

**KITTITAS COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF	)	CORRECTED FINDINGS OF FACT,
	)	
CU-22-00001	)	CONCLUSIONS OF LAW,
	)	
Apostolic Faith United	)	CONDITIONS OF APPROVAL
		AND DECISION

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on May 11, 2023, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law and Decision:

I. FINDINGS OF FACT

1. The proposed project would convert an existing residence to a church facility with seating for up to 80 parishioners. The subject parcel is zoned Commercial Agriculture with a Commercial Agriculture land use designation. Religious Institutions are allowed in this zone with a Conditional Use Permit.
2. Location: Parcel# 951598 is a 1.37 acre parcel located at 141 Rein Road at the intersection of Rein Road and Number 6 Road, in Section 8, Township 17, Range 19, bearing Assessor's Map# 17-19-08055-0002 in Kittitas County. This is a must be sold with tax parcel associated with parcel# 956550, bearing Assessor's Map# 17-19-08055-0003, which is 13.92 Acres.
3. Site Information:

Total Property Size:	1.37 Acres
Number of Lots:	1
Domestic Water:	Individual Well
Sewage Disposal:	On-site Septic
4. Site Characteristics:

<u>North:</u>	Agricultural and Single-Family Dwellings
<u>South:</u>	Single Family Dwellings
<u>East:</u>	Agricultural and Single-Family Dwellings
<u>West:</u>	Agricultural Land.
5. Access: The site is accessed off Rein Road, A county road, approximately .08 miles east from the intersection of No. 6 Road and Rein Road.
6. The parcels involved in this proposal are in a land use designation of Commercial Agriculture and zoning designation of Commercial Agriculture. The proposed project is classified as a "Religious Institution." Religious Institutions are allowed with a conditional use permit under

KCC 17.15.050.1. The conditional use permit criteria have been examined by the Hearing Examiner.

7. Deem Complete: A conditional use permit application for Apostolic Faith United (CU-22-00001) was submitted to Kittitas County Community Development Services department on March 23, 2022. The application was deemed complete on April 22, 2022. The site was posted in accordance with KCC 15A.03.110 on May 16, 2022.
8. Notice of Application: A notice of application for the Apostolic Faith United Conditional Use Permit (CU-22-00001) 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 May 26, 2022, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period concluded on June 13, 2022.
9. Comprehensive Plan: The parcels involved in this proposal are in a land use designation of Commercial Agriculture and zoning designation of Commercial Agriculture. The proposed project is classified as a "Religious Institution." Religious Institutions are allowed with a conditional use permit under KCC 17.15.050.1. The conditional use permit criteria have been examined by the Hearing Examiner. Kittitas County has established the following goals and policies to guide activities that are designated in these lands. These goals and policies were developed in response to identified needs within the County, and support the County Wide Planning Policies:
 - 9.1 RR-G1: Open space and visual and natural landscape should predominate over the built environment.
 - 9.1.1 The proposed conversion of the existing permitted residence to a Religious Institution (Church) is located on 1.37 acres of Commercial Agricultural zoned land. The existing structure utilizes a small portion of the southeastern area of the property, leaving the remaining acreage undeveloped agricultural land.
 - 9.2 RR-G2: Opportunities should exist for traditional rural lifestyle and rural based economies.
 - 9.2.1 The proposed church in the Commercial Agricultural Zone minimizes the cost, as public roads and services already support the existing structure and no new public infrastructure is required. Religious Institutions are an allowed use with a Conditional Use permit, within the Commercial Agricultural Zone and Land Use providing for traditional rural lifestyle.
 - 9.3 RR-G3: Spaces and development should be compatible with fish & wildlife habitat.
 - 9.3.1 There are no critical areas identified on the property. The Type 9 Stream showing within County GIS mapping has been identified by Washington State Department of Fish and Wildlife as an irrigation ditch. Therefore, there are no critical area buffers needing to be taken into consideration.
 - 9.4 RR-P1: The County shall promote the retention of its overall character by establishing zoning classifications that preserve rural character identified to Kittitas County.
 - 9.4.1 The property is currently zoned Commercial Agriculture and is bordered on all sides with the same. The Commercial Agriculture Zone allows for

religious Institutions with a Conditional Use permit. The applicants intend to continue farming the remainder of the parcel and the proposal does not include any additions to the existing structure.

