

**Teaway Ridge Reasonable Use
File Number RU-23-00001
FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION**

I. GENERAL INFORMATION

Requested Action: Teaway Ridge, LLC, property owner, submitted a reasonable use to offer a full-service Campground/RV park for overnight accommodations not to exceed a 14 night stay. Reasonable use exceptions are processed under KCC 17A.01.060.

Location: The subject properties are parcel #'s: 346534 & 19132 WA State Route 10, southeast of the intersection of WA State Route 10 & WA State Route 970 by 0.2 miles in Cle Elum, WA. in Section 4, Township 19, Range 16 in Kittitas County.

II. SITE INFORMATION

Total Property Size:	86.53
Number of Lots:	2
Domestic Water:	Group B Water System
Sewage Disposal:	Onsite existing drain fields
Power/Electricity:	Kittitas PUD
Fire Protection:	Fire District 7 (Cle Elum)

Site Characteristics:

North: State Route 10 & primarily residential development
South: Yakima River & mostly forested lands
East: Yakima River & mostly forested lands
West: Yakima River & lands comprised of wetlands & forests

Access: The site is accessed via State Route 10.

III. ZONING, ENVIRONMENTAL AND DEVELOPMENT STANDARDS

The subject properties have a zoning designation of Forest & Range with a portion of the western edge of parcel #346534 located in Rural 5 zoning. The proposed development will be occurring in the Forest & Range zone. The subject properties have a land use designation of Rural Working Land with a portion of the western edge of parcel # 346534 located in Rural Residential. The proposed development will be occurring in Rural Working Land Use.

The purpose and intent of the Forest & Range zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged.

The Forest & Range zoning designation has required setbacks of 25 feet for the front, 10 feet for the side and 10 feet for the rear. It also has a 35-foot height structure height limit. The proposed project occurs within the associated wetland buffers on the property.

The applicant is requesting to utilize the reasonable use exception process pursuant to KCC 17.A.01.060(2), to deviate from the prescribed critical area buffer requirements in KCC 17A.07.030 regarding the required wetland

buffer (150 ft). Title 17A.01.060(2)(c) of the Kittitas County Code outlines seven criteria in which a reasonable use can be granted. The applicant must demonstrate that the proposal **has met all seven criteria**. The following is a summary describing whether or not each criterion has been satisfactorily demonstrated:

KCC 17A.01.060(2)(c) Granting Criteria (all seven must be met):

1. The application of this Title would deny all economic use of the property.

Applicant Response

“The Yakima River Campground was submitted in 2015. The conditional use permit proposal included a site plan, which is the same and used here in the reasonable use application. The site plan includes existing structures on site, as mentioned above (in the project narrative), along with the proposed RV campground of 188 total units (102 Rv spaces, 68 seasonal Tent Sites, & 18 cabin structures). The allowed uses under the Rural-5 zone allows for the conditional use permit of a Campground and Recreation Vehicle Park. The proposed Campground & RV Park was based on an in-depth analysis of the previous existing campground use approved as a conditional use permit. This proposal qualifies as a general need of recreational activities in Kittitas County that can provide access to the Yakima River. Therefore, the proposed use as a conditional use permit and the mitigation provided, less 68 seasonal tent sites, within this reasonable use application is considered the reasonable economic use of the property and with the application of the channel migration evaluation and wetland buffers and shoreline buffers prescribed in this title would deny the reasonable economic use of the property.”

Staff Response

CDS staff have reviewed the complete file information, including but not limited to the applicant submitted information and comments received during the comment period. The current critical areas and associated buffers for the lots, as outlined in the Critical Areas report, deny all reasonable economic use of the property.

The applicant has demonstrated in a factual and meaningful way that the application of this Title (KCC 17A) would deny all economic use of the property. The reasonable use exemption request, as presented, is consistent with KCC 17A.01.060(2)(c)(i).

2. No other reasonable economic use of the property has less impact on the critical area and its buffer.

Applicant Response

“The applicant has looked at a number of site layouts from residential to campgrounds and the Site Plan (Exhibit A) presented in this application is the most efficient and condensed plan to achieve the reasonable use of the property. The applicant has significantly condensed the development relative to what was proposed and initially commented on in the early review of the CUP processes and has proposed to eliminate 68 seasonal dry tent sites, dormitory bldg., BBQ area, & roads that provide access to these sites and the proposed boat launch and fishing area. The new site plan will only show the proposed 102 rv sites and 18 cabins to the far north of the site using the existing foundations, roads, power, and water (currently on serving this Project. This proposed adjustment, only allowing the proposal to be in the northern portion of the property, moves the proposal farther away from wetlands and in concert with the recent critical areas report. It also allows for the continuation of using the existing infrastructure that is on site that hasn't been impacted by channel migration up until the new code adoption. This proposed mitigation allows for the southern portion of the property to remain undisturbed through development to limit critical area disturbance and protect critical area function and channel migration.”

Staff Response

CDS staff have reviewed the complete file information, including but not limited to the applicant's submitted information and comments received during the comment period. CDS believes that unless the applicant does nothing with the property, a campground has the least amount of impact on the critical areas & their associated buffers.

The applicant has demonstrated in a factual and meaningful way there are no other reasonable economic uses that have less impact on the critical area and its buffer on the property. The reasonable use exemption request, as presented, is consistent with KCC 17A.01.060(2)(c)(ii).

3. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property.

Applicant Response

"The applicant has taken significant measures to minimize the impact of the development, as mentioned above, on the critical areas outlined in Sewall Wetland Consultants Critical Areas Report and Aspect Consulting's Channel Migration Evaluation."

Staff Response

The applicant is proposing to reduce the development to a smaller footprint to keep the development primarily in the north & northeast area of the property. An existing road will be utilized as part of the campground loop. Based on 17A.07.030(7) Interrupted Buffer, an existing legally established public or private road may be considered an interrupted buffer and allow development on the landward side of the road provided that the actions will not have a detrimental impact to the wetland. This road allows an encroachment into the buffer required from Wetland A & Wetland AA on the landward side of the road, as noted in the Critical Areas report. Staff find the campground, as proposed, to be a reasonable use and allows economic use of the property, while minimizing the impact to existing critical areas.

The applicant has demonstrated in a factual and meaningful way that the proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property. The reasonable use exemption request, as presented, is consistent with KCC 17A.01.060(2)(c)(iii).

4. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of this Title.

Applicant Response

"The newly proposed Yakima Campground Conditional Use was originally submitted in 2015 and gone through extensive comments and reviews. This initial review was completed under previously adopted codes that had different buffer requirements for wetlands, creeks, rivers etc. prior to the enactment of the revised buffers and channel migration requirements (Ord. 2021-016)) which now requires this reasonable use application. The inability of the applicant to achieve the reasonable use outlined in the proposed conditional use permit for that matter any use, such as residential, is not the result of action by the applicant after the effective date of this Title."

