, WASHINGTON; BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 18 NORTH, RANGE 17 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

PARCEL 3

PARCEL 3 OF THAT CERTAIN SURVEY AS RECORDED MAY 24, 2006 IN BOOK 32 OF SURVEYS AT PAGES 196-197, UNDER AUDITOR'S FILE NO. 200605240018, RECORDS OF KITTITAS COUNTY, WASHINGTON; BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 18 NORTH, RANGE 17 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

PARCEL 4

PARCEL 4 OF THAT CERTAIN SURVEY AS RECORDED MAY 24, 2006 IN BOOK 32 OF SURVEYS AT PAGES 196-197, UNDER AUDITOR'S FILE NO. 200605240018, RECORDS OF KITTITAS COUNTY, WASHINGTON; BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 18 NORTH, RANGE 17 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

PARCEL 5

PARCEL 5 OF THAT CERTAIN SURVEY AS RECORDED MAY 24, 2006 IN BOOK 32 OF SURVEYS AT PAGES 196-197, UNDER AUDITOR'S FILE NO. 200605240018, RECORDS OF KITTITAS COUNTY, WASHINGTON; BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 18 NORTH, RANGE 17 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

RECEIVED  
SEP 9 1 2015  
KITTITAS COUNTY  
CDE

AUDITOR'S CERTIFICATE

Filed for record this 24TH day of MAY,  
2006, at 12:27 P.M., in Book 32 of Surveys  
at page(s) 196-197 of the record of Cruse & Associates.

GERALD V. PETTY ET AL.  
KITTITAS COUNTY AUDITOR



CRUSE & ASSOCIATES  
PROFESSIONAL LAND SURVEYORS

217 East Fourth Street P.O. Box 959  
Ellensburg, WA 98926 (509) 982-8242

CHAMBERLIN PROPERTY



OS-111

