



## KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

### STAFF REPORT

#### White Barn Retreats Conditional Use Permit (CU-24-00004)

TO: Kittitas County Hearing Examiner  
FROM: Jamey Ayling, Planning Manager  
RE: White Barn Retreats Conditional Use Permit (CU-24-00004)  
DATE: July 24, 2024 (Hearing Date)

#### I. GENERAL INFORMATION

Requested Action: The proposed project is for an event facility for various venues such as weddings, corporate meetings, family reunions, and charity fundraisers. The existing barn would not be used for the parties, however guests will have the opportunity to stay in the property overnight if they choose during their event. The barn has 5 bedrooms and sleeps 14 people.

Location: 1360 Westside Road, Parcel 015534, 194235 located approximately 1 mile southwest of South Cle Elum, In Section 4, Township 19, Range 15, W.M; Kittitas County assessor's map number 19-15-04010-0003.

#### II. SITE INFORMATION

Total Property Size:	20 Acres (Approximately 2 acres for event use)
Number of Lots:	2
Domestic Water:	Group B Well (Already Existing)
Sewage Disposal:	Septic

Site Characteristics:

North: Mostly Vacant Land/Sparse Residential

South: Mostly Vacant Forest Land

East: Sparse Residential Development

West: Rural Residential Development

Access: The site is accessed off Westside Road, approximately 1 mile west of the intersection of Road and Road

#### III. ZONING AND DEVELOPMENT STANDARDS

The parcel involved in this proposal is in a land use designation of *Rural Residential* and zoning designation of *Rural 5*. The proposed project is classified as a "Small Scale Event Facility". Small Scale Event Facilities are allowed with a conditional use permit under KCC 17.15.060.1. The conditional use permit criteria are examined in Section VIII "Project Analysis" of this staff report.

#### IV. ADMINISTRATIVE REVIEW

Deem Complete: A conditional use permit application (See Index #1) for White Barn Retreats (CU-24-00004) was submitted to Kittitas County Community Development Services department on May 15, 2024. The application was deemed complete on June 5, 2024. The site was posted in accordance with KCC 15A.03.110 on June 6, 2024 (See Index #'s 2 & 3).

Notice of Application: A notice of application (See Index #10) for the White Barn Retreats Conditional Use Permit (CU-24-00004) was mailed and/or emailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcels & applicable 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 June 13, 2024, all in conformance with the Kittitas County Project Permit Application Process (Title 15A) (See Index #4 and 5). The comment period concluded on June 27, 2024.

## **V. COMPREHENSIVE PLAN**

RR-G9: The County should continue to explore ways to provide rural economic opportunity.

*Staff Consistency Statement: The proposed project is intended to provide an event facility for hosting gatherings such as weddings and other events in an outdoor setting and existing structures. The applicants continue to use the land around this parcel for agricultural purposes. The proposed event facility will provide economic opportunities by creating possible jobs to local businesses that cater to events such as weddings, while keeping the rural character.*

RP-15: Give preference to land uses in Rural designated areas that are related to agriculture, rural residential development, tourism, outdoor recreation, and other open space activities.

*Staff Consistency Statement: The proposed event facility land use is related to outdoor tourism and open space activities with a place for wedding and other events in a rural setting that highlights Kittitas County's rural character.*

E-G1: Support economic development initiatives that meet the varied needs and demands of the community.

*Staff Consistency Statement: The proposed project provides for economic development with another business in the county and meets the needs of various parties being able to enjoy the rural character and more open spaces of the county while having an event.*

**This application is consistent with the goals, policies, and objectives of the Kittitas County Comprehensive Plan as outlined above.**

## **VI. ENVIRONMENTAL REVIEW**

A review by CDS staff only indicated an existing man-made pond on the property. A critical areas technical memorandum was provided by the applicants consultant Soundview consultants. The memo provided background and reconnaissance information and a determination of no wetlands present on the subject properties. The closest regulated stream from the proposal is approximately 300 feet away from the proposal, well beyond any required setbacks under KCC 17A.04.030. As the land is not covered by water and the proposal is mostly already existing buildings less than 12,000 square feet with approximately 40 parking spaces, SEPA is not required under WAC 197-11-800(1)(d) and KCC 15.04.090(1)(c).

## **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. All comment submittals can be found in their entirety in Index # 7. The following parties provided substantive comments during the comment period:

Agency Comments: Kittitas PUD, Washington State Department of Health – Office of Drinking Water,

Washington Department of Ecology, Kittitas County Public Works, Washington Department of Fish and Wildlife, Snoqualmie Tribe, Colville Confederated Tribe and Kittitas Valley Fire & Rescue (KVFR). Below is a summary of their comments:

***Department of Natural Resources (DNR):***

DNR commented that a forest practices application will be required if merchantable timber is removed/harvested as part of the proposal and/or is being converted out of forest land.