Staff Response

The applicant has been pursuing a conditional use permit for this property since 2015. The critical areas cover much of the property, making it difficult to utilize the property for any economic means. The current critical areas buffer (effective 2/7/2022) increased the buffers on this property that derived the property of reasonable economic use.

The applicant has demonstrated in a factual and meaningful way that the proposal is not the result of actions taken by the applicant after the effective date of this Title (KCC 17A). The reasonable use exemption request, as presented, is consistent with KCC 17A.01.060(2)(c)(iv).

5. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site.

Applicant Response

“The Project does not pose an unreasonable threat to the public health, safety, of welfare on or off the development proposal site. The impacts of the proposed development were thoroughly vetted by Kittitas County during their review of the Conditional Use Permit process along with additional analysis required of the applicant.”

Staff Response

The proposal has similar qualities to other public and private campgrounds within the county and will not pose an unreasonable threat to public health, safety and welfare.

The applicant has demonstrated in a factual and meaningful way that the proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site. The reasonable use exemption request, as presented, is consistent with KCC 17A.01.060(2)(c)(v).

6. The proposal will result in no net loss of critical area functions and values consistent with the best available science.

Applicant Response

“The proposed reduction of uses, as mentioned above, will provide for a no net loss of critical area functions at the same time provide a no net loss of function by using existing infrastructure that is on site, such as roads, structure's, power, etc. This reduction and placement of the Project to the northern area of the property will actually increase the function of these naturally occurring areas by eliminating any encroachment with regards to native areas and allow for continued channel migration to occur closer to the river. The proposed wetland buffers will remain in its current state per the updated Critical Areas Report addressing those buffers. If there are any concerns with these buffer areas, there may be the ability to conduct buffer averaging or replanting or add plantings with native trees and shrubs if needed.”

Staff Response

The applicant is proposing to reduce the development to a smaller footprint to keep the development primarily in the north & northeast area of the property. By focusing the development in these areas, the critical areas across the rest of the property will be kept intact. Additionally, while the development will be occurring within the buffers of the critical areas, the critical areas will be least impacted by this type of development. With the reduced development, no net loss of the critical areas functions or values will occur. The nature of the campground and recreation opportunities will help protect the existing critical areas from heavy use or future development.

The applicant has demonstrated in a factual and meaningful way that the proposal will result in no net loss of critical area functions and values consistent with the best available science. The reasonable use exemption request, as presented, is consistent with KCC 17A.01.060(2)(c)(vi).

7. The proposal is consistent with other application regulations and standards.

Applicant Response

“The proposal is consistent with other applicable regulations and standards.”

Staff Response

The proposal is conditioned to be consistent with all other applicable regulations and standards.

The applicant has demonstrated in a factual and meaningful way that the proposal is consistent with other application regulations and standards. The reasonable use exemption request, as presented, is consistent with KCC 17A.01.060(2)(c)(vii).

Staff Conclusions

Staff finds that the reasonable use exception request **does** meet all seven criteria outlined in KCC 17A.01.060(2)(c) as described above. Therefore, the critical areas reasonable use request is consistent with the conditions necessary to grant a reasonable use exception under KCC 17A.01.060(2)(c).

IV. ADMINISTRATIVE REVIEW

Deem Complete: The application was determined complete on November 9, 2023.

Notice of Application: Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on November 14, 2023, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on December 1, 2023, and all comments were transmitted to the applicant on December 5, 2023.

V. ENVIRONMENTAL REVIEW

A critical area review was performed by CDS staff and GIS data indicates a PSSC, R5UBH, PFOA & R4SBC wetlands and Stream Type S, Type F & Type U on the proposed lots. Through a Critical Area report performed by Sewall Wetland Consulting, Inc., it was discovered that additional wetlands not identified using GIS, were discovered on the property with a Type F stream located within these wetlands. As noted in the critical areas report, they are identified as Wetland A (PEM1E, PSS1C 7 PFO1C) & Wetland AA (PEM1E & PSS1C). Both Wetland A & AA are Category II wetlands.

For a Type F Stream, the current required buffer in KCC 17A.04.030(4) is a 150-foot buffer from the Ordinary High-Water Mark (OHWM) of the creek since it is within the Cascade Ecoregion. This does not include the additional 15’ building setback in KCC 17A.01.090.5.

The Yakima River (Type S stream) & associated Rural Conservancy shoreline buffer in KCC 17B.05.050 is 100-foot from the OHWM. This does not include the additional 15’ building setback in KCC 17A.01.090(5). For a Type S stream, the Shoreline Management Plan (SMP) governs buffer distances.

Per the Shoreline Management Plan, the Yakima River has a protected buffer of 200’ from floodway as noted in KCC 17B.01. This does not include the additional 15’ building setback in KCC 17A.01.090.5. For a Category II Wetland found within Shoreline jurisdiction, the current required buffer in KCC 17B.05.020G is a 150-foot buffer from the regulated wetland edge as marked in the field. This does not include the additional 15’ building setback in KCC 17A.01.090.5.

For a Category II Wetland, the current required buffer in KCC 17A.07.030(4) is a 150-foot buffer from the edge of the wetland boundary. This does not include the additional 15’ building setback in KCC 17A.01.090.5.

The proposal is within the required buffers for wetlands A & AA and Type F stream and requires a reasonable use exception. The interrupted buffer criteria would apply to the area located within the main campground loop road which is on the landward side of the road interrupting the wetland buffer for Wetland A & Wetland AA, the existing basketball court area, and the campground loops running north & south, which are on the landward side of the campground loop road interrupting the wetland buffer on the west side of Wetland AA. With the reasonable use, the reduced development area and interrupted buffer, the project is consistent with the provisions of KCC 17A as it relates to areas impacted by critical areas & their buffers.

A portion of the proposal is within shoreline jurisdiction. However, the existing main campground loop road will act as an interrupted buffer where the shoreline jurisdiction impacts the project. An updated site plan was submitted showing no development in the rest of shoreline jurisdiction. With the interrupted buffer criteria and the revised site plan moving development out of shoreline jurisdiction, the project is consistent with the provisions of KCC 17B as it relates to areas impacted by shoreline jurisdiction.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review.

VII. PROJECT ANALYSIS

In review of this proposal, it is important to consider the applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is the planning staff's analysis and consistency review for the subject application.

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

A critical area review was performed by staff and GIS data indicates a PSSC, R5UBH, PFOA & R4SBC wetlands and Stream Type S, Type F & Type U on the proposed lots. Through a Critical Area report performed by Sewall Wetland Consulting, Inc., it was discovered that additional wetlands not identified using GIS, were discovered on the property with a Type F stream located within these wetlands. As noted in the critical areas report, they are identified as Wetland A (PEM1E, PSS1C 7 PFO1C) & Wetland AA (PEM1E & PSS1C). Both Wetland A & AA are Category II wetlands.

