

**KITTITAS COUNTY  
LAND USE HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW, AND</b>
<b>CU-24-00008</b>	)	<b>DECISION AND</b>
<b>Prophet Elijah Church CUP</b>	)	<b>CONDITIONS OF APPROVAL</b>

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on June 23, 2025 the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

**I. FINDINGS OF FACT**

1. Requested Action: The intention is to gain approval for an addition to an existing building, improvements to a parking lot, creation of up to 52 parking spaces, landscaping improvements and the establishment of a religious institution. The property is zoned urban residential zoning with urban land use. The property is located within the Urban Growth Area.
2. Location: Parcel 026833 is, located at the intersection of W. 1st St & N. Dennis St, in Ellensburg, WA in SEC 2 TWP 17 RGE 18; NW ¼ SW ¼ in Kittitas County.

**3. SITE INFORMATION**

- |                           |                    |
|---------------------------|--------------------|
| 3.1. Total Property Size: | 2.43 Acres         |
| 3.2. Number of Lots:      | 1                  |
| 3.3. Domestic Water:      | City of Ellensburg |
| 3.4. Sewage Disposal:     | City of Ellensburg |

**4. Site Characteristics:**

- 4.1. North: Primarily residential
- 4.2. South: Primarily commercial with sparse residential
- 4.3. East: Primarily commercial with sparse residential
- 4.4. West: Primarily residential and parks and recreation space
- 4.5. Access: The site is accessed off Dennis St, approximately 0.02 miles south of the intersection of W. 1 St. and Dennis St.

**5. ZONING AND DEVELOPMENT STANDARDS**

- 5.1. The parcel involved in this proposal is in a land use designation of Urban and zoning designation of Urban Residential within the Urban Growth Area around the city of Ellensburg, WA. The proposed project is classified as a "Religious Institution". Per KCC 17.08.467 "Religious institutions" means churches, synagogues, temples and other places where gathering for worship is the principle purpose of the use. Religious Institutions are allowed with a conditional use permit under KCC 17.15.080.1. The parcel location is located within the Urban Growth Area of the City of Ellensburg, the Interlocal Agreement between the City of Ellensburg and Kittitas County is

applicable to the proposed development. Per KCC 17.11.036(34) Places of Assembly means a structure for groups of people to gather for an event or regularly scheduled program. Examples include but are not limited to arenas, religious institutions, lecture halls, banquet facilities, and similar facilities. Per KCC 17.11.037(4)(a) "Places of Assembly" are allowed with a conditional use permit within the Urban Growth Area of the City of Ellensburg. Per KCC 17.11.037(2)(d) conditional use review procedures specified in KCC 17.60A and the general requirements of the code are applicable to this proposed development. The conditional use permit criteria are examined in this decision.

## 6. ADMINISTRATIVE REVIEW

- 6.1. Deem Complete: A conditional use permit application (See Exhibit #1 through #11) for Prophet Elijah Church (CU-24-00008) was submitted to Kittitas County Community Development Services Department on December 27, 2024. The application was deemed complete on January 23, 2025. The site was posted in accordance with KCC 15A.03.110 on January 29, 2025 (See Exhibit 12). A SEPA checklist was submitted on February 21, 2025 (See Exhibit #16 & 17). The SEPA checklist was deemed incomplete on March 7, 2025 (See Exhibit #18). An updated SEPA checklist was submitted on March 11, 2025 (See Exhibit #19). The SEPA checklist was deemed complete on March 11, 2025 (See Exhibit #20).
- 6.2. Notice of Application: A notice of application for the Prophet Elijah Church Conditional Use Permit (CU-24-00008) 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 March 13, 2025, all in conformance with the Kittitas County Project Permit Application Process (Title 15A) (See Exhibit #21). The comment period concluded on March 27, 2025. Comments were transmitted to the applicant on March 28, 2025 (See Exhibit #22 & 23). The combined comments can be viewed in Exhibit #24. The applicant responded to comments on April 27, 2025 (Exhibit #25).

## 7. COMPREHENSIVE PLAN

- 7.1. LU-G1: UGA's shall be consistent with the following criteria:
- 7.1.1. Each UGA shall provide sufficient urban land to accommodate future population/employment projections through the designated planning period;
  - 7.1.2. Lands included within UGAs shall either be already characterized by urban growth or directly adjacent to such lands;
  - 7.1.3. Existing urban land uses and densities should be included within UGAs;
  - 7.1.4. UGAs shall provide a balance of industrial, commercial, and residential lands;
  - 7.1.5. Each UGA shall have the anticipated financial capability to provide infrastructure/services needed in the areas over the planning period under adopted concurrency standards;
  - 7.1.6. Protect natural resource lands and critical areas;
  - 7.1.7. Encourage the conversion of undeveloped lands into urban densities (infill);
  - 7.1.8. Provide for the efficient provision of public services;
  - 7.1.9. Promote a variety of residential densities; and
  - 7.1.10. Include sufficient vacant and buildable land.

7.1.11. *Staff Consistency Statement: The proposed project is intended to establish a religious institution through a conditional use permit and expand an existing building. The religious institution will provide opportunities for community gathering and worship within an urban and residential area of the Urban Growth Area. Religious institutions are an allowed use in urban lands.*

7.2. LU-P1: Minimize the cost of providing public services and utilities by directing urban growth and development to areas where public roads and services can support such growth.

7.2.1. *Staff Consistency Statement: The proposed religious institution will provide a place of gathering and worship within the Urban Growth Area where public services and utilities already exist. Therefore, reducing the cost of expanding and providing new services and utilities.*

7.3. E-P21: Enhance our cultural resources and promote expanded cultural opportunities.

7.3.1. *Staff Consistency Statement: The proposed project provides for economic development and increased economic stability by providing a place of gathering and worship for community members. Under KCC 17.1.15.080 Urban Use Table, religious institutions falls under Civic and Cultural allowed uses.*

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

## **8. ENVIRONMENTAL REVIEW**

8.1. A critical area review was performed by CDS staff and GIS data indicates an R2UBH wetland, R2UBHx wetland and a Type U (unidentified) stream. The Type U stream is Mercer Creek. According to the Washington Department of Fish & Wildlife, Mercer Creek is a Type 2 (F) fish-bearing stream.

