

KITTITAS COUNTY
LAND USE HEARING EXAMINER

IN THE MATTER OF)	RECOMMENDED FINDINGS OF
)	FACT, CONCLUSIONS OF LAW,
CU-13-00004 and SD-13-00001)	DECISION AND
Rocky Coulee)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on August 15, 2013, 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. Grant County PUD and Washington State Parks submitted a conditional use application and shoreline substantial development permit for 10 tent campsites, associated parking, trails and other day use improvements on approximately 5.6 acres. The subject property is zoned Forest & Range. This is a conditional use per KCC 17.15.060.1.E – Allowed Uses in Rural Non-LAMIRD Lands (campground).

2. This proposal is located in a portion of Sections 18 & 19, Township 17 N., Range 23 E., W.M. in Kittitas County. Access to this proposal is off of Recreation Drive along the Columbia River. It is roughly 1.75 miles north of the I-90 interchange in Vantage, WA.

3. Site Information:

Total Property Size: 5.6 acres
Number of Lots: 1; no new lots are being proposed
Domestic Water: None planned at this time
Sewage Disposal: two vault restroom buildings
Power/Electricity: Kittitas County PUD
Fire Protection: Vantage Fire District 4
Irrigation District: None

4. Site Characteristics:
North: Private and Public Vacant land
South: Public land and Ginkgo Interpretive Center
East: Columbia River
West: Public Land

5. Site Characteristics: The area is the location of the old State Highway which is now Recreation Dr, ending at the Columbia River. This property has been used as informal camping and day recreation with hand boat launching at the end of the pavement. There are two Shoreline of the State designations, Natural and Urban, covering this proposal. The proposal area is primarily sagebrush, natural vegetation and gravel.
6. The Comprehensive Plan designation is "Rural Working."
7. The subject property is zoned "Forest and Range," which allows for campgrounds as a conditional use.
8. A shoreline substantial development permit was submitted to Community Development Services on April 19, 2013 and a conditional use permit application was submitted on May 10, 2013. Both of these applications were deemed complete on June 3, 2013. The Notice of Application for the conditional use and shoreline substantial development permits was issued on July 3, 2013. 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 July 18, 2013.
9. Grant County PUD acted as the lead agency for the SEPA Environmental Checklist. Grant County PUD issued a DNS (determination of non-significance) for this project on March 14, 2013. An addendum to the SEPA determination was issued on March 28, 2013 to update the ownership within the project boundary to include Washington State Parks and Recreation. The appeal period for this SEPA determination ended on April 4, 2013 at 5:00 p.m. No appeals were filed.
10. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan.
11. Staff conducted an administrative critical area review in accordance with KCC 17A and found that this proposal is located along the western shoreline of the Columbia River which is a Shoreline of the State. The applicant provided a critical areas assessment prepared by GeoEngineers on June 8, 2012 for the site and it is included in the file in Index #1. The Columbia River has a wetland designation of L1UBHH. Kittitas County agrees that the critical areas assessment document's recommended wetland buffers meet KCC 17A. Wetlands A and B are classified as Category III wetlands and the buffers will be 20 feet. Wetland C is classified as a Category III wetland as well; however the buffer for this wetland will be 60 feet because of the size and its location immediately below the OHWM. Staff also found that there are steep slopes of 25-50% located on the southern portion of the property.