For a Type F Stream, the current required buffer in KCC 17A.04.030.4 is a 150-foot buffer from the Ordinary High-Water Mark (OHWM) of the creek since it is within the Cascade Ecoregion. This does not include the additional 15' building setback in KCC 17A.01.090.5.

The Yakima River (Type S stream) & associated Rural Conservancy shoreline buffer in KCC 17B.05.050 is 100-foot from the OHWM. This does not include the additional 15' building setback in KCC 17A.01.090(5). For a Type S stream, the Shoreline Management Plan (SMP) governs buffer distances.

Per the Shoreline Management Plan, the Yakima River has a protected buffer of 200' from floodway as noted in KCC 17B.01. This does not include the additional 15' building setback in KCC 17A.01.090.5. For a Category II Wetland found within Shoreline jurisdiction, the current required buffer in KCC 17B.05.020G is a 150-foot buffer from the regulated wetland edge as marked in the field. This does not include the additional 15' building setback in KCC 17A.01.090.5.

For a Category II Wetland, the current required buffer in KCC 17A.04.030.4 is a 150-foot buffer from the

edge of the wetland boundary. This does not include the additional 15' building setback in KCC 17A.01.090.5.

The proposal is within the required buffers for wetlands A & AA and Type F stream and requires a reasonable use exception. The interrupted buffer criteria would apply to the area located within the main campground loop road which is on the landward side of the road interrupting the wetland buffer for Wetland A & Wetland AA, the existing basketball court area, and the campground loops running north & south, which are on the landward side of the campground loop road interrupting the wetland buffer on the west side of Wetland AA. With the reasonable use, the reduced development area and interrupted buffer, the project is consistent with the provisions of KCC 17A as it relates to areas impacted by critical areas & their buffers.

A portion of the proposal is within shoreline jurisdiction. However, the existing main campground loop road will act as an interrupted buffer where the shoreline jurisdiction impacts the project. An updated site plan was submitted showing no development in the rest of shoreline jurisdiction. With the interrupted buffer criteria and the revised site plan moving development out of shoreline jurisdiction, the project is consistent with the provisions of KCC 17B as it relates to areas impacted by shoreline jurisdiction.

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

All buildings must be consistent with International Building Codes and approved building plans as issued by Kittitas County.

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

The proposal must be consistent with the provisions of KCC Title 20.

Consistency with the provisions of the KCC Title 17, Zoning:

The proposal must be consistent with the provisions of KCC Title 17.

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

The proposal must be consistent with the provisions of KCC Title 17A.

Consistency with the provisions of KCC Title 17B, Shorelines:

The proposal must be consistent with the provisions of KCC Title 17B.

Agency Comments:

Timely comments were received from the following agencies during the comment period: WSDOT – Aviation, KC PUD, KC Dept of Health, Office of Drinking Water, Confederated Tribes of Colville Reservation, WSDOT – South Central Region WA Dept. of Ecology, Kittitas County Public Works, WA DAHP, Washington Department of Fish & Wildlife, WA State Dept of Health, KC Building Code Official. All comments are on file and available for public review.

Kittitas County Public Works (KCPW)

Kittitas County Public Works provided comment on this application on November 28, 2023. KCPW commented that they recommend approval of the reasonable use application based on the following conditions:

1. An approved access permit for commercial use will be required from the Department of Public Works prior to creating any new driveway access or performing work within the county right-of-way.
2. Maintenance of Driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain access.

3. All commercial and industrial accesses shall be designed in accordance with Exhibits 1340-1 and 1340-2 Driveway Design Templates of the WSDOT Design Manual and approved by the County Engineer prior to access permit issuance per KCC 12.05.030.
4. Driveways longer than 150' in length are required to provide a Fire Apparatus Turnaround meeting the requirements of Appendix D of the International Fire Code.
5. Lots that access easements or rights-of-way controlled by different agencies, such as State highways, Forest Service Roads, irrigation canals, or railroads will require separate access approvals from those agencies. A copy of the access approval shall be submitted to the County prior to issuance of the County's access permit or preliminary approval for any land use development application. The County cannot grant access to roads or easements it does not control (KCC 12.05.030(G)).
6. In addition to the above-mentioned conditions, all applicable Kittitas County Road Standards apply to this proposal.
7. Except as exempted in Section 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).
8. There are no survey comments regarding this application. (JT)
9. A Transportation Concurrency Management Application is required. (KH)
10. Public Works recommends that additional information be provided to better understand the development proposal and potential flood-related risks to evaluate KCC 17A.01.060(2)(c). The proposed approach, which is to reduce the overall footprint of site development and consolidating use to the northern area is prudent. It would be helpful to see the proposed retained elements of the plan in relation to predicted flood depths and extents, and side channel habitat and to better understand what vegetation will need to be removed to develop this site. The Flood Control Zone District has data depicting flood depth and extents for both the 10 percent and 1 percent annual chance flood events (aka 10-year and 100-year flood events). This spatial data is available upon request. Flood Control Zone District staff are also available for further technical assistance and to discuss potential measures to address river migration risk.
11. Site development will require a floodplain development permit and will need to conform to the standards in KCC 14.08. (AT)

Applicant Response

Access items 1 thru 4	The project access is permitted through WSDOT and currently has an existing WSDOT access permit and will be required to upgrade the access permit if project is approved, therefore Access items 1 thru 4 do not apply
Access item 5	Agreed. The project access is permitted through WSDOT and currently has an existing WSDOT access permit and will be required to upgrade the access permit if project is approved.
Access Item 6	Road Design on site will abide by KC Dept of Public Works.
Engineering, Grading Permit is required	Agreed.
Survey, no survey comments	OK
Transportation Concurrency Application is required.	Transportation Concurrency and TIA has been completed under the existing conditional use project and will be adopted by reference satisfying this requirement.
Flood: Recommends additional information be provided to better understand the development proposal and potential flood related risks.	CMZ report provides a complete review of the subject property, whether it's for a reasonable use proposal such as this or a possible subdivision. The CMZ report takes into consideration the flood related risks by projecting out the 50 to 100 year channel migration zone

the proposed approached, reducing the overall footprint and consolidating the site to the northern area is prudent.	The proposal within the application is reducing the proposal by removing numerous sites to further protect natural areas.
It would be helpful to see the proposed elements of the plan in relation to the predicted flood depths and extent, and side channel habitat and to better understand what vegetation will need to be removed to develop the site.	The applicant has gone above and beyond what has been requested over the years and currently with the last request of submitting an updated Critical Areas report and to conduct a Channel Migration Zone analysis. The current site for this proposal is within the 100 yr. flood plain, where development is allowed, is located where existing infrastructure is already located at, and is outside of the identified wetlands and their associated buffers.
Flood control zone district has data depicting flood depth and extends for both the 10 percent and 1 percent annual chance flood events. That data is available upon request.	OK
Site development will require a floodplain permit per KCC 14.08	Agreed.