8.2. For a Type 2 (F) Stream, the current required buffer listed in KCC 17A.04.030(4) is a 100' buffer from the Ordinary High-Water Mark (OHWM) of the creek within the Columbia Plateau Ecoregion. This does not include the additional 15' building setback in KCC 17A.01.090.5.

8.3. The two wetlands (R2UBH & R2UBHx) are riverine wetlands. The stream type buffer will apply to the riverine wetlands.

8.4. The proposal is within the stream buffers for Mercer Creek and requires additional mitigation measures. Per KCC 17A.04.030(6), buffer averaging can be used to accommodate the proposed development. The buffer can be reduced to 75% of the buffer width and increased in size elsewhere. In addition to the buffer averaging, mitigation measures are needed to protect and enhance the stream buffer and stream. CDS has conditioned the SEPA MDNS Determination to ensure the applicant develops a monitoring plan, develops a mitigation plan and works with the Washington Department of Fish & Wildlife to determine the appropriate native plantings.

8.5. A SEPA checklist was submitted with the conditional use application and processed concurrently using the Optional DNS process under WAC 197-11-355. Comments were received from various agencies. All comments were considered in the SEPA determination. An MDNS was issued on May 16, 2025 (Exhibit #27). No appeals were received during the appeal period.

## **9. AGENCY AND PUBLIC COMMENTS**

9.1. 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 timely comment submittals can be found in their entirety in (Exhibit #24). Late comments were

received from the City of Ellensburg Gas Division (Exhibit #28). The applicant's typical method of responding to the provided agency comments was to provide their responses after each paragraph for most agencies. The applicant's comments are intermingled with the agency comments below to provide relevancy for the applicant's response to the agency comments.

9.2. The following parties provided substantive comments during the comment period:

9.2.1. Agency Comments: Kittitas County Fire Marshal, Yakima Nation Fisheries, City of Ellensburg, Public Works, Kittitas County Public Health Department, City of Ellensburg, Kittitas County Public Works and Washington Department of Fish and Wildlife. Below is a summary of their comments:

9.2.2. Kittitas County Fire Marshal

9.2.2.1. Fire flow in the amount of 1500 gallons per minute supplied for 120 minutes duration is required for this application. Prior to obtaining building permits, submit proof from the water purveyor indicating that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. Fire flow is based on a 3000 sq. ft. building of Type V construction.

9.2.2.1.1. *Applicant Response: There is a fire hydrant located approximately 165 feet from the property boundary, on the corner of North Dennis Street and West First Avenue. This fire hydrant appears to be documented as D-021 on the Public Works Water Supply Lines Map referenced in the City of Ellensburg Public Works comments section included in this submission. A site map including the distance of this fire hydrant will be submitted to Kittitas County Community Development Services.*

9.2.2.1.2. *The applicant has attached an email from the City of Ellensburg Public Works and Utilities Department regarding the fire flow capacity of the aforementioned hydrant. The last flow test recorded the hydrant to perform at 3,080 gallons per minute. This surpasses the 1,500-gpm requirement established by the Kittitas County Fire Marshal. Based on this information, the applicant requests that the close proximity of this fire hydrant and the quality of fire flow be sufficient for the required fire flow standards.*

9.2.2.2. Fire hydrants are required for this application. The maximum distance from any point on street or road frontage to a hydrant is 250 feet.

9.2.2.2.1. *Applicant Response: As discussed above, there is a fire hydrant located approximately 165 feet from the property boundary, which is within the required distance of a proximity to a fire hydrant. This fire hydrant appears to be documented as D-021 on the Public Works Water Supply Lines Map referenced in the City of Ellensburg Public Works comments section included in this submission. A site map including the location of this fire hydrant will be resubmitted to Kittitas County Community Development Services. The applicant requests that the close proximity of this fire hydrant be sufficient for the required fire flow standards.*

9.2.2.3. Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an

all-weather driving surface and capable of supporting the imposed loads of fire apparatus.

9.2.2.3.1. *Applicant Response: Understood. The applicant will adhere to these standards.*

9.2.2.4. Approved fire apparatus turnarounds are required for this project. The indicated provisions for turning around fire apparatus are adequate.

9.2.2.4.1. *Applicant Response: Understood.*

9.2.2.5. No gate may be installed across a required fire department access road or driveway without first obtaining a permit from the fire marshal's office. Inspection and testing of the gate will be required.

9.2.2.5.1. *Applicant Response: The applicant is not currently planning to install a gate. If the occasion arises, the applicant will obtain a permit from the fire marshal's office before the installation of a gate.*

9.2.2.6. New and existing buildings must have approved radio coverage for emergency responders as outlined by Section 510 of the fire code and may require the installation of an Emergency Responder Radio Coverage System (ERRCS). Proof of adequate radio coverage will be required. A separate permit is required to install or modify an ERRCS and related equipment. For more information, contact KITTCOM at (509)925-8537.

9.2.2.6.1. *Applicant Response: The applicant will work with the Fire Marshal and KITTCOM to determine if current radio coverage is insufficient.*

9.2.2.6.2. *Hearing Examiner Finding: Staff have shared the comments with the applicant and have conditioned the proposal to comply with Fire Marshal comments.*

### 9.2.3. Yakima Nation Fisheries:

9.2.3.1. "The project, CU-24-00008 Prophet Elijah Church, Lies within the Ceded lands/ Usual & Accustomed area of the Confederated Tribes and Bands of the Yakama Nation. The project review didn't yield any new information that would require further investigation of the potential impacts on Archaeological/ Cultural Resources. I am also attaching an Inadvertent Discovery Plan which you can share with the contractor."

9.2.3.1.1. *Applicant Response: Understood. If any historical sites or artifacts are encountered during the development of the proposed conditional use, development will stop, and both Yakama Nation Fisheries and the Department of Archaeology and Historic Preservation will be contacted. If necessary, an Inadvertent Discovery Plan will be completed and submitted.*

9.2.3.1.2. *Hearing Examiner Finding: CDS has shared the comments with the applicant and conditioned the SEPA determination to ensure the applicant shall have an Inadvertent Discovery Plan (IDP) in place prior to beginning construction.*

### 9.2.4. City of Ellensburg Public Works

9.2.4.1. "Water: The water main available to serve this development is an 8" Asbestos Concrete main that runs east/west in 1st Ave. The existing building has a 5/8" water meter and can be reused if adequate or upsized to serve the new expansion. See attached utility map.