- 9.5 This application is consistent with the goals, policies, and objectives of the Kittitas County Comprehensive Plan as outlined above.
10. A SEPA Checklist was submitted with the conditional use application and processed concurrently using the Optional DNS process under WAC 197-11-355. A revised SEPA Checklist was submitted along with additional information requested from staff on December 22, 2022. Staff's initial review identified one Type 4 Seasonal (Non-Fish Bearing) stream located on the property. On January 19, 2023, Jennifer Nelson with WDFW confirmed the channel running along the eastern boundary of the parcel is an irrigation ditch. CDS issued a Determination of Non-Significance (DNS) on April 18, 2023. The appeal period for the SEPA DNS ended on May 2, 2023 at 5pm. No appeals were filed.
11. Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal and have been notified of the Public Hearing. The following parties provided substantive comments during the comment period: Snoqualmie Tribe, Kittitas County Fire Marshal, Washington State Department of Public Health, Kittitas County Public Health, Washington State Department of Ecology, Kittitas County Public Works, Kittitas County Code Enforcement, Kittitas Valley Fire & Rescue. Below is a summary of their comments:
- 11.1 Snoqualmie Tribe: Snoqualmie Tribe commented that they have no substantive comments to offer but said if the scope of the project or parameters for defining the APE change, they reserve the right to modify their current position.
- 11.1.1 Hearing Examiner Finding: This proposal has been conditioned with an inadvertent discovery plan for cultural resources.
- 11.2 Kittitas County Fire Marshal – Kittitas County Fire Marshal provided comment regarding the Fire Apparatus Access Road needing to be compliant with 2018 International Fire Code Appendix D and County Road Standards, key box being required, fire extinguishers being required, and the requirement for annual Fire and Life Safety Inspection.
- 11.3.1 Hearing Examiner Finding: This proposal has been conditioned to comply with International Fire Code requirements and KCC Title 20 Fire and Life Safety.
- 11.4 Washington State Department of Health – Office of Drinking Water: Washington State Department of Health – Office of Drinking Water provided comments regarding the facility being a public facility and the provided water service needing to be Group A water system and the applicants needing to work with DOH to gain approval of the well source and water system for a Group A public water system and the applicant's possible need to "mitigate" depending on the quantity of water use, which may require a water right.
- 11.4.1 Hearing Examiner Finding: This proposal has been conditioned to require an approved Group A water system through the Washington State Department of Health.
- 11.5 Kittitas County Public Health: Kittitas County Public Health commented that the applicants will need to work with Washington State Department of Health to obtain

- approval for a Group A system and contact Public Health to ensure the on-site sewage system installed will accommodate expected flows.
- 11.5.1 Hearing Examiner Finding: This proposal has been conditioned to require an approved Group A water system through the Washington State Department of Health and approval from Kittitas County Public Health showing the on-site sewage system will accommodate expected flows prior to any Religious Institution activities taking place at the facility.
- 11.6 Washington State Department of Ecology: The Department of Ecology commented on potential stormwater discharge permits needed and groundwater exemptions.
- 11.6.1 Hearing Examiner Finding: This proposal has been conditioned for the Owner/applicant to obtain authorization from the Department of Ecology if withdrawing over 5,000 gallons of water per day.
- 11.7 Kittitas County Public Works: Kittitas County Public Works commented that a traffic concurrency evaluation will be required for this project and a Transportation Impact Analysis (TIA) may be required for all development that will generate more than nine (9) peak hour vehicle trips unless requirements have been waived by the Public Works director. They also commented on road, grading and driveway requirements.
- 11.7.1 Hearing Examiner Finding. Public Works concerns are addressed through conditions and the requirement for a Traffic Concurrency evaluation (TC-23-00001) has been completed the determination was issued on March 2, 2023.
- 11.8 Kittitas County Code Enforcement: Code Enforcement commented that the conversion of the approved residence to a religious institution has been an ongoing violation with Code Enforcement involvement since 2008, and that multiple other violations are present on the parcel including operation of a construction yard/staging ground for a construction business without a required CUP which will not be an option once the CUP for the religious institution is approved. Code Enforcement also commented that the change of occupancy permit has not been obtained for the conversion of the structure from Residential to Assembly Group A-3, and occupancy of the structure as a religious institution has occurred prior to obtaining the change of occupancy permit. In addition, there have been recent complaints regarding the construction yard activity causing damage to the road and increased traffic.
- 11.8.1 Hearing Examiner Finding: This proposal has been conditioned to require a change of use permit from Residential to Assembly Group A-3.
- 11.9 Kittitas Valley Fire & Rescue. Kittitas Valley Fire & Rescue provided comments regarding fire apparatus access roads, turning radius, the building needing to meet 2018 IFC and Kittitas County requirements, Knox box requirements per building, Fire extinguishers, IFC Exit requirement per Chapter 10, Kitchen hood requirements, and Maximum Occupancy signage.
- 11.9.1 Hearing Examiner Finding: This proposal has been conditioned to comply with International Fire Code requirements and KCC Title 20 Fire and Life Safety.
12. Public Comments: Public Comment was received for this project from Chad Unland and Laura Smith Unland:
- 12.1 Chad Unland. Chad Unland commented on several areas of the SEPA Checklist, traffic impacts, proposed changes to the site plan including access location change, site fencing/screening.