Staff Response

CDS has provided these comments to the applicant and conditioned this determination to ensure the applicant shall obtain all necessary permits required by KCPW for this development and meet all Kittitas County Road and Bridge Standards.

Kittitas County Building Official

- A building permit may be required for renovations to the caretaker’s residence. Depending on the extent of the renovations, the permit could require structural engineering and the structure may also be required to be brought up to the current State Building Codes.
- A building permit may be required for renovations to the large kitchen/ dining hall/ activity center facility. Depending on the extent of the renovations, the permit could require structural engineering and may also be required to be brought up to current State Building Codes.
- There are several issues with the existing bunkhouse foundations. I looked through the Building Department files and found no evidence of inspections being performed on the foundations that were permitted in 2000 and 2002. These foundations appear to have been sitting unprotected for over twenty years at this point. For new structures to be permitted and placed on these foundations, the owner would need an engineer to assess the condition of the existing foundations and whether the design is to current building code standards. If it is found that the foundations are adequate to be built upon, the building plans would need to be designed and sealed by a licensed engineer or architect.
- Each separate structure will require a separate building permit.
- State Building Codes will be updating to the 2021 code cycle on March 15, 2024.
- Washington State Commercial Energy Code compliance documentation is required for conditioned structures. Additional information and assistance can be found at <https://waenergycodes.com/>
- Accessibility per ANSI A-117; the latest adopted edition. Please show all Accessible features for rooms, counter areas and seating areas where Accessibility is required. Please show precise details such as counter heights, maximum reach distances, door swings, etc. Restrooms shall meet Accessibility with the same level of detail.
- Accessible parking and route to Accessible space(s) provided with hard surface such as asphalt or concrete. The parking symbol and signage of Accessibility is required. Verify there is no more than 1:20 degree slope for the Accessible path from Accessible Parking to the building(s) and all facilities entrances and amenities. Please show path and state the maximum allowed slope on the drawings.

Provide passing spaces at 200 foot intervals or less.

- This is not a complete list of review items and additional review questions/issues will arise at full review due to the limited information provided. Feel free to reach out with additional questions as your project develops.

Applicant Response

Renovations to structures onsite (Caretakers residence & Kitchen facility) may require a building permit along with structural engineering.	Agreed.
Existing cabins and foundations sitting unprotected and would require an engineer to assess the condition of each foundation etc. and whether or not the building is designed to the current building code standards.	Existing cabins and existing foundations will be replaced with rv sites, therefore removing additional building code requirements for these items.
If foundations are found adequate to be built upon, the building plans would need to be designed and sealed by a licensed engineer or architect.	Existing cabins and existing foundations will be replaced with rv sites, therefore removing additional building code requirements for these items.
Each separate structure will require a separate bldf permit	Existing cabins and existing foundations will be replaced with rv sites, therefore removing additional building code requirements for these items.
WA St. commercial energy code compliance documentation is required for conditioned structures.	Agreed.
Accessibility Per ANSI A-117: Sho all Accessible features for rooms, counter areas, seating areas, where accessibility is required.	Agreed.
Restrooms shall meet Accessibility.	Agreed.
Accessible parking required provided with hard surface such as asphalt or concrete.	Agreed.
Parking symbol and signage of Accessibility is required.	Agreed.
Verify there is no more than 1:20 degree slop for the accessible path and state the maximum allowed slope o the drawings.	Agreed.
Provide passing spaces at 200 foot intervals or less.	Passing spaces will be provided pursuant to an approved rv campground traffic circulation
This is not a complete list of reiev items and additional review questions/issues will arise that may still need to be reviewed.	OK

Staff Response

CDS has provided these comments to the applicant and conditioned this determination to ensure the applicant shall obtain all necessary permits required by KC CDS for this development and meet all applicable building codes.

Kittitas County Public Health Department

The following comments are the Environmental Public Health comments on the RU-23-00001 Teanaway Ridge Notice of Application.

- There is an existing, approved water system on the property that has been maintained and is in compliance and remains in the active status with the Washington State Department of Health, as a Group A-transient, non-community water system (WAC 246-290).
- The applicant must evaluate the existing drainfields on the parcels as well as reach out to a licensed on-site septic system designer to ensure the future uses of the project will be adequately served by on-site septic systems. Additional site evaluations may be required. The parcels where the project is to be located have significant areas of floodway that need to be considered in the placement of future septic systems as they are not permitted in the floodway.

Applicant Response

There is an existing approved water system on site and in compliance and remains active with WA ST DOH, as a Group A Transient , non community water system.	Agreed
Applicant must evaluate existing drain fields on the parcels as well as reach out to a license septic designer to ensure future uses of the project will be adequately served by on site septic system.	Agreed

Staff Response

CDS has provided these comments to the applicant and conditioned this determination to ensure the applicant shall evaluate the existing drain fields on the parcels as well as reach out to a licensed on-site septic system designer to ensure the future uses of the project will be adequately served by on-site septic systems. Applicant shall keep any new or existing drain fields out of the floodway.

Washington Department of Public Health

“The Department of Health (DOH) Office of Drinking Water (ODW) has reviewed this NOA and has the following comment: This proposal definitely appears to be on the same site as the current Group B water system named: “Teanaway Ridge Water System”, with the DOH ODW ID #015439. If so, the applicant will need to work with DOH ODW to return to Group A status to serve the updated facility.”

Applicant Response

“Agreed.”

Staff Response

CDS has provided these comments to the applicant and conditioned this determination to ensure the applicant shall coordinate with the Washington State Department of Heath Office of Drinking Water to ensure they are using the correct water status for the property.

Confederated Tribes of the Colville Reservation

“This consult is in reference to Reasonable Use Application RU-23-00001 Teannaway Ridge. This undertaking involves construction within the foundational footprints of previously started structures and the renovation of older buildings; as well as the removal of 68 seasonal camping grounds and associated infrastructure. It is unclear as to the level of disturbance this would cause, but an assumption that this would be a moderately ground disturbing activity. This undertaking is located within the CCT Traditional Territories.

The proposed project lies within the traditional territory of the Wenatchi Tribe, 1 of the 12 constituent tribes of the Confederated Tribes of the Colville Reservation (CTCR), which is governed by the Colville Business Council (CBC). The CBC has delegated to the Tribal Historic Preservation Officer (THPO) the responsibility of representing the CTCR with regard to cultural resources management issues throughout the traditional territories of all of the constituent tribes under Resolution 1996-29. This area includes parts of eastern Washington, northeastern Oregon, the Palus territory in Idaho, and south-central British Columbia.

As ground disturbing activities are to be conducted, such as the installation of a septic system or the scraping of a driveway, a cultural resource surface survey and sub-surface testing of the area in and directly around the proposed ground disturbance are recommended as a surface observation will not be an accurate assessment of the existent potential for subsurface cultural deposits.