- 9.2.4.1.1. *Applicant Response: If necessary, water facility improvements will be designed by the civil engineer and architect serving this project.*
- 9.2.4.2. A backflow device will be required for the new building. Specific issues related to water service and meter location will be addressed at project civil submittal.
- 9.2.4.2.1. *Applicant Response: Understood. The applicant will adhere to this standard.*
- 9.2.4.3. Any Fire Service and Fire Hydrant placement shall be per Fire Dept. requirements, and shall be constructed per City Development standards.
- 9.2.4.3.1. *Applicant Response: Understood. See applicant's response to Kittitas County Fire Marshal comments. The applicant will adhere to Fire Department and City Development standards throughout the permitting and construction processes.*
- 9.2.4.4. Sewer: The sewer main available to serve this development is an 8" Asbestos Concrete main that ends at the property line in Dennis St. Our maps indicate that the existing building is on a private 4" side sewer service line. Applicant's engineer will need to verify if this existing line is adequate to serve the proposed building expansion. See attached utility map.
- 9.2.4.4.1. *Applicant Response: The applicant's engineer will verify this information with City of Ellensburg Public Works before construction. If necessary, sewer facility improvements will be designed by the civil engineer and architect serving this project.*
- 9.2.4.5. Specific issues related to sewer main and side sewer stub construction will be addressed at project civil submittal.
- 9.2.4.5.1. *Applicant Response: Understood and agreed.*
- 9.2.4.6. Roadway and access: The frontage of this site has existing concrete curb and sidewalk. The existing driveway may not meet current ADA standards and will need to be evaluated by applicant's engineer. An asphalt driveway shall be installed for the additional trips generated. Any existing sidewalk/curb and gutter to remain that is in good condition will need to be protected during construction and replaced if damaged.
- 9.2.4.6.1. *Applicant Response: Understood and agreed.*
- 9.2.4.7. Specific issues related to roadway and access construction will be addressed at project civil submittal.
- 9.2.4.7.1. *Applicant Response: Understood and agreed.*
- 9.2.4.8. Storm water: There is an storm system available for a direct connection. The applicant shall use the current Storm water Management Manual for Eastern Washington, or approved equivalent for reference in design of stormwater treatment and flow control for post construction requirements for new development and redevelopment. The design shall at a minimum use the following design storms, or as recommended for the proposed BMP, whichever is greater. Treatment shall be designed for the first ½" of rainfall on the property, and storm drainage detention on a 10 year storm event (1.2"of precipitation/24 hours) and retention facilities based on a 25 year storm event (1.6"of precipitation/24 hours). Specific issues related to storm water will be reviewed at time of civil plan submittal.

- 9.2.4.8.1. *Applicant Response: Understood and agreed. The applicant and involved consultants will adhere to these standards when designing stormwater treatment and flow control facilities.*
- 9.2.4.9. The applicant's design engineer should determine groundwater elevations in the vicinity of proposed storm water treatment and flow control facilities. The water surface elevation needs to be utilized in the facility designs and should be verified when groundwater is at its highest. Typically the groundwater in the Ellensburg area is elevated from April 15th through October 15<sup>th</sup>. However, groundwater on the subject site may not be associated with seasonal irrigation and could crest at another time during the year.
- 9.2.4.9.1. *Applicant Response: When designing stormwater treatment and flow control facilities, the applicant and involved consultants will determine groundwater elevations.*
- 9.2.4.10. The following comments are from the City Stormwater Department;
- 9.2.4.10.1. If the site is an acre or greater the developer will need to make Notice of Intent (NOI) with Ecology and apply for a Stormwater General Construction Permit months in advance of construction. <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Storm-watergeneral-permits/Construction-stormwater-permit>
- 9.2.4.10.1.1. *Applicant Response: As the site is greater than an acre, the applicant will make Notice of Intent (NOI) with the Department of Ecology and apply for a Stormwater General Construction Permit after preliminary approval of this Conditional Use Permit.*
- 9.2.4.10.2. The Ecology permit requires a Stormwater Pollution Prevention Plan (SWPPP) be submitted with the plan set and be reviewed by the City of Ellensburg Stormwater Utility along with a set of temporary sediment erosion control plans (TESC).
- 9.2.4.10.2.1. *Applicant Response: Understood and agreed. The applicant will submit a Stormwater Pollution Prevention Plan and a set of temporary sediment erosion control plans to the City of Ellensburg Stormwater Utility after preliminary approval of this Conditional Use Permit.*
- 9.2.4.11. In addition, Ecology now requires an Operation and Maintenance (O&M) Plan be submitted to the City for review and retainage. The O&M Plan must address the long term maintenance of the stormwater facilities (swales) that will be constructed onsite to deal with the flow control and treatment requirements of Core Element 5&6 in the Eastern Washington Storm water Management Manual.
- 9.2.4.11.1. *Applicant Response: The applicant will submit an Operation and Maintenance Plan after preliminary approval of this Conditional Use Permit.*
- 9.2.4.12. Here is a link for additional information from Ecology;
- 9.2.4.12.1. <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-generalpermits/Construction-stormwater-permit/eCoverage-packet>
- 9.2.4.13. Other items: Additional utility easements may be required for any proposed utility outside of the right of way. Specific issues will be addressed at civil plan submittal.