***Staff Response***

*All uses are existing and no timber is expected to be harvested therefore a FPA permit will not be required for the proposed use.*

***Kittitas Valley Fire & Rescue (KVFR)***

KVFR commented on Fire access roads, mowing the field for parking prior to events and International Fire Code requirements.

***Staff Response***

*Fire comments have been conditioned to meet Title 20 Fire Life Safety and International Fire Code (IFC) including having all fire lanes clearly marked.*

***Snoqualmie Tribe***

Snoqualmie tribe commented that based on the provided materials and their understanding of the project they had no substantive comments to offer at this time.

***Staff Response***

*The project has been conditioned to include an Inadvertent Discovery Plan in the event ground disturbing activities do take place.*

***Department of Health – Office of Drinking Water:***

Department of Health – Office of Drinking Water provided comment saying that this use requires a Group B Water System.

***Staff Response***

*As long as the barn is not utilized for events the well is classified as a Group B and therefore regulated by Kittitas County Public Health.*

***Kittitas PUD***

Kittitas PUD stated they do not have facilities in the area of this project.

***Staff Response***

*No response necessary*

***Kittitas County Public Works***

Kittitas County Public Works commented that a traffic concurrency evaluation will be required for this project.

They also commented grading stormwater requirements, and access requirements.

Staff Response

*Public Works concerns with access and traffic concurrency have been conditioned to comply with requirements. Grading permit requirements have also been conditioned.*

**Colville Tribe**

The Colville Tribe commented that this project involves no ground disturbance and they request an inadvertent discovery plan in case guests uncover or observe yet unknown cultural resources during their use of the provided on site facilities.

Staff Response

*Staff has conditioned this proposal to include an Inadvertent Discovery Plan.*

**Department of Ecology**

The Department of Ecology commented on groundwater exemptions and that withdrawal of over 5,000 gallons of water per day required permitting from Ecology.

Staff Response

*This proposal has been conditioned to have groundwater exemption limits.*

**Department of Fish and Wildlife**

DFW commented that there are no concerns about impacts to fish or wildlife habitat due to the scope of the project. They did recommend that waste disposal uses bear proof containers to minimize the risk of wildlife conflicts associated with additional garbage onsite.

Staff Response

*Staff has conditioned this proposal to utilize bear proof garbage containers for additional garbage onsite.*

**Public Comments:** one Public Comment was received for this project from a neighboring property owner Stirling Dodd.

**This staff report includes condition recommendations to address the comments submitted.**

**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 goals and policies apply to this proposal: RR-G9, RP-15, and E-G1.

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

KCC 17.60A.015 provides the following review criteria to be considered in a conditional use analysis:

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: “Our current property serves as our primary residence, but we have exciting plans to transform it into a versatile venue for various occasions such as weddings, corporate meetings, family reunions, and charity fundraisers, all catering to the needs of our local community. In Cle Elum, there's a scarcity of venues capable of accommodating such diverse events, especially in the outdoor setting, which we aim to capitalize on during the summer months from May to September. Located off Westside Rd, in Cle Elum our venue promises a distinctive country barn experience while maintaining utmost respect for the surrounding environment..” (See Index #1)

Staff Response: Small-scale event facilities are allowed by conditional use permit within the Rural 5 zone. The proposal is located on approximately 20 acres and the facility will consist of existing structures. The property is located near a few residences and forest lands. CDS does not anticipate the proposed use as conditioned will be detrimental or injurious to the public health, peace or safety or to the character of the surrounding neighborhood.

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: “Regarding logistics and infrastructure, our proposed events are designed to have minimal impact on local roadways and essential services like police and fire, thereby avoiding any undue strain on public resources. We've diligently addressed all necessary improvements highlighted by Melissa Schumaier from Public Health, ensuring compliance with regulatory standards (refer to the permits linked to the property). The proposed use of an event facility falls under the criteria for approval as a conditional use of a space that has adequate facilities and minimal impact to the surrounding areas and public services.” (See Index #1)

Staff Response: Staff has confirmed with Public Health and the State Department of Health that the existing Group B well can handle this event facility, the road network can handle events with some conditions to handle extra traffic and safety during events. The site is within the Kittitas Valley Fire & Rescue (KVFR) Fire District. The existing barn could be used as short-term rental as part of the events. Short term rentals must be registered with the State under RCW 64.37 and any admission charged for events would need to meet KCC 3.22. Staff has recommended conditions requiring compliance with these state and local requirements.