There are known cultural resources of precontact and historic significance nearby and this particular parcel is considered Very High Risk for an inadvertent discovery according to the DAHP predictive model. This parcel had been previously surveyed in 2007, but this would be outside of the 10 year minimum for cultural resource reporting and a secondary archaeological investigation would be prudent. This next survey should consider the portion of this project's APE that extends along the southern extent of the Yakima River.

Please be advised that a documented Traditional Cultural Property (TCP) circumscribes the entirety of the proposed project. TCPs are places important to the CTCR for the preservation and continuation of the community’s traditional lifestyle. TCPs can be, but are not limited to, religious areas, sacred areas, resources gathering areas (plant, animal, fish, and mineral), places associated with stories and legends, archaeological and ethnographic sites, habitation sites, camp sites, pictograph and petroglyph locations, special use sites, trails, and places with Indian names. For native people, natural resources are cultural resources. Traditional cultural plant resources are not only cherished for fiber, food, medicine, and building material, but are an intrinsic aspect of indigenous sovereignty; these plants link the people of the present to the people of the past.

CCT requests a cultural resource survey prior to the implementation of ground disturbing activities and that during implementation that there be an inadvertent discovery plan or (IDP) in place to ensure compliance with all Section 106 and relevant cultural resource laws both federally and to the state of Washington.”

Applicant Response

<p>Recommend a arch. survey of areas containing ground disturbing activities (septic, etc.)</p>	<p>The applicant conducted a archaeological site reivew in 2007 and recommends the following condition; Should ground disturbing or other activities related to grading and cleating result in the inadvertent discover of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the WA ST DAHP.</p>
---	---

<p>Previously surveyed in 2007. This is outside of the 10yr year minimum for cultural resource reporting and a secondary arch investigations would be prudent and should consider the southern extent of the Yakima River.</p>	<p>The applicant conducted a archaeological site reivew in 2007 and recommends the following condition ; Should ground disturbing or other activities related to grading and cleating result in the inadvertent discover of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the WA ST DAHP.</p>
<p>Based on remote review, it appears to be forested and it will require a forest practices application (FPA) if merchantable timber is removed/harvest and or forest roads are constructed as part of the proposal.</p>	<p>The proposed site will not require a forest practice application as it does not proposed to harvest any merchantable timber or trigger more the 5,000 mbf.</p>

Staff Response

CDS has conditioned this determination to ensure the applicant shall have a professional archaeological survey of the project area conducted and a report be produced prior to ground disturbing activities.

Washington Department of Natural Resources

“Based on remote review of this parcel, it appears to be forested, and it will require a Forest Practices Application (FPA) from the DNR if merchantable timber is removed/harvested, and/or forest roads are constructed as part of the proposal and/or is being converted out of forest land (RCW 76.09 and WAC 222). The FPA would need to meet the requirements of the Forest Practices Act and its rules. It is our recommendation that the applicant meet with our local forest practices forester to discuss, they may call our Southeast Region office at (509) 925-8510 to schedule an appointment.”

Applicant Response

“The proposed site will not require a forest practice application as it does not proposed to harvest any merchantable timber or trigger more the 5,000 mbf.”

Staff Response

CDS has provided these comments to the applicant and conditioned this determination to ensure the applicant shall coordinate with Washington Department of Natural Resources to determine if a Forest Practices Application is needed.

Kittitas County Public Utilities District

Kittitas PUD has facilities on the parcels of this project and serves the existing campground. The applicant should contact Kittias PUD for any alterations to power supplied or new services desired.

Applicant Response

“Agreed.”

Staff Response

CDS has provided these comments to the applicant and conditioned this determination to ensure the applicant shall coordinate any new power needs with Kittitas County Public Utilities District.

Washington Department of Archaeology & Historic Preservation

Thank you for contacting the Washington State Historic Preservation Officer (SHPO) and Department of Archaeology and Historic Preservation (DAHP) and providing documentation regarding the above referenced project. These comments are based on the information available at the time of this review and on behalf of the SHPO in conformance Washington State law. Should additional information become available, our assessment may be revised. Our statewide predictive model indicates that there is a high probability of encountering cultural resources within the proposed project area. Further, the scale of the proposed ground disturbing actions would destroy any archaeological resources present. While this area has been surveyed for cultural resources in the past, that survey is now over 15 years old and did not include subsurface testing. Therefore, we recommend a professional archaeological survey of the project area be conducted and a report be produced prior to ground disturbing activities. This report should meet DAHP's Standards for Cultural Resource Reporting.

We also recommend that any historic buildings or structures (45 years in age or older) located within the project area are evaluated for eligibility for listing in the National Register of Historic Places on Historic Property Inventory (HPI) forms. We highly encourage the SEPA lead agency to ensure that these evaluations are written by a cultural resource professional meeting the SOI Professional Qualification Standards in Architectural History.

Please note that the recommendations provided in this letter reflect only the opinions of DAHP. Any interested Tribes may have different recommendations. We appreciate receiving any correspondence or comments from Tribes or other parties concerning cultural resource issues that you receive. Thank you for the opportunity to comment on this project. Please ensure that the DAHP Project Tracking Number is shared with any hired cultural resource consultants and is attached to any communications or submitted reports. Please also ensure that any reports, site forms, and/or historic property inventory (HPI) forms are uploaded to WISAARD by the consultant(s).

Applicant Response

<p>Recommend a professional arch. Survey of the area be conducted prior to ground disturbing activities.</p>	<p>The applicant conducted a archaeological site reivew in 2007 and recommends the following condition; Should ground disturbing or other activities related to grading and cleating result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the WA ST DAHP.</p>
<p>Recommend any historic bldgs. or structures (45 years in age or older) located within the project area evaluated for eligibility for listing in the National Register of Historic Places on Historic Property Inventory (HPI) forms.</p>	<p>As part of the initial 2007 study there were no historical structures identified.</p>

Staff Response

CDS has conditioned this determination to ensure the applicant shall have a professional archaeological survey of the project area conducted and a report be produced prior to ground disturbing activities.

Washington Department of Ecology

The critical areas report provided with the application identifies that the wetlands and shoreline jurisdiction on a vast majority of the property under consideration for development is withing the Rural Conservancy Shoreline Jurisdiction. The Kittitas County SMP prohibits non-water oriented commercial

development and use withing the Rural Conservancy shoreline environment. Please reach out to Ryan Anderson at (509) 379-1917 or rand461@ecy.wa.gov with any questions.

New Uses in Upper Kittitas County Your project is located within the boundaries of WAC 173-539A so it may be subject to the rule. If you planning on withdrawing groundwater for a new use within the boundaries of WAC 173-539A, your project must be water budget neutral. Before withdrawing or using any water please submit a Request of Determination of Water Budget Neutrality or an Application for a New Water Right Permit, depending on the size of your project either form may be required.