- 9.2.4.13.1. *Applicant Response: Understood and agreed. The applicant will abide by city utility requirements when designing and drafting civil plans.*
- 9.2.4.14. Any water main extension, fire line or sewer main will need to be designed by a Professional Engineer in the State of Washington.
- 9.2.4.14.1. *Applicant Response: Understood and agreed. The applicant will abide by water utility, sewer utility, and fire utility requirements when designing and drafting civil plans.*
- 9.2.4.15. Any work being done in the right of way will require permits and the contractor to have proper insurance and bonding on file with the City.
- 9.2.4.15.1. *Applicant Response: Understood and agreed. The applicant will abide by City of Ellensburg standards and requirements when designing and drafting civil plans.*
- 9.2.4.16. The city has established transportation impact fees. This project may be required to pay impact fees. You can view the traffic impact fees online at <https://library.municode.com/wa/ellensburg/>
- 9.2.4.16.1. *Applicant Response: The applicant will abide by the necessary traffic impact fees.*
- 9.2.4.16.2. *Hearing Examiner Finding: Staff have shared the comments with the applicant and conditioned the proposal to comply with the City of Ellensburg Public Works comments.*
- 9.2.4.17. Kittitas County Public Health Department: No comment from KCPHD
- 9.2.4.17.1. *Applicant Response: No response from the applicant.*
- 9.2.4.17.2. *Hearing Examiner Finding: Staff shared the comment with the applicant.*
- 9.2.4.18. City of Ellensburg: "There is an existing overhead electric high voltage line (12.4kv) as shown on the site plan submitted. This needs to be protected and minimum approach distances maintained by equipment, workers, and materials at all times. The minimum approach distance is 10-feet. The new addition should also meet NESC rule 234, Clearance to buildings.
- 9.2.4.18.1. The proposed addition would enclose the existing power meter. This will need to be relocated before construction. If there is a conflict with the required clearances and the project, the pole line will need to be altered. The applicant will be responsible for all costs.
- 9.2.4.18.2. Submit an "Altered service application" to the City of Ellensburg Light Department.
- 9.2.4.18.3. *Applicant Response: The applicant is aware of the existing overhead electric line and power meter and plans to make arrangements to move it before construction of the proposed southern wing. Upon approval of this conditional use permit, the applicant will submit an "Altered service application" to the City of Ellensburg Light Department and plans to cover all associated costs.*
- 9.2.4.18.4. City of Ellensburg Planning has the following comments for this proposal:
- 9.2.4.18.4.1. The subject parcel is in the Urban Residential County Zone in the UGA. R-S standards apply per KCC 17.11.035. The proposed use is defined

in KCC 17.11.036(34) as a Place of Assembly, which is a Conditional use per KCC Table 17.11.037(4)(a).

9.2.4.18.5. Applicant's site layout appears to show 51 off-street parking spaces. KCC Table 17.11.039(4)(a)(i) requires a minimum of 0.25 spaces per maximum occupancy established by the fire marshal for an Assembly use. Planning requests the County ensure minimum conformance with this adopted standard – but does not recommend conditions for this CUP, as minimum parking may more reasonably be calculated and enforced contingent to certification of building occupancy and fire safety.

9.2.4.18.6. *Applicant Response: Understood and agreed.*

9.2.4.18.7. Planning noted the ILA does not incorporate Ellensburg City Code (ECC) Critical Area standards of Title 15, Division VI for KCC 17.11 UGA review. We wish to express for the record that the Mercer Creek Critical Area buffer reduction indicated in the County's Stream Buffer Modification Letter (December 2, 2024) was not requested by Ellensburg Planning.

9.2.4.18.7.1. *Applicant Response: If necessary or desired, the applicant is willing to provide additional materials to the City of Ellensburg CDS department upon request.*

9.2.5. City Fire Marshal: Must meet current 2021 IFC and City of Ellensburg Code requirements at the time of construction for the occupancy classification and construction type. Will be required to meet current IFC and City of Ellensburg Code anytime there is a change in occupancy classification.

9.2.5.1. *Applicant Response: The applicant agrees and plans to work with the Kittitas County Fire Marshal and City of Ellensburg Fire Marshal to meet current IFC and City of Ellensburg code requirements.*

9.2.5.2. Standard Addressing per City Code requirements for commercial occupancies.

9.2.5.2.1. *Applicant Response: Understood and agreed. The applicant will abide by City Code Standard Addressing requirements.*

9.2.5.3. Fire department access roads to meet IFC Section 503 and shall extend to within 150 feet of all exterior portions of buildings as measured by an approved route around the building. Fire dept. access and turnarounds per IFC and Appendix D. Fire department access roads shall be a minimum of 20' wide, access roads shall be a minimum of 26' wide in the vicinity of fire hydrants or meet the City Street Standard if greater. There will be no parking allowed 20' from center of hydrant. It may be required to post "No Parking Signs" on one or both sides of the fire access road, depending on width. If access road is greater than 26' but less than 32' wide parking is allowed on one side of site. Fire dept. access roads cannot exceed 150' in length without an approved turnaround per IFC Appendix D. Road surfaces must be rated for a minimum of 75,000 lbs. or City of Ellensburg Street standard if it requires a higher rating.

9.2.5.3.1. *Applicant Response: Understood and agreed. The applicant will abide by these standards.*

9.2.5.4. Any phasing of the project would be required to meet IFC requirements for Fire Dept. access, turnarounds, and water supply.

9.2.5.4.1. *Applicant Response: Understood and agreed. See applicant's response to Kittitas County Fire Marshal comments. The site map attached to the original conditional use permit application for this project shows the proposed parking lot layout, which demonstrates adherence to IFC requirements for Fire Department access and turnarounds.*

9.2.5.4.2. *There is a fire hydrant located approximately 165 feet from the property boundary, on the corner of North Dennis Street and West First Avenue. This fire hydrant appears to be documented as D-021 on the Public Works Water Supply Lines Map referenced in the City of Ellensburg Public Works comments section included in this submission. A site map including the distance of this fire hydrant will be submitted to Kittitas County Community Development Services.*

9.2.5.4.3. *The applicant has attached an email from the City of Ellensburg Public Works and Utilities Department regarding the fire flow capacity of the aforementioned hydrant. The last flow test recorded the hydrant to perform at 3,080 gallons per minute. This surpasses the 1,500-gpm requirement established by the Kittitas County Fire Marshal. Based on this information, the applicant requests that the close proximity of this fire hydrant and the quality of fire flow be sufficient for the required fire flow standards.*

9.2.5.5. Hydrant quantity dependent upon any future occupancy type and size to be determined during building permitting phase.

9.2.5.5.1. *Applicant Response: Understood. The applicant will work with the Kittitas County Fire Marshal and the City of Ellensburg Fire Marshal after approval of this conditional use permit.*

9.2.5.5.2. *Hearing Examiner Finding: Staff have shared the comments with the applicant and conditioned the proposal to comply with the City of Ellensburg comments.*

#### 9.2.6. Kittitas County Public Works

##### 9.2.6.1. ACCESS

9.2.6.1.1. An approved access permit shall be required from the Kittitas County Department of Public Works prior to creating any new driveway access or altering an existing access.

9.2.6.1.2. The County cannot grant access to roads or easements it does not control. A copy of the City of Ellensburg access permit approval shall be submitted to the County prior to the issuance of the County's access permit or preliminary approval for any land use development application.

9.2.6.1.3. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.