- 12.2 Laura Smith Unland. Laura Smith Unland provided comment regarding lack of information in both the SEPA Checklist and the Conditional Use application, concerns with the process and the handling of Mr. Davenports application and Code Enforcement violation, and personal experiences as a neighbor.
- 12.3 Hearing Examiner Finding: The applicants filed a Traffic Concurrency application (TC-23-00001) with Kittitas County Public Works. On March 2, 2023, Public Works issued a Determination of Concurrency Finding showing that the County roadways serving this project have sufficient capacity to serve the additional traffic and no mitigation is required. Staff also worked with Public Works to determine if the access location could be moved directly onto No. 6 Road. Kittitas County Code 12.05.030 (F) requires access to be from the lowest classified road or a joint-use driveway when possible. Moving the access point from Rein Road to No. 6 Road would not be permitted. The Hearing Examiner has conditioned the application to include site screening along Rein Road to mitigate any visual and possible noise impacts the Church may have on the neighboring property
13. The Hearing Examiner has reviewed all the comments submitted and has conditioned this decision to address the concerns noted.
14. 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 are the Hearing Examiner's findings regarding consistency review for the subject application.
15. Comprehensive Plan Consistency: The Hearing Examiner finds that the proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above, the following Comprehensive Plan goals and policies apply to this proposal: RR-G1, RR-G2, RR-G3, and RR-P1. Provided the applicant follows and maintains the goals and policies, they shall be in compliance with the Kittitas County Comprehensive Plan. Therefore, the County and applicant are in compliance with the Comprehensive Plan.
16. Consistency with KCC 17.60A, Conditional Uses: KCC 17.60A.015 provides the following review criteria to be considered in a conditional use analysis:
- 16.1 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;
- 16.1.1 Applicant Response: "The US Supreme Court designated churches as essential in a case in 2021 that would allow churches to continue to operate during times of crises. It was determined that churches were essential. They provide for the spiritual health and support of the community and help in the community during difficult times. Therefore, it was ruled that they could not close down churches if other essential businesses were allowed to operate. Apostolic Faith Church would not create a detrimental or injurious situation to the public. It offers spiritual help to those who choose to seek it. It also offers a place to gather to share faith and encourage others."
- 16.1.2 Hearing Examiner Finding: The proposed Religious Institution would be located within an existing building, with no plans included in this application

to expand. The structure is surrounded by agricultural land on the same parcel. Public Works has determined through the Traffic Concurrency application that there is sufficient capacity on the public roadways to serve the additional traffic generated by the proposal. The Hearing Examiner has considered the neighboring property owners' comments and have conditioned the application to include vegetative site screening along Rein Road. Should this application be approved as conditioned, the use of the property as a construction yard/ staging ground for the construction business will no longer be an allowed use, due to the change of use from Residential to a Religious Institution. This will also address the neighbors' concerns regarding the construction traffic and noise.

- 17.1 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:
- 17.1.1 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
 - 17.1.2 The applicant shall provide such facilities; or
 - 17.1.3 The proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.
 - 17.1.4 Applicant Response: "The church would not create an economic increase to the county. There should be no need to upgrade any roads as there are not a large number of people that attend at any one time. The number of people using the facility would not create much more traffic than the other homes create during the week. It is the first driveway on the road so all traffic turns off without interfering with the residences on the road. It will not affect public costs as it will be a church and there will need access to public schools. The need for police, fire services would not be any greater than any other residence or farm. The property has its own water source (well) and septic system so it will not need a public service for these."
 - 17.1.5 Hearing Examiner Finding: As proposed the project will be adequately serviced by existing facilities and will not require additional public costs. The project will not have a detrimental economic impact.
- 17.2 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:
- 17.2.1 Applicant Response: "The proposed use of the property as a church meets with the development standards in the Kittitas County Code. It provides a service to the community and maintains the open space area around the building. The building does not block views of the surrounding area and the property is also used for farming."
 - 17.2.2 Hearing Examiner Finding: The use is consistent with the relevant development standards and criteria in Kittitas County Code. The Religious Institution is permitted in the Commercial Agriculture zone through a Conditional Use Permit under KCC 17.15.050. The remaining undeveloped acreage of the property will remain for agriculture use, complying with the Commercial Agricultural section of the Comprehensive Plan.