Applicant Response

<p>Project is within the boundaries of WAC 173-539A so it may be subject to the rule. If planning on withdrawing water for a new use within the boundaries of WAC 173-539A, your project must be water budget neutral. Please submit a Request of Determination of Water Budget Neutrality or application for a new water right permit, depending upon the size of your project.</p>	<p>Agreed. The applicant has senior water rights along with an established water bank (Reecer Creek Water Bank) that can be applied to this proposal.</p>
--	--

<p>The Kittitas County SMP prohibits non-water oriented commercial development and use within the Rural Conservancy Shoreline Environment.</p>	<p>See the following consistencies within the SMP that supports this recreational proposal. You will also note in the responses below that we have addressed the definitions, numerous polices and regulations that pertain to this proposal even so far as looking at the commercial development section of the SMP, which doesn't apply due to the property not being a commercial zoned parcel, all of which are consistent and supportive of this recreational use.</p>
	<p>The following are numerous purposes of the rural conservancy environment,, which is to protect ecological functions, natural resources, and valuable historic and cultural areas in order to provide for sustained resource use, natural flood plain processes, and recreational opportunities. this proposal and mitigations of removing certain aspects of the campground only prove to be consistent with purpose of the Rural Conservancy environment designation which applies to this site.</p>
	<p>This proposal is consistent with the following Rural Conservancy designation policies:</p>
	<p>1. Limit permanent uses in the rural conservancy environment to those that sustain the shoreline area's physical and biological resources. Examples of appropriate uses include, but are not limited to: low impact outdoor recreation uses, agricultural uses, aquaculture, low intensity residential development, and other natural resource based low intensity uses. As part of this proposal the applicant has limited the permanent uses by using the existing infrastructure on site and by removing proposed uses in order to sustain the physical and biological resources. This proposal is a low intensity use as a RV Campground does not allow for the permanent stay for RV etc. and is a transient use.</p>

	<p>2. Restrict temporary uses to those that do not substantially degrade ecological functions or the rural or natural character of the shoreline area. This proposal has reduced its proposal therefore protecting the and not degrading the ecological function or rural character of the shoreline area. Furthermore by designating the rv site in the existing area of where the former landowner provided infrastructure, existing rv sites, and use of those items only further supports any possibility of degrading the ecological functions of the site.</p>
	<p>3. Prohibit commercial and industrial uses, except: b. Low intensity, water-oriented commercial and industrial uses in the limited instances where those uses have located in the past or at unique sites in rural communities that possess shoreline conditions and services to support the use or development. This proposal is a low intensity use as a RV Campground does not allow for the permanent stay for RV etc. and is a transient use. More importantly, the proposed uses area uses that were existing uses and allowed under a previous condition use permit as an already unique site. This is a recreational use not a commercially zoned/designated piece of land under Kittitas County Code.</p>
	<p>4. Encourage water-dependent and water-enjoyment recreation such as boating facilities, angling, hunting, wildlife viewing trails, and swimming beaches as preferred uses, provided significant adverse impacts to the shoreline are mitigated and the uses and development do not deplete the resource over time. Under the Recreational element in the SMP this proposal meets the following objectives:</p>
	<p>This proposal provides recreational opportunities and space for diverse forms of water oriented recreational uses by providing a location for an RV campground where users can have public access to the Yakima river for recreational uses such as fishing, walking trials, and river access enjoyment.</p>
	<p>1. Prioritize water-oriented shoreline recreational development that is primarily related to access, enjoyment, and use of the water and shorelines of the state</p>
	<p>2. Locate, design, develop, manage, and maintain recreational areas in a manner that protects shoreline ecological functions and processes</p>
	<p>3. Recognize and protect the public interest by providing increased recreational opportunities within shorelines of statewide significance</p>
	<p>4. Provide diverse choices of regional water-oriented public recreational opportunities</p>
	<p>5. Consider measures necessary to establish a high level of compatibility with other uses and activities and avoid negative impacts to the shoreline environment when locating, designing and operating recreational developments"</p>
	<p>6. Encourage private investment in water-oriented recreational facilities that are open to the public</p>
	<p>8. Encourage development of non-motorized multi-use trails that provide recreation and transportation opportunities where compatible with shoreline ecological functions</p>

	The Applicant has proposed a recreational use development. See the following Recreational Policies that support this proposal;
	1. Recreational development includes both <u>commercial</u> and public recreational developments
	2. Recreational development should be given priority for shoreline location to the extent that the use facilitates the public's ability to access (visual and physical), enjoy, and use the water and shoreline in accordance with Section 5.4 Public access
	3. Recreational uses and development should provide for the preservation and enhancement of scenic views and vistas
	4. Ensure that recreational facilities do not interfere with the use and enjoyment of adjacent properties by providing buffering when necessary between the recreation development and adjacent private property
	5. Recreational uses and facilities should be designed and located to ensure no net loss of critical areas and shoreline ecological functions
	7. Where consistent with the provisions of this Program, shoreline use and development should specifically support opportunities to increase or enhance the following forms of recreation: boating, fishing, camping, hiking, bicycle riding, swimming, and picnicking
	8. Commercial recreational facilities should be consistent with the provisions of Section 6.6 Commercial development
	9. Components of an approved recreational use or development that are water dependent or water-related may be allowed within the shoreline buffer provided that the amount of buffer encroachment and disturbance are the minimum needed to accommodate the water-dependent or water-related component and provided further that the use/development: <ul style="list-style-type: none"> a. Is located in pre-existing disturbed areas with low habitat value or within the active use area; b. Will not impact a geologically hazardous area; c. Uses low impact development techniques to minimize adverse effects on water quality and habitat; and d. Complies with all other requirements of the Program
	10. The Administrator shall determine whether and how much water-dependent or water-related recreational development to allow in the buffer on a case-by-case basis by considering all of the following factors: <ul style="list-style-type: none"> a. The type and intensity of the proposed recreational use; b. The size and configuration of the parcel and the ability to locate structures and other facilities outside the buffer without significantly diminishing the recreational experience; c. The amount of native vegetation that would be cleared/removed; d. The sensitivity of the aquatic habitat to the disturbances caused by the proposed use; and e. The ability of the proponent to offset unavoidable impacts through compensatory mitigation on-site or at an appropriate off-site location

	As For Recreational Regulations:
	1. Recreational development is a priority use of the shoreline. Preference shall be given to water-dependent uses such as fishing, swimming, and boating. Water related and water-enjoyment uses such as picnicking, hiking, and walking are permitted provided they do not displace water-dependent uses and are consistent with the specific shoreline environment. Non-water-related recreation facilities and/or support facilities such as parking lots shall be located in upland areas
	3. Commercial and public recreation areas or facilities on the shoreline shall provide physical or visual public access consistent with Section 5.4, Public access
	5. Recreational uses and facilities shall be designed and located to ensure no net loss of critical areas and shoreline ecological functions
	1. Limit commercial development to those activities that are particularly dependent upon a shoreline location
	2. Give first preference to water-dependent commercial uses over non-water dependent commercial uses; and give second preference to water-related and water-enjoyment commercial uses over non-water-oriented commercial uses. Allow non-water-oriented commercial uses in limited situations
	2. Non-water-oriented commercial uses are prohibited in the shoreline unless the use provides significant public benefit with respect to the objective of the Act such as providing public access and ecological restoration, and the commercial use is: a. Part of a mixed use project that includes a water-dependent use; or b. Proposed on a site where navigability is severely limited
	General Comments regarding this recreational use proposal:
	A Water-dependent use means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. This proposal is located adjacent to the Yakima River, which is a highly used public river for fishing, observations and just the overall enjoyment that people are looking for within Kittitas County. This recreation proposal of an rv campground is a needed use and is highly dependent upon the access to the Yakima River for its numerous qualities it provides to people.
	Water-enjoyment use means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. This proposal meets the intent of this definition therefore being consistent with the SMP.