9.2.6.1.4. Per off street parking requirements, driveway path is required to be constructed of a hard surface material.

9.2.6.1.5. In addition to the above-mentioned conditions, all applicable Kittitas County Road Standards apply to this proposal. Access is not guaranteed to any existing or created parcel on this application.

9.2.6.1.6. *Applicant Response: Understood and agreed.*

9.2.6.2. ENGINEERING

9.2.6.2.1. Except as exempted in KCC 14.05.060, 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).

9.2.6.2.2. *Applicant Response: Understood and agreed.*

9.2.6.3. SURVEY

9.2.6.3.1. There are no survey comments regarding this application.

9.2.6.3.2. *Applicant Response: Understood and agreed.*

9.2.6.4. TRANSPORTATION CONCURRENCY

9.2.6.4.1. A concurrency evaluation and determination shall be required for all development applications in which the proposed development is projected to have an impact upon the transportation corridor or intersection. Developments generating 41 or fewer daily trips are exempt from the TIA and concurrency evaluation requirements.

9.2.6.4.2. *Applicant Response: Understood and agreed. If deemed necessary, the applicant will work with the project's engineer to generate a TIA.*

9.2.6.5. FLOOD

9.2.6.5.1. A portion of parcel #026833 is within the FEMA identified special flood hazard area (100-year floodplain). Since the current structure and proposed expansion are outside of the 100-year floodplain, a floodplain development permit is not required.

9.2.6.5.2. If possible, any future development should also remain outside of the floodplain in order to reduce risk and avoid mandatory flood insurance purchase requirements. All activities within the floodplain must be permitted through the floodplain development permit process and follow the regulations within KCC 14.08.

9.2.6.5.3. *Applicant Response: Understood and agreed. The applicant will remain outside of the floodplain throughout construction.*

9.2.6.6. WATER MITIGATION/ METERING

9.2.6.6.1. No comments.

9.2.6.7. AIRPORT

9.2.6.7.1. No comments.

9.2.6.7.2. *Hearing Examiner Finding: Staff have conditioned the proposal to comply with Public Works comments.*

9.2.7. Department of Fish and Wildlife

9.2.7.1. The Washington Department of Fish and Wildlife (WDFW) has reviewed the application materials associated with the proposed Conditional Use Permit application and site development work at 107 S Dennis Street, Ellensburg (Parcel 026833) for the

Prophet Elijah Church. Mercer Creek flows generally north to south along the eastern boundary of this project site. Mercer Creek is a distributary stream of Wilson Creek and is an important fish bearing stream on this alluvial fan. Spawning and rearing salmon and steelhead along with other native resident fish are found throughout Mercer Creek and freshwater mussels are also present in Mercer Creek. The riparian habitat associated with Mercer Creek is important to protect fish habitat and water quality in the stream.

9.2.7.2. WDFW recognizes the differences in the critical areas riparian management zone buffers between the County (100') and City of Ellensburg (85') for fish bearing streams. It is not clear why there is a letter in the file allowing a 75' riparian management zone due to the existing lawn grass serving as an interrupted buffer. Kittitas County Code Table 17A.04.030.4 defines an interrupted buffer as a significant interruption of buffer function for riparian management zones and KCC 17A.07.030.7 defines an interrupted wetland buffer as an existing public or private road or other development that creates a significant interruption of the buffer function. WDFW does not believe the extent of mowed lawn creates an interrupted buffer according to KCC 17A because the landowner could simply begin mowing farther away from Mercer Creek, reducing the available lawn space and increasing the more functional riparian habitat.

9.2.7.3. WDFW recommends that buffer averaging be implemented rather than buffer reduction associated with an interrupted buffer. We understand existing site constraints for the property and request that a detailed riparian habitat management plan be a requirement for the project, prior to approval of the Conditional Use Permit or building expansion. WDFW recommends using native, woody riparian plants within the riparian area and would be pleased to work with the County and applicants to review the riparian management plan prior to approval.

9.2.7.4. Applicant Response

9.2.7.4.1. *The applicant spoke with Mrs. Nelson on April 9, 2025, regarding this project. They explained the temporary parking lot situation and elaborated on future development plans, including the installation of a required hard-surfaced parking lot. During this explanation, the applicant addressed the intrusion that the required parking lot would cause on the 85-foot buffer, as established by City of Ellensburg Code Chapter 15.650.040.*

9.2.7.4.2. *The applicant also expressed agreement with buffer averaging and plans to plant native, woody riparian vegetation along the southeast border of the property to expand the required buffer area. Additionally, the applicant is open to discussing a potential crack willow replacement project and will be in contact with the Washington Department of Fish and Wildlife (WDFW) regarding this matter. The applicant respectfully requests that their future adherence to the conditions outlined in the SEPA determination, as well as their plan to plant sufficient vegetation along the southeast border, serve in place of a formal riparian habitat management plan.*

9.2.7.4.3. *The applicant further recommends that the existing, previously approved, and constructed building addition along the eastern border meet the definition of an "interrupted buffer." According to KCC 17A.07.030.7, an "interrupted buffer" is defined as "an existing legally established public or private road and/or a legally established development which creates a significant interruption of buffer function." The existing church is located approximately 70 feet from the creek,*

*placing it within the 85-foot buffer as permitted by the aforementioned City of Ellensburg Code. The applicant believes this condition constitutes an “interrupted buffer” and respectfully requests that it be considered in the application of buffer averaging.*

9.2.7.5. Hearing Examiner Finding

9.2.7.5.1. *CDS has shared the comments with the applicant and conditioned the SEPA determination to ensure the applicant shall maintain appropriate buffers, revegetate with WDFW recommended native plants, provide additional plantings to compensate for the loss of buffer habitat and create a habitat monitoring and management plan to ensure plant survival.*

9.2.8. Public Comments: No Public Comments were received for this project.

## 10. PROJECT ANALYSIS

10.1. 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.

10.2. Consistency with the Comprehensive Plan:

10.2.1. 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: LU-G1, LU-P1, and E-P21.

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

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

10.3.1.1. 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.

10.3.1.1.1. Applicant Response: *Religious institutions have a rich history of being an essential aspect of life within the community of Ellensburg. Religious institutions are a vital thread within the fabric of our community in providing for the public health, peace, and safety of the community. The Prophet Elijah Antiochian Orthodox Church (The Church) has been a home church for the past 10 years. It is a respected institution within the neighborhood with many parishioners who are long-time residents of the surrounding community. Activities at The Church including services, processions, and parish/community events are held strictly within the premises and all parking is contained within the property.*

10.3.1.1.2. Hearing Examiner Finding: Religious institutions are an allowed use by conditional use permit within the Urban Residential zoning. The property is located on 2.43 acres within the Urban Growth Area. The property is located near public parks, residential developments and commercial developments. 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.