- 17.3 The proposed use will mitigate material impacts of the development, whether environmental or otherwise.
- 17.3.1 Applicant Response: "The church will not change the material impacts of the area environmentally or otherwise. The building will just change from a residential home to a religious facility."
- 17.3.2 Hearing Examiner Finding: The Hearing Examiner has conditioned the application to install vegetative site screening along Rein Road to mitigate any visual and possible noise impacts the Church may have on the neighboring property.
- 17.4 The proposed use will ensure compatibility with existing neighboring land uses.
- 17.4.1 Applicant Response: "It will use of the property as a church is compatible with the neighborhood and neighboring land uses. Farming will continue to be done on the property surrounding the building which is consistent with adjacent properties. It will not interfere with the Wagging Tails ranch at the other end of the property as the building is too far away from their ranch to create a problem for the dogs."
- 17.4.2 Hearing Examiner Finding: The proposed use of a Religious Institution is an allowed use with a Conditional Use Permit in the Commercial Agriculture Zone. Most of the property remains in Agricultural Use, compatible with surrounding Agriculture lands. Directly across the road to the south, the homeowners run a dog boarding/training facility. The Comprehensive Plan under Rural Resource Land Goal RR-G2 states "Opportunities should exist for traditional rural lifestyle and rural based economies." The Hearing Examiner finds the use of Religious Institution to meet this Goal.
- 17.5 The proposed use is consistent with the intent and character of the zoning district in which it is located.
- 17.5.1 "The property will still be maintained as a farm (currently producing Timothy hay.) This is consistent with the zoning district and the religious portion is allowed for with a conditional use in the zoning area."
- 17.5.2 Hearing Examiner Finding: The proposed use of a Religious Institution is an allowed use with a Conditional Use Permit in the Commercial Agriculture Zone. Most of the property remains in Agricultural Use, compatible with surrounding Agriculture lands. Directly across the road to the south, the homeowners run a dog boarding/training facility. The Comprehensive Plan under Rural Resource Land Goal RR-G2 states "Opportunities should exist for traditional rural lifestyle and rural based economies." The Hearing Examiner finds the use of Religious Institution to meet this Goal.
- 17.6 For conditional uses outside of Urban Growth Areas, the proposed use:
- 17.6.1 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;
- 17.6.2 Preserves "rural character" as defined in the Growth Management Act (RCW 36.70A.030(16**));
- 17.6.3 Requires only rural government services; and

- 17.6.4 Does not compromise the long-term viability of designated resource lands.
 - 17.6.5 Applicant Response: “The conditional use permit would be consistent with the intent, goals, policies, and objectives of the Kittitas County Comprehensive Plan. It maintains the open area preserving the rural character of the community. It does not block or change the views of the neighbors and it is surrounded by the hay farm. The building creates a very large open space. There would be no additional rural government services than a residence would require.”
 - 17.6.6 Hearing Examiner Finding: The Hearing Examiner finds the application, as conditioned, consistent with KCC 17.60A Conditional Uses.
- 18. Consistency with the provisions of KCC 17A Critical Areas: CDS conducted an administrative critical area review in accordance with KCC 17A and CDS staff’s initial review identified one Type 4 Seasonal (Non-Fish Bearing) stream located on the property. On January 19, 2023, Jennifer Nelson with WDFW confirmed the channel running along the eastern boundary of the parcel is an irrigation ditch. As such, the proposal is consistent with KCC Title 17A, Critical Areas.
 - 19. 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
 - 20. Consistency with the provisions of the KCC Title 14.04, Building Code: A change-of-occupancy permit shall be obtained for the existing structure for the occupancy change from Residential to Assembly Group A-3.
 - 21. Consistency with the provisions of KCC Title 12: Roads and Bridges: As conditioned, the proposal is consistent with the provisions of KCC Title 12.
 - 22. An open record public hearing after due legal notice was held on May 11, 2023.
 - 23. At the open record public hearing the following exhibits were entered into the record:
 - 23.1 Ex. 1 Application
 - 23.2 Ex. 2 Project Narrative
 - 23.3 Ex. 3 Notice of Order to Correct Violation
 - 23.4 Ex. 4 Site Plan
 - 23.5 Ex. 5 Floor Plan
 - 23.6 Ex. 6 Engineered Floor Plan
 - 23.7 Ex. 7 SEPA Checklist
 - 23.8 Ex. 8 Receipt
 - 23.9 Ex. 9 CDS Staff Maps
 - 23.10 Ex. 10 Deemed Complete
 - 23.11 Ex. 11 Site Posting Map
 - 23.12 Ex. 12 Affidavit of Sign Posting
 - 23.13 Ex. 13 Publishing Notice of Application
 - 23.14 Ex. 14 NOA Legal
 - 23.15 Ex. 15 Notice of Application E-Mail
 - 23.16 Ex. 16 NOA Memo