Water-oriented use" means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses. This proposal meets the intent of this definition therefore being consistent with the SMP.

Staff Response

CDS has conditioned the application to require any water withdrawn for any new water uses to be water budget neutral. The application has been conditioned so that commercial development shall not result in a net loss of ecological functions that have significant adverse impacts to other shoreline uses, resources and values, such as navigation, recreation, and public access.

Washington State Department of Fish & Wildlife (WDFW)

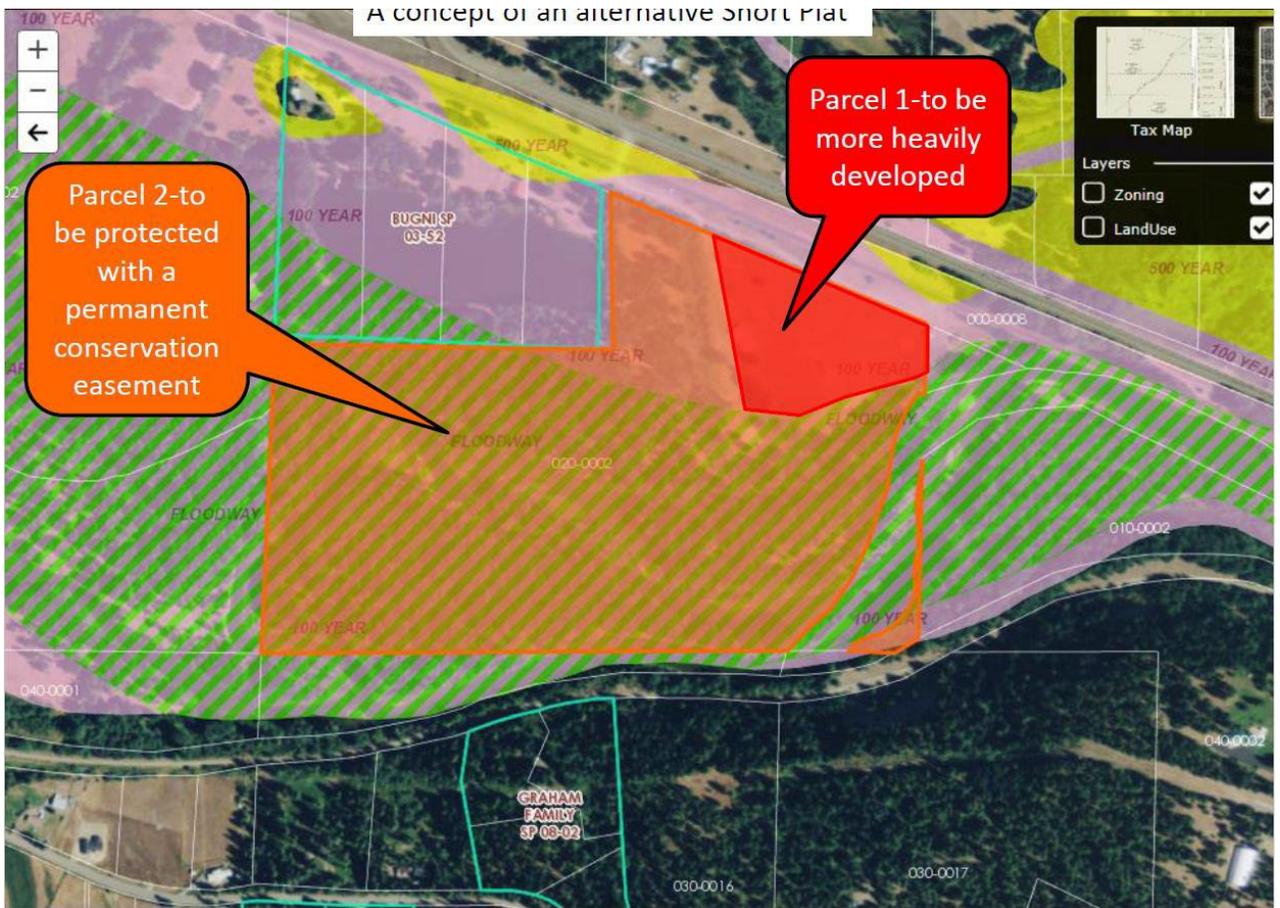
Thank you for the opportunity to comment on the Reasonable Use application for the Yakima River Campground project. The Washington Department of Fish and Wildlife (WDFW) is familiar with the project area, and we have reviewed the application materials on file. This project area includes a dynamic and complex reach of the Yakima River that provides critical habitat for anadromous and resident fish as well as other wildlife worthy of protection. The following comments are in addition to our previous comments on the project, which are incorporated by reference with this letter.

We appreciate the work the project proponents have completed to better understand the critical areas on the property, including the potential for Channel Migration onto the property. With this information, the proponents have described a substantial decrease in the proposed development of the Yakima River Campground Conditional Use Permit (CU-15-00002) near the Yakima River and the riparian habitats based on the narrative provided. However, there is no updated site plan to review, making it difficult to fully evaluate for potential impacts to critical areas functions and values. We request an updated site plan that clearly shows the new proposed layout for the site prior to approval to ensure we understand the proposal and potential for impacts to critical areas.

The critical areas report provided references updates as of March 2023, but does not reflect the culvert removal between Wetlands A and AA that occurred during a flood in June 2022. The wetland report still shows the now removed culvert separating the two wetlands and Shoreline (KCC 17B) vs. Critical Areas (KCC 17A) jurisdiction. The report also makes no mention of the change of conditions in the northwestern portion of the property that breached the pond berm on the adjacent parcel to the west. We request further review and consideration of any wetland identification or classification given the water crossing structure is no longer present and the pond is breached. It is possible this review may result in this area being a single wetland within Shoreline jurisdiction. WDFW has determined that a Hydraulic Project Approval (HPA) is required for work within the pond and channel to mitigate impacts to fish life because there is connectivity with the mainstem Yakima River.