- 10.3.2. 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
- 10.3.2.1. 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
- 10.3.2.2. The applicant shall provide such facilities; or
- 10.3.2.3. The proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.
- 10.3.2.4. Applicant Response:
- 10.3.2.4.1. *The Church is a relatively small community church that has existed for the past 10 years as a home church. The Church has successfully operated within the means of the parish with minimal to no impact to the surrounding area. The primary access roads are North Dennis Street and South Dennis Street, and the use of these roads by visitors have not nor are expected to raise the Level of Service on these roads. The Church will have a professionally engineered parking plan approved by the county (see Parking Plan attachment) that will continue to contain all vehicles for those who drive to the location. The parking plan adheres to the regulations contained within the International Fire Code including Appendix D, creating a sufficient turnaround area for emergency vehicles. There is a relatively low dependence on police, fire, or other emergency services. The Church will continue to be effectively serviced by its established refuse disposal service as well as the City of Ellensburg water, sewer, and electricity utilities. There will be no impact or demand on school services.*
- 10.3.2.4.2. *The Church will follow the approved Parking and Access Plan which is included as an attachment to this Conditional Use Permit.*
- 10.3.2.4.3. *It is not anticipated that there will be any negative impacts to the community as a result of the approval and implementation of this proposal. Our doors are open to anyone who wants to explore the Orthodox Christian Faith and we provide services including but not limited to spiritual counseling, church services, parish meals, and community service. Parking will be entirely self-contained. The Church also provides additional benefit to the community through the commerce that comes from parishioners frequenting local businesses, generating tax revenue for the city and county, and providing the above listed services as a Church.*
- 10.3.2.5. Hearing Examiner Finding: The proposed location has been used as a church for 10 years. The conditional use permit will establish the church as a religious institution in Kittitas County. The proposed expansion will increase the square footage of the building by around 346 square feet. Staff does not expect the proposed expansion to have a detrimental impact on city infrastructure, county infrastructure or the surrounding community. Municipal services have existed in this area for years. As conditioned, the proposal will meet the necessary road standards, parking requirements, irrigation, police & fire protection, water requirements and sewer requirements.
- 10.3.3. 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.

- 10.3.3.1. Applicant Response: Per our Conditional Use Permit preapplication conference meeting (PM-23-00011), we are complying with all requirements through our engineered parking and access plan (see attached). Our parking plan also includes buffer zone considerations for critical areas that have been reviewed and approved prior to submittal by Kittitas County Community Development Services. Our sewer, water, and electrical needs will not be changing and have been deemed sufficient for the proposal or will be considered upon submittal of the building permit application. Fire access considerations are also addressed in our engineered parking and access plan. All building plans will comply with KCC Title 14- Buildings and Construction.
- 10.3.3.2. Hearing Examiner Finding: The Religious Institution use is consistent with the relevant development standards and criteria including KCC 17.15.060. The religious institution is permitted in the Urban Residential zone through a Conditional Use Permit.
- 10.3.4. The proposed use will mitigate material impacts of the development, whether environmental or otherwise.
- 10.3.4.1. Applicant Response: Our proposed conditional use plan addresses the impact of critical areas based on review by Kittitas County Community Development Services. See the Narrative Attachment and Administrative Determination Attachment for further information.
- 10.3.4.2. Hearing Examiner Finding: The proposed development will impact nearby critical area buffers. The SEPA MDNS Determination has been conditioned to address and mitigate for these critical area impacts.
- 10.3.5. The proposed use will ensure compatibility with existing neighboring land uses.
- 10.3.5.1. Applicant Response: The Church's impact will not materially change from what has existed for the last ten years. It fits well within the Urban Growth Zone in that it is a community institution that serves the needs of the parishioners and other community members.
- 10.3.5.2. Hearing Examiner Finding: The area is primarily comprised of residential buildings with some commercial properties and park space nearby. The church has held weekly services for 10 years at the location. Religious institutions are a compatible use for the area.
- 10.3.6. The proposed use is consistent with the intent and character of the zoning district in which it is located.
- 10.3.6.1. Applicant Response: The Church is within the Urban Growth Zone and is under the Urban land use designation. As stated above, churches have historically been and continue to be an established and essential part of urban areas. The Church is already an established part of the community. It is entirely consistent with the intent and character of the community, and this modest proposal is part of a slow, gradual growth process that is consistent with the needs of the growing community that is served by The Church.
- 10.3.6.2. Hearing Examiner Finding: The proposed project is located in the Urban Residential zone inside the Urban Growth Area of the city of Ellensburg, WA. The purpose and intent of the Urban Residential zone is to provide for and protect areas for home-site development and/or urban levels of development in where municipal services can be provided or is already available. Expansion of the existing building and

recognition of Prophet Elijah Antiochian Orthodox Church as a religious institution support the goals of the Comprehensive Plan and the criteria in the Zoning Code.

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

10.3.7.1. 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;

10.3.7.2. Preserves “rural character” as defined in the Growth Management Act

10.3.7.3. Requires only rural government services; and

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

10.3.7.5. Applicant Response:

10.3.7.5.1. *This does not apply as the proposed conditional use is within an Urban Growth Area.*

10.3.7.5.2. *This does not apply as the proposed conditional use is within an Urban Growth Area.*

10.3.7.5.3. *This does not apply as the proposed conditional use is within an Urban Growth Area.*

10.3.7.6. Hearing Examiner Finding: The proposal is located inside the Urban Growth Area. This criteria does not apply.

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

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

10.4.1. A critical area review was performed by CDS staff and GIS data indicates an R2UBH wetland, R2UBHx wetland and a Type U (unidentified) stream. The Type U stream is Mercer Creek. According to the Washington Department of Fish & Wildlife, Mercer Creek is a Type 2 (F) fish-bearing stream.

10.4.2. For a Type 2 (F) Stream, the current required buffer listed in KCC 17A.04.030(4) is a 100’ buffer from the Ordinary High-Water Mark (OHWM) of the creek within the Columbia Plateau Ecoregion. This does not include the additional 15’ building setback in KCC 17A.01.090.5.