- 23.17 Ex. 17 Affidavit of Mailing & Publication – NOA
- 23.18 Ex. 18 Comments
- 23.19 Ex. 19 Snoqualmie Tribe
- 23.20 Ex. 20 Kittitas County Fire Marshal
- 23.21 Ex. 21 Washington State Department of Health – Office of Drinking Water
- 23.22 Ex. 22 Kittitas County Public Health
- 23.23 Ex. 23 Washington State Department of Ecology
- 23.24 Ex. 24 Kittitas County Public Works
- 23.25 Ex. 25 Kittitas County Code Enforcement
- 23.26 Ex. 26 Chad Unland
- 23.27 Ex. 27 Laura Smith Unland (1)
- 23.28 Ex. 28 Laura Smith Unland (2)
- 23.29 Ex. 29 Laura Smith Unland (3)
- 23.30 Ex. 30 Laura Smith Unland (4)
- 23.31 Ex. 31 Laura Smith Unland (5)
- 23.32 Ex. 32 Kittitas County Fire & Rescue
- 23.33 Ex. 33 Transmittal of Comments/Request for Information/Application on Hold Letter June 21, 2022
- 23.34 Ex. 34 10 Year Plan
- 23.35 Ex. 35 SEPA Checklist (Revised) 12-22-22
- 23.36 Ex. 36 Amended Application Answers to questions 11 and 12 - 1-17-23
- 23.37 Ex. 37 WDFW Irrigation Ditch Confirmation Email 1-19-23
- 23.38 Ex. 38 Transportation Concurrency Finding 3-2-23
- 23.39 Ex. 39 Site Plan (Amended)
- 23.40 Ex. 40 SEPA DNS
- 23.41 Ex. 41 Notice of SEPA Action and Public Hearing
- 23.42 Ex. 42 Affidavit of Mailing and Publication – Notice of SEPA Action and Public Hearing
- 23.43 Ex. 43 Staff Report
- 23.44 Ex. 44 Public Hearing Presentation
- 23.45 Ex. 45 Public Works Illegal approach letter 12-30-22
- 23.46 Ex. 46 CU-22-00001 Apostolic Faith United - Request for Information 1-12-23
- 23.47 Ex. 47 CU-22-00001 Apostolic Faith United - Request for Information 1-26-23
- 23.48 Ex. 48 Laura Smith Unland Comments
- 23.49 Ex. 49 Chad Unland Comments

- 24. Appearing on behalf of the Applicant were Lynn Davenport and Walter Davenport. Mrs. Davenport testified that she is the Applicant and property owner. She stated that she and her husband moved out in February of 2020 and no one has lived there since, except a caretaker. She stated that they did store construction equipment and supplies there, but are in the process of removing those items and cleaning. The property still has some agricultural uses than other portions of the property. She stated that the property is used for church services on various days of the week. Mr. Davenport testified that there is no key box on the building because there is no door knob with a lock on it.
- 25. Testifying from the public were the following individuals:
 - 25.1 Chad Unland. Mr. Unland testified that he lived on his property which is a neighbor of the Applicant's property since 2012. He says that the activities at the church cause

him lost sleep. He states that there are still people at the church late into the evening. He testified that the SEPA checklist was incomplete.