12. The proposal is covered by two shorelines of the state designations, Natural and Urban. From roughly the southern boundary of Recreation Drive north is Natural and south of Recreation Drive is Urban. All work conducted on the site will take place above the OHWM per the Shoreline Substantial Development Permit application. There is a 100' setback associated with the Urban shoreline designation and it allows for the recreational activities being proposed in this application. There is a 200' setback associated with the Natural shoreline designation. The Natural shoreline designation does not allow for development, parking, or roads, however staff finds that because this is an existing use located off of the old State Highway, this use will be permitted. There is an aerial included in the file in Exhibit # 22 that shows the existing conditions of the road, boat launch and numerous cars parked within the shoreline. The improvements and designated parking areas being proposed will improve the site and direct inappropriate uses away from the shoreline. Portions of the Shoreline Master Program have been included in the file in Exhibit #22 for reference. The mitigation plan prepared by GeoEngineers on February 28, 2013 is acceptable to Kittitas County. As conditioned, the proposal is consistent with the Shoreline Master Program.
13. This proposal is consistent with the Kittitas County Zoning Code 17.56. The proposal is compatible with KCC 17.56.020 referring to the uses table in KCC 17.15. Specifically, this is compatible as a conditional use with KCC 17.15.060.1.E – Allowed Uses in Rural Non-LAMIRD Lands (campground).
14. As conditioned, this proposal 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 found that 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, and 4) is adequately serviced by public facilities.
15. This proposal is consistent with the Kittitas County Building Code as conditioned.
16. This proposal is for a campground with associated day use activities that are open to the public; therefore it must be licensed with Kittitas County Public Health Department.
17. As conditioned, the proposal is consistent with the provisions of KCC Title 12
18. The following agencies provided comments during the comment period: Kittitas County Public Health Department and Washington State Department of Ecology. Other comments were received by Kittitas County Building Department. These comments were included in the index file record and were considered when preparing the recommended conditions of approval for this proposal.

19. No comments from the public were received as of the time of staff review and completion of the staff report regarding this proposal.
20. Public and agency comments that were received were considered by the Hearing Examiner in rendering this recommended Decision and forming recommended Conditions of Approval.
21. The entire Planning Staff file was admitted into the record at the public hearing.
22. The Kittitas County Community Development Services recommended approval of this preliminary plat, subject to the recommended conditions of approval.
23. An open record public hearing after due legal notice was held August 15, 2013.
24. The following exhibits were admitted into the record:
 - 24.1. SSDP application submittal packet – 4/18/13
 - 24.2. KC SSDP fees receipt – 4/19/13
 - 24.3. CUP application submittal packet – 5/10/13
 - 24.4. KC CUP fees receipt – 5/10/13
 - 24.5. Reference page to all materials compiled into application number CU-13-00004
 - 24.6. Staff review info
 - 24.7. Deem Complete Letter – 6/3/13
 - 24.8. Affidavit of Posting – 6/10/13
 - 24.9. Notice of Application – 7/3/13
 - 24.10. Affidavit of Mailing & Publication – Notice of Application – 7/3/13
 - 24.11. Comment Email from Kittitas County Public Health – 7/10/13
 - 24.12. Letter and Comment Email from DOE – 7/18/13
 - 24.13. Transmittal of comments letter – 7/19/13
 - 24.14. Affidavit of published hearing in Daily Record – 7/11/13
 - 24.15. Order confirmation on publication of Re-scheduled hearing in Daily Record – 7/29/13;
 - 24.16. Email between GCPUD I. Shaporda and CDS L. Ozbolt – 7/29/13
 - 24.17. Notice of Re-Scheduled Public Hearing – 7/29/13
 - 24.18. Affidavit of Mailing & Publication – Re-Scheduled Hearing – 7/3/13
 - 24.19. Response by GCPUD to DOE comment letter – 8/7/13
 - 24.20. Email from KC Building Dept. M. Flory to CDS L. Ozbolt – 8/7/13
 - 24.21. Comment memo from KC Public Works – 8/8/13
 - 24.22. Kittitas County Shoreline Master Program excerpts and shoreline aerial
 - 24.23. HE Staff Report
 - 24.24. A determination of Concurrency finding from Kittitas County Department of Public Works dated August 15th, 2013;

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- 24.25. Staff power point presentation.
25. Appearing and testifying on behalf of the applicant was Brandon Little of the Grant County PUD. Mr. Little testified that he is an agent of the Grant County PUD, but is not testifying on behalf of Washington State Parks. Mr. Little testified that there were two ADA campsites and parking areas within the campground but otherwise all parking would be at a designated parking lot. He had no objection to any of the proposed conditions of approval.
26. There following members of the public gave testimony at the open record, public hearing:
- 26.1. Linda Wright. Ms. Wright testified on behalf of the Kittitas County Water District #6, Waste Water and Sewer Division. Her concerns were related to the sanitation services that will be available at the site. She did not know what a vault toilet was and was concerned as to the impacts this may have on their system.
- 26.2. Pat Kelleher. Mr. Kelleher testified in support of the program. He strongly encouraged any development within the PUD property that preserve the public's access to the Columbia River. He supported the improvements of a new parking lot to stop people from parking along side of the roadway. In summary, he believed the project would improve the shoreline and wetlands because of the designated parking areas, designated camping sites and the toilet facility.
27. No Supplemental materials were submitted by Staff at the hearing.
28. Project acreage is 5.6 acres.
29. Number of lots: 1; no new lots are being proposed.
30. No domestic water is planned.
31. Vault toilets are proposed.
32. 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.
33. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
34. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.