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: “No development needed. (See Index #1)

Staff Response: The Small-scale event facility use is consistent with the relevant development standards and criteria including KCC 17.15.060. The Small-scale event facility is permitted in the Rural 5 zone through a Conditional Use Permit.

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

Applicant Response: “No development necessary.” (See Index #1)

Staff Response: The site has very little new development proposed and is outside all critical area buffers. Impacts from events such as additional traffic is mitigated through conditions.

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

Applicant Response: “No impact on neighboring lands.” (See Index #1)

Staff Response: There are few residences in the area and any impacts should be minimal to the neighboring land uses. Staff has conditioned the proposal to meet all noise ordinances in County Code or get a variance from them.

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

Applicant Response: “No change to existing infrastructure” (See Index #1)

Staff Response: The proposed project is located in Rural 5 zoning. The Rural 5 (R-5) zone is an area wherein rural lifestyles are dominant characteristics. The purpose and intent of the Rural-5 zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in siting R-5 zones will be to minimize adverse effects on adjacent natural resource lands. Kittitas County Comprehensive Plan and Zoning Code have allowed small-scale event facilities in Rural 5 zones in KCC 17.15.080(1) with a conditional use permit. Kittitas County believes that small-scale event facilities are part of the rural lifestyle and for people to enjoy the rural character of the county.

7. *For conditional uses outside of Urban Growth Areas, the proposed use:*
- 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;*
  - Preserves “rural character” as defined in the Growth Management Act*
  - Requires only rural government services; and*
  - Does not compromise the long-term viability of designated resource lands.*

Applicant Response: “Proposed use is consistent with current R5 zoning

- i. *The proposed use is consistent with Rural and Resource ends as it*

*maintains the integrity of the open space and natural landscapes and*

*allows for a country barn experience. There is no impact to water and*

*zoning allows for mixed uses in rural areas of Cle Elum.*

*ii. No change to the rural character*

*iii. No change in required services*

*iv. No change to the viability of the lands” (See Index #1)*

Staff Response: The proposal is consistent with the Kittitas County Comprehensive Plan as described above in section “V.” The use will not conflict with rural character, requires only rural government services and will not compromise resource lands.

Staff Conclusions: Kittitas County CDS finds the application, as conditioned, consistent with KCC 17.60A Conditional Uses, as described above.

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

A review by CDS staff only indicated an existing man-made pond on the property. The closest regulated stream from the proposal is approximately 300 feet away from the proposal, well beyond any required setbacks under KCC 17A.04.030. As such, the proposal is consistent with KCC Title 17A, Critical Areas.

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

Any future buildings must be consistent with International Building Codes.

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: Department of Natural Resources, Kittitas Valley Fire & Rescue (KVFR), Snoqualmie Tribe, Washington State Department of Health – Office of Drinking Water, Kittitas PUD, Kittitas County Public Works, Colville Confederated tribe, Department of Ecology, and Department of Fish and Wildlife (Index #7).

Public Comments: one public comment was received.

## **IX. Findings of Fact**

1. The proposed project is for an event facility for various venues such as weddings, corporate meetings, family reunions, and charity fundraisers. The existing barn would not be used for the parties, however guests will have the opportunity to stay in the property overnight if they choose during their event. The barn has 5 bedrooms and sleeps 14 people.
2. Site Information

Total Property Size:	20 Acres (Approximately 2 acres for event use)
Number of Lots:	2
Domestic Water:	Group B Well (Already Existing)
Sewage Disposal:	Septic

3. Site Characteristics:
  - North: Mostly Vacant Land/Sparse Residential
  - South: Mostly Vacant Forest Land
  - East: Sparse Residential Development
  - West: Rural Residential Development
4. Access: The site is accessed off Westside Road, approximately 1 mile west of the intersection of Road and Road
5. The Comprehensive Plan land use designation is Rural Residential, and the zoning designation is Rural-5.
6. The proposed use is permitted in this zone with a Conditional Use Permit under Small-Scale Event Facilities in KCC 17.15.060.1.
7. A conditional use permit application (See Index #1) for White Barn Retreats (CU-24-00004) was submitted to Kittitas County Community Development Services department on May 15, 2024. The application was deemed complete on June 5, 2024. The site was posted in accordance with KCC 15A.03.110 on June 6, 2024 (See Index #'s 2 & 3).
8. Notice of Application: A notice of application (See Index #4) for the White Barn Retreats Conditional Use Permit (CU-24-00004) was mailed and/or emailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcels & applicable 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 June 13, 2024, all in conformance with the Kittitas County Project Permit Application Process (Title 15A) (See Index #4 & 5). The comment period concluded on June 27, 2024.
9. A SEPA Checklist was not required under WAC -197-11-800(1)(d) and KCC 15.04.090(1)(c) due to the proposal having all buildings less than 12,000 square feet and less than 40 parking spaces.
10. 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 goals and policies apply to this proposal: RR-G9, RP-15, and E-G1.
11. Grading requirements are subject to the standards outlined in Kittitas County Code Title 14.
12. The following agencies provided comments during the comment period: Department of Natural Resources, Kittitas Valley Fire & Rescue (KVFR), Snoqualmie Tribe, Washington State Department of Health – Office of Drinking Water, Kittitas PUD, Kittitas County Public Works, Colville Confederated tribe, Department of Ecology, and Department of Fish and Wildlife (Index #7).
13. One public comment from Stirling Dodd was received for this proposal.
14. This proposal, as conditioned, is consistent with the provisions of KCC 17.60A, Conditional Uses.