10.4.3. The two wetlands (R2UBH & R2UBHx) are riverine wetlands. The stream type buffer will apply to the riverine wetlands.

10.4.4. The proposal is within the stream buffers for Mercer Creek and requires additional mitigation measures. Per KCC 17A.04.030(6), buffer averaging can be used to accommodate the proposed development. The buffer can be reduced to 75% of the buffer width and increased in size elsewhere. In addition to the buffer averaging, mitigation measures are needed to protect and enhance the stream buffer and stream. CDS has conditioned the SEPA MDNS Determination to ensure the applicant develops a monitoring plan, develops a mitigation plan and works with the Washington Department of Fish & Wildlife to determine the appropriate native plantings.

10.4.5. A SEPA checklist was submitted with the conditional use application and processed concurrently using the Optional DNS process under WAC 197-11-355. Comments were received from various agencies. All comments were considered in the SEPA determination.

An MDNS was issued on May 16, 2025 (Exhibit #27). No appeals were received during the appeal period.

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

10.5.1. Any future buildings or building expansion must be consistent with International Building Codes.

10.6. Consistency with the provisions of KCC Title 12, Roads and Bridges:

10.6.1. As conditioned, the proposal is consistent with the provisions of KCC Title 12.

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

10.7.1. As conditioned, the proposal is consistent with the provisions of KCC Title 20.

10.8. Agency Comments:

10.8.1. The following agencies provided timely comments during the comment period: Kittitas County Fire Marshal, Yakima Nation Fisheries, City of Ellensburg, Public Works, Kittitas County Public Health Department, City of Ellensburg, Kittitas County Public Works and Washington Department of Fish and Wildlife (Exhibit #24). Late comments were received from the City of Ellensburg Gas Division (Exhibit #28).

10.9. Public Comments: No public comment was received.

11. The intention to gain approval for an addition to an existing building, improvements to a parking lot, creation of up to 54 parking spaces, landscaping improvements and the establishment of a religious institution. The property is zoned urban residential zoning with urban land use. The property is located within the Urban Growth Area..

12. Site Information

12.1.	Total Property Size:	2.43 Acres
12.2.	Number of Lots:	1
12.3.	Domestic Water:	City of Ellensburg
12.4.	Sewage Disposal:	City of Ellensburg

13. Site Characteristics:

- 13.1. North: Primarily residential
- 13.2. South: Primarily commercial with sparse residential
- 13.3. East: Primarily commercial with sparse residential
- 13.4. West: Primarily residential and parks and recreation space

14. Access: The site is accessed off Dennis St, approximately 0.02 miles south of the intersection of W. 1 St. and Dennis St.

15. The Comprehensive Plan land use designation is Urban, and the zoning designation is Urban Residential within the Urban Growth Area of the City of Ellensburg, WA.

16. The proposed use is permitted in this zone with a Conditional Use Permit under Religious Institutions in KCC 17.15.080.1.

17. A conditional use permit application (See Exhibit #1) for Prophet Elijah Church (CU-24-00008) was submitted to Kittitas County Community Development Services department on December 27, 2024.

The application was deemed complete on January 23, 2025 (See Exhibit #12). The site was posted in accordance with KCC 15A.03.110 on January 29, 2025 (See Exhibit #13).

18. A SEPA checklist (SE-25-00004 Prophet Elijah Church) was submitted to Kittitas County Community Development Services department on February 21, 2025 (See Exhibit #'s 16 & 17). The SEPA checklist was deemed incomplete on March 7, 2025 (See Exhibit #18). An updated SEPA checklist was submitted on March 11, 2025 (See Exhibit #19). The SEPA checklist was deemed complete on March 11, 2025 (See Exhibit #20).
19. Notice of Application: A notice of application (See Exhibit #21) for the Prophet Elijah Church Conditional Use Permit (CU-24-00008) 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 March 13, 2025, all in conformance with the Kittitas County Project Permit Application Process (Title 15A) (See Exhibit #21). The comment period concluded on March 27, 2025.
20. Comments were transmitted to the applicant on March 28, 2025 (See Exhibit #22 & 23). The combined comments can be viewed in Exhibit #24. The applicant responded to comments on April 27, 2025 (Exhibit #25).
21. A SEPA Mitigated Determination of Non-Significance was issued on May 16, 2025 (See Exhibit #27).
22. 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: LU-G1, LU-P1, and E-P21.
23. Grading requirements are subject to the standards outlined in Kittitas County Code Title 14.
24. The following agencies provided comments during the comment period: Kittitas County Fire Marshal, Yakima Nation Fisheries, City of Ellensburg, Public Works, Kittitas County Public Health Department, City of Ellensburg, Kittitas County Public Works and Washington Department of Fish and Wildlife. (Exhibit #24). Late comments were received from the City of Ellensburg Gas Division (Exhibit #28).
25. No public comment was received for this proposal.
26. This proposal, as conditioned, is consistent with the provisions of KCC 17.60A, Conditional Uses.
27. This proposal, as conditioned, is consistent with the provisions of KCC Title 12, Roads and Bridges.
28. This proposal, as conditioned, is consistent with the provisions of KCC Title 14 Building and Construction.
29. This proposal, as conditioned, is consistent with the provisions of KCC 17A, Critical Areas.
30. This proposal, as conditioned, is consistent with KCC 20, Fire Life and Safety.
31. This proposal, as conditioned, is consistent with KCC Title 17, Zoning.
32. An open record public hearing was held, after legal notice, on June 23, 2025.
33. Appearing and testifying on behalf of the Applicant was Laura Hinkle. Ms. Hinkle testified that she was an agent authorized to appear and speak on behalf of the property owner and Applicant. She indicated that she reviewed and had no objection to either the staff report or those proposed conditions of approval. She provided testimony consistent with the application materials.
34. Also testifying on behalf of the applicant was Father Paul Jaroslaw. Father Jaroslaw indicated that there were approximately 150 people in the congregation at this time. They certainly need more room.