- 25.2 Laura Smith Unland. Ms. Smith testified generally that the SEPA checklist was deficient and incomplete and that there is much noise and disruption in their lives from the church activities.
26. As set forth above, the SEPA determination was made on April 18, 2023. No appeals were filed and therefore, the SEPA determination is final.
27. The Hearing Examiner does have concerns that the Applicants are currently out of compliance with the County code and may continue to operate this church without being in compliance with the County code. Therefore, the Hearing Examiner has set as a condition of approval that no church activities can be conducted on the property until the property is in complete compliance with all requirements of the conditions of approval set forth within the permit, as well as all requirements of the Kittitas County Code.
28. The Kittitas County Hearing Examiner considered all evidence within the record in rendering this decision.
29. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this decision.
2. As conditioned, the development 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. 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 Buildings and Construction, Title 12 Roads and Bridges and Title 20 Fire and Life Safety.
6. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, CUP 22-00001 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

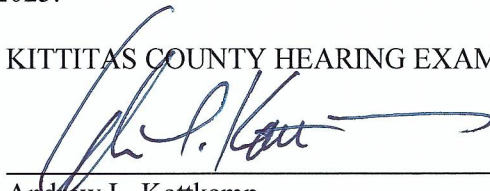
All Conditions of Approval shall apply to the Applicant, and the Applicant's heirs, successors in interest and assigns.

1. The project shall proceed in substantial conformance with the plans and application materials on file with CDS that were received on March 23, 2022 and amended site plan submitted April 21, 2023, and subsequent revisions and information included in the complete file index except as amended by the conditions herein.
2. The proposed facility is a public facility, and the provided water service will be a public water system. Based on 80 parishioners, the public water system appears to be a Group A, transient non-community water system. The applicant is responsible for working with the Washington State Department of Health – Office of Drinking Water to gain approval of the well source and water system prior to any Religious Institution Activities taking place.
3. The applicant shall work with the Kittitas County Public Health Department to ensure the on-site sewage system installed will accommodate the expected flows of the project.
4. An approved access permit shall be required from Kittitas County Public Works prior to creating any new driveway access or altering an existing access.
5. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
6. Except as exempted in Section KCC14.05.060, no grading or filling upon a site involving more than one hundred (100) cubic yards shall be performed without a grading permit from the County Engineer or Public Works designee (KCC 14.05.050). An application for grading in excess of five hundred (500) cubic yards shall be accompanied by an engineered grading plan (KCC 14.05.080).
7. All applicable Kittitas County Road Standards apply to this proposal. Access is not guaranteed to any existing or created parcel on this application.
8. 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.
9. All construction yard/staging ground activities located on the property shall be removed and ceased.
10. The applicant shall install vegetive screening on the property line along Rein Road to the satisfaction of Community Development Services.
11. The applicant shall obtain a Change-of-Occupancy permit from Kittitas County Community Development Services changing the occupancy for the existing structure from Residential to Assembly Group A-3.
12. The applicant shall comply with all local, state and federal regulations at the time of building permit submittal.
13. Owner/applicant must obtain authorization from the Department of Ecology if withdrawing over 5,000 gallons of water per day.

14. Should ground disturbing or other activities related to the proposed project result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State Department of Archaeology & Historic Preservation (DAHP) and Snoqualmie Tribe. 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.
15. It is a proponent's responsibility to demonstrate compliance with the approval conditions of a conditional use permit. Compliance with all conditions must be demonstrated in writing to Kittitas County CDS prior to Final Conditional Use Permit issuance. Final approval of a Conditional Use Permit is required within 5 years of the approval date pursuant to KCC 17.60A.090.
16. No residential use of any kind shall be allowed on the subject property. If Kittitas County, in its sole discretion, believes that violations of this Conditional Use Permit have or may be occurring, this matter may be referred back to the Kittitas County Hearing Examiner to review factual issues surrounding this permit and the operations of the Applicant on the subject property, and the Hearing Examiner may revoke this permit or set additional Conditions of Approval or modify existing Conditions of Approval.
17. If Kittitas County, in its sole discretion, believes that the Applicant's use of their property may institute a nuisance due to hours of operation, noise, dust, traffic, or other cause, this permit may be referred back to the Hearing Examiner for a public hearing to determine if current conditions need to be modified or new conditions added to mitigate the impacts of this use.
18. The Applicant shall comply with all environmental noise requirements set forth in WAC 173-60.
19. The Applicant is not authorized to use the property for church or any church related activities, or any public or private gatherings of any nature, unless and until all of above Conditions of Approval have been fully satisfied and that the property is in full compliance with all requirements of the Kittitas County Code.

Dated this 17 day of June, 2023.

KITTITAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

This Decision is subject to appeal pursuant to the Kittitas County Code and the Revised Code of Washington.