15. This proposal, as conditioned, is consistent with the provisions of KCC Title 12, Roads and Bridges
16. This proposal, as conditioned, is consistent with the provisions of KCC Title 14 Building and Construction
17. This proposal, as conditioned, is consistent with the provisions of KCC 17A, Critical Areas.
18. This proposal, as conditioned, is consistent with KCC 20, Fire Life and Safety.
19. This proposal, as conditioned, is consistent with KCC Title 17, Zoning.

**X. 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 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 Buildings and Construction, Title 12 Roads and Bridges and Title 20 Fire and Life Safety.

**XI. Recommendation and Conditions of Approval:**

Kittitas County recommends *approval* of the White Barn Retreats Conditional Use permit CU-24-00004 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 that were revised and received on May 15, 2024 attached as Exhibit A, and subsequent information included in the complete file index except as amended by the conditions herein.
2. Events shall be limited to the event use area identified on the site plan and the barn shall not be used for events unless the water system is upgraded to a Group “A” system.
3. The property shall have an annual Fire, Life, Safety inspection by the Fire Marshal.
4. If the barn is used for short-term rentals, it shall be registered with the State Department of Revenue (RCW 64.37).
5. Any events where admission is charged shall comply with Kittitas County Code 3.22 Admissions Tax.

6. An approved access permit shall be required from Kittitas County Public Works prior to creating any new driveway access or altering an existing access.
7. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
8. Any grading over 100 cubic yards of material requires a grading permit through Kittitas County Public Works. Any grading over 500 cubic yards shall be accompanied by an engineered grading plan. All conditions must be met in any approved grading permit. Grading over 500 cubic yards also requires a SEPA checklist to be submitted and approved by Kittitas County Community Development Services.
9. There shall be no parking on any Right-Of-Way or Westside Road at any time.
10. All activities shall comply with the County's Noise Ordinance in KCC 9.45 as stated now or as amended. Any noise that would violate the noise ordinance shall require a noise variance as seen in KCC 9.45.070 as stated now or as amended.
11. All development, design and construction shall comply with International Fire Code requirements and KCC Title 20 Fire and Life Safety. Please contact the Kittitas County Fire Marshal for specific requirements. This includes all temporary tents for events including but not limited to membrane structures. These shall be approved (including placement) by the Fire Marshal prior to any events.
12. The grass/pasture area shall be mowed for parking prior to any events that will utilize this area for parking and have fire extinguishers readily available in this area.
13. Fire Lanes, WUIC and fire flow requirements shall be met prior to any events being undertaken. Fire Marshal shall verify these are met prior to any event.
14. Accessible parking and route to Accessible space(s) provided with hard surface such as asphalt or concrete shall be required. The parking symbol and signage of Accessibility is required. Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building/ pedestrian entrance per WAC 51-50-1106. Wherever practical, the accessible route shall not cross lanes of vehicular traffic. Where crossing traffic lanes as necessary, the route shall be designated and marked as a crosswalk.

Verify there is no more than 1:20 slope for the Accessible path from Accessible Parking to the building(s) and all facilities entrances and amenities. Please show path and state the maximum allowed slope on the drawings.

All buildings or facilities shall be made Accessible per ANSI A-117; the latest adopted edition. Please show all Accessible features for rooms, counter areas and seating areas where Accessibility is required. Please show precise details such as counter heights, maximum reach distances, door swings, etc. Restrooms shall meet Accessibility with the same level of detail.

Please show this accessibility on an updated site plan and building permits for approval. Accessibility requirements must be approved by Kittitas County Community Development Services prior to any events taking place.

15. The applicant shall comply with all local, state and federal regulations at the time of building permit submittal.
16. Owner/applicant must obtain authorization from the Department of Ecology if withdrawing over 5,000 gallons of water per day.
17. 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). 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.
18. Failure to comply with conditions of approval may result in limitation or revocation of the conditional use permit in accordance with KCC 17.60A.100.