35. No member of the public testified at the hearing.
36. The following exhibits were admitted into the record:
- 36.1. Ex. 1 CU-24-00008 Prophet Elijah Church - Application - Application
  - 36.2. Ex. 2 - CU-24-00008 Prophet Elijah Church - Application - Project Narrative
  - 36.3. Ex. 3 - CU-24-00008 Prophet Elijah Church - Correspondence - Request for Information Email 1-23-25
  - 36.4. Ex. 4 - CU-24-00008 Prophet Elijah Church - Application - Project Narrative Additional Materials
  - 36.5. Ex. 5 - CU-24-00008 Prophet Elijah Church - Application - KCC Criteria Met Answers
  - 36.6. Ex. 6 - CU-24-00008 Prophet Elijah Church - Application - KC Stream Buffer Modification Letter
  - 36.7. Ex. 7 - CU-24-00008 Prophet Elijah Church - Application - PM-23-00011 Meeting Notes
  - 36.8. Ex. 8 - CU-24-00008 Prophet Elijah Church - Application - Site Layout and Horizontal Control Plan
  - 36.9. Ex. 9 - CU-24-00008 Prophet Elijah Church - Application - Site Plan - Church\_new\_bath\_first\_floor\_first\_design
  - 36.10. Ex. 10 - CU-24-00008 Prophet Elijah Church - Application - Site Plan
  - 36.11. Ex. 11 - CU-24-00008 Prophet Elijah Church - Application - Receipts
  - 36.12. Ex. 12 - CU-24-00008 Prophet Elijah Church - Correspondence - Deemed Complete 1-23-25
  - 36.13. Ex. 13 - CU-24-00008 Prophet Elijah Church - Affidavit of Sign Posting
  - 36.14. Ex. 14 - CU-24-00008 Prophet Elijah Church - Correspondence - Occupancy, Parking Space & SEPA Email 2-6-25
  - 36.15. Ex. 15 - CU-24-00008 Prophet Elijah Church - Application - Jamy Ayling & Nov 2023 Occupancy Email 2-6-25
  - 36.16. Ex. 16 - SE-25-00004 Prophet Elijah Church - Application - SEPA Checklist
  - 36.17. Ex. 17 - SE-25-00004 Prophet Elijah Church - Application - Receipt
  - 36.18. Ex. 18 - SE-25-00004 Prophet Elijah Church - Notice - Deemed Incomplete
  - 36.19. Ex. 19 - SE-25-00004 Prophet Elijah Church - Application - SEPA Checklist - Updated 3-11-25
  - 36.20. Ex. 20 - SE-25-00004 Prophet Elijah Church - Notice - Deemed Complete
  - 36.21. Ex. 21 - CU-24-00008 Prophet Elijah Church - Notice - Affidavit of Mailing & Publishing NOA
  - 36.22. Ex. 22 - CU-24-00008 Prophet Elijah Church - Correspondence - Transmittal of Comments Email 3-28-25
  - 36.23. Ex. 23 - CU-24-00008 Prophet Elijah Church - Correspondence - Transmittal of Comments
  - 36.24. Ex. 24 - CU-24-00008 Prophet Elijah Church - Comments - Combined Comments
  - 36.25. Ex. 25 - CU-24-00008 Prophet Elijah Church - Comments - Applicant Response to Comments
  - 36.26. Ex. 26 - SE-25-00004 Prophet Elijah Church - Notice - Affidavit of Mailing & Publication SEPA Action
  - 36.27. Ex. 27 - SE-25-00004 Prophet Elijah Church - SEPA MDNS Determination
  - 36.28. Ex. 28 - CU-24-00008 Prophet Elijah Church - Delayed Comments - City of Ellensburg Gas Comments
  - 36.29. Ex. 29 - CU-24-00008 Prophet Elijah Church - Notice - Affidavit of Mailing Notice of Public Hearing
  - 36.30. Ex. 30 - CU-24-00008 Prophet Elijah Church - Staff Report

37. The Kittitas County Hearing Examiner considered all evidence within the record in rendering this decision.
38. 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 Kittitas County Hearing Examiner has been granted the 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, CU-24-00008, is hereby **APPROVED** subject to the following Conditions of Approval.

## **IV. 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 December 27, 2024 and subsequent information included in the complete file index except as amended by the conditions herein.
2. All conditions of the SEPA MDNS issued on May 16, 2025 are incorporated by reference.
3. An approved access permit may be required from the Kittitas County Department of Public Works prior to creating any new driveway access or altering an existing access. A copy of the City of Ellensburg access permit approval shall be submitted to the County prior to the issuance of the County's access permit or preliminary approval for any land use development application.
4. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain access.
5. The driveway path shall be constructed of a hard surface material.
6. In addition to the above-mentioned conditions, all applicable Kittitas County Road Standards apply to this proposal.
7. 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.
8. The property shall have an annual Fire, Life, Safety inspection by the Fire Marshal.
9. The proposed development shall have a fire flow of 1500 gallons per minute for 120 minutes. Proof of water purveyor indicating that the required fire flow is available at the site is required prior to obtaining building permits.

10. Fire apparatus access and turnaround are required for this project.
11. Fire department access roads to meet IFC Section 503 and shall extend to within 150 feet of all exterior portions of buildings as measured by an approved route around the building. Fire dept. access and turnarounds per IFC and Appendix D. Fire department access roads shall be a minimum of 20' wide, access roads shall be a minimum of 26' wide in the vicinity of fire hydrants or meet the City Street Standard if greater. There will be no parking allowed 20' from center of hydrant. It may be required to post "No Parking Signs" on one or both sides of the fire access road, depending on width. If access road is greater than 26' but less than 32' wide parking is allowed on one side of site. Fire dept. access roads cannot exceed 150' in length without an approved turnaround per IFC Appendix D. Road surfaces must be rated for a minimum of 75,000 lbs. or City of Ellensburg Street standard if it requires a higher rating.
12. At the time of civil plan review, the applicant shall work with the City of Ellensburg on any issues related to roadway, parking lot and utility improvements needed.
13. A backflow device will be installed in the building.
14. The applicant shall submit a Notice of Intent with the Washington State Department of Ecology and apply for a Stormwater General Construction Permit prior to construction.
15. The applicant shall work with the City of Ellensburg to create a Stormwater Pollution Prevention Plan and an Operation and Maintenance Plan as required by Washington State Department of Ecology.
16. The existing power meter shall be relocated prior to construction. An "Altered service application" shall be submitted to the City of Ellensburg Light Department.
17. A floodplain development shall be required for any development within the 100 year floodplain.
18. 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.
19. The applicant shall comply with all local, state and federal regulations at the time of building permit submittal.
20. 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.
21. 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

Dated this 25 day of July, 2024

KITITAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

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