35. 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 recommended decision.
2. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Kittitas County Code and Comprehensive Plan.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. Public use and interest will be served by approval of this proposal.
5. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, Title 17A Critical Areas, Title 14.04 Building Code, and Title 12 Roads and Bridges.
6. As conditioned, the proposal does conform to the standards specified in Kittitas County Code.
7. As conditioned, the use will comply with all required performance standards as specified in Kittitas County Code.
8. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Kittitas County Code or the Comprehensive Plan.
9. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
10. 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 Recommended Conclusions of Law, the Hearing Examiner hereby recommends that Application CU-13-00004 and SD-13-00001, Rocky Coulee Tent Camping 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. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.
2. The project shall proceed in substantial conformance with the plans and application materials on file dated April 19, 2013 and May 10, 2013 except as amended by the conditions herein.
3. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
4. The buffers for Wetlands A and B shall be 20 feet and Wetland C's buffer shall be 60 feet as designated in the Critical Areas Assessment completed by GeoEngineers on June 8, 2012.
5. Development shall occur in substantial conformance with the Overall Project Improvements Site Plan provided on April 18, 2013 to Kittitas County. Any alterations to this site plan shall be reviewed by Kittitas County prior to construction to ensure it still meets the requirements of the Shoreline Master Program and other applicable regulations.
6. All work conducted on the site shall take place outside of the OHWM.
7. The Mitigation Plan prepared by GeoEngineers on February 28, 2013 shall be adhered to. These conditions include the following mitigation improvements:
 - a. Compensate for the proposed 3,486 sf of new impervious surfaces within the forested riparian habitat by enhancing 3,486 sf of forested riparian habitat through installation of trees and shrubs. 3,174 sf of these mitigation planning areas will be within 10 feet of the OHWM of the Columbia River/Wanapum Reservoir.
 - b. Improve habitat conditions within the disturbed forested riparian habitat by restoring 6,309 sf of riparian forest areas through installation of trees and shrubs. 5,904 sf of these riparian restoration planting areas will be within 10 feet of the OHWM of the Columbia River/Wanapum Reservoir.

- c. Install 18 cottonwood trees along the shoreline of Wanapum Reservoir (within the forested riparian habitat). These 18 cottonwoods will be replacing the estimated two trees that will be removed during construction (greater than a 1:1 replacement ratio for trees).
 - d. Improve water quality and stormwater handling at the site by creating 2,400 sf of new stormwater handling areas adjacent to Recreation Drive.
 - e. Restore temporary disturbance areas above the OHWM within sagebrush (56,496 sf) and forested riparian (2,100 sf) habitats by stabilizing and seeding.
 - f. Restore existing disturbance areas above the OHWM within sagebrush (10,577 sf) and forested riparian (7,238 sf) habitats by stabilizing and seeding.
8. A Monitoring Plan shall be in place for 3 years as stated in the Mitigation Plan prepared by GeoEngineers on February 28, 2013.
 9. All current and future landowners must comply with the International Fire Code.
 10. All development, design and construction shall comply with all Kittitas County Codes and the International Fire and Building Codes.
 11. Building permits will be required for any construction or structure not exempted by 2012 IBC 105.2 Work exempt from permit.
 12. Upon approval of this conditional use permit, the applicant must contact Kittitas County Public Health to become permitted as a park per the provisions in WAC 246.376.
 13. The site must be constructed as designed and approved by the County Engineer.

Dated this 28th day of August, 2013.

KITTITAS COUNTY HEARING EXAMINER

ANDREW L. KOTTKAMP

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