The Channel Migration Zone Summary Memo clarified the potential for lateral migration at the project location. The report identifies more rapid migration near the western portion of the property and the properties immediately upstream of the subject parcels but does not assess the potential for an avulsion on the WDFW property that could travel through the adjacent pond and onto the western portion of the property. In June 2022, flood waters breached the berm of the pond and flooded the northwestern portion of the property where several RV sites have been proposed in previous site plans. WDFW has experienced more frequent flooding of the road to our water access site upstream of this project site and to the best of our knowledge, the pond berm has not been repaired. We believe there is a relatively high flood risk on the northwestern portion of the property (see photos in our 2022 letter) that is not reflected in the information available to review. If the northwestern portion of the property is proposed for development in the new site plan, we request further evaluation of the potential for avulsion and/or flood risks through this area.

Without an updated site plan and based on the information provided in the updated critical areas report and CMZ summary along with the existing infrastructure, WDFW believes the image presented in our 2016 comments for the Yakima River Campground Conditional Use Permit (Figure 1) represents the area most suitable for a Reasonable Use Exception on this property and meets the intent of KCC 7A.01.060(2).



Applicant Response

<p>No updated site plan showing the decrease in development.</p>	<p>A site plan was submitted. As per the proposal the applicant has reviewed the site and previous and current comments all pertaining to the same issues and has proposed general reductions. As part of this response an updated site plan has been provided reflecting reductions etc. to the site for staff's consideration.</p>
<p>Updated Critical Areas Report does not reflect the pond breach from adjacent neighbors land.</p>	<p>Pond is on neighbors property and we have not right to access that pond.</p>
<p>Update CA show the separated wetlands since the culvert has been removed. DFW requests further review of any wetland identification or classification give the water crossing structure is no longer present and the pond is breached.</p>	<p>Removal of culvert issues. The culvert that was removed, was an existing culvert under an existing access road. This means on both side of the culvert contained the access road. Please note there has been discussion with WDFW , in the past, regarding replacing that culvert which would require an HPA.</p>

<p>It is possible this review may result in this area being a single wetland within Shoreline jurisdiction.</p>	<p>As part of the critical areas report wetlands were identified on both sides of the culvert. This stream initially traveled through the culvert, which also contained a diversion mechanism. The existing road, which will be replaced pursuant to an existing access, also is identified as an interrupted buffered pursuant to the Kittitas County Critical Areas Code.</p>
<p>The CMZ report identifies more rapid migration near the western portion of the property and the properties immediately upstream of the subject parcel but does not assess the potential for an avulsion on the WDFW property that could travel through the adjacent neighbors property and onto the western portion of the property.</p>	<p>The CMZ report takes in all factors including the WDFW lands. The CMZ report completed a geomorphic study and CMZ evaluation to delineate channel migration risks at the stie. The area evaluated included the reach area between river mile (RM) 176 upstream to RM 180. See figure 2 of the report. RM 180 location is actually located at the pond that is just east of the I-90 exit to Cle Elum and Wenatchee. This stretch takes in all property, including WDFW lands all the way east of the project site just past where the Teanaway River enters the Yakima River. See Figure 2 of the report. More importantly this CMZ report is the main reason for the Reasonable Use. The CMZ zone actually extends across the railroad and old hwy 10, encompassing the complete subject property therefore hindering any use allowed. By hindering the property from any possibility of use established a taking's issue by not allowing the landowner to do anything with the property etc.</p>
<p>If the northwestern portion of the property is poposed for development in the new site plan, we request further evaluation of the potential for avulsion and/or flood risks through this area.</p>	<p>See the above comment regarding the CMZ report and Figure 2. Furthermore the CMZ report includes all of the subject property under consideration. The applicant has spent in excess of 50,000 dollars over the years specific to critical areas reporsts (numerous) and the current CMZ report. We believe this may be just another delay tactic used to not allows the landonwer not to pursue any type of use on the subject property therefore establishing an possible taking's issue.</p>
<p>Without an updated site plan and based on the updated CA and CMZ summary WDFW believe the image presented in 2016 commens for the Yakima River Campground represents the area most suitable for a Reasonable Use Exception on this property and meets the intent of KCC 17A01.060(2).”</p>	<p>A site plan was submitted. As per the proposal the applicant has reviewed the site pland along with the hitorical and current comments all pertaining to the same issues and has proposed general reductions. As part of this response an updated site plan has been provided reflecting reductions etc. to the site for staff's consideration.</p>

Staff Response

CDS has provided these comments to the applicant and conditioned this determination to ensure the applicant shall work with the Washington Department of Fish and Wildlife on a Hydraulic Project Approval for the stream and wetlands connecting to the Yakima River and impacting the project area.

Washington Department of Transportation – South Central Region

We have reviewed the proposed project and have the following comments.

The subject property is adjacent to State Route 10 (SR 10), a Class 3 managed access highway with a posted speed limit of 55 miles per hour. Currently, access to the property is available via the existing permitted approach at milepost 88.48 Right. This approach may continue to be used; however, the permit must be updated for the proposed use. The proponent is required to contact Mark Kaiser of the WSDOT

South Central Region office at (509) 577-1668 for specifics.

Any outdoor advertising or motorist signing considered for this project will need to comply with state criteria. The proponent may contact Trevor McCain of the WSDOT Headquarters Traffic Office for additional details and review of any proposed signage. He can be reached at (360) 705-7282.

Applicant Response

The subject property has an existing permitted approach. This approach may continue but must be updated for the proposed use. Contact WSDOT.	Agreed
Any outdoor advertising or motorist signing considered for this project will need to comply with state criteria. Contact WSDOT.	Agreed

Staff Response

CDS has provided these comments to the applicant and conditioned this determination to ensure the applicant shall coordinate with WSDOT – South Central Region to update the access permit to the subject property.

WSDOT – Aviation

WSDOT Aviation Division reviewed the provided information on 11/14/2023. We have no comments.

Applicant Response

“OK”

Staff Response

CDS has provided these comments to the applicant.

Public Comments:

There were no public comments for this reasonable use request.

All comments received during the comment period were transmitted to the applicant on December 5, 2023. The applicant responded on December 20, 2023, with the comments as noted above.

VIII. FINDINGS OF FACT

1. Teanaway Ridge, LLC, property owner, submitted a reasonable use exception to the 150-foot wetland critical area buffer to accommodate a full-service Campground/RV park for overnight accommodations not to exceed a 14 night stay within the buffer.
2. Parcel #'s: The subject properties are parcel #'s: 346534 & 19132 WA State Route 10, southeast of the intersection of WA State Route 10 & WA State Route 970 by 0.2 miles in Cle Elum, WA. in Section 4, Township 19, Range 16.
3. Site Information
Total Property Size: 86.53
Number of Lots: 2

Domestic Water:	Group B Water System
Sewage Disposal:	Onsite existing drain fields
Power/Electricity:	Kittitas PUD
Fire Protection:	Fire District 7 (Cle Elum)

4. Site Characteristics:

North:	State Route 10 & primarily residential development
South:	Yakima River & mostly forested lands
East:	Yakima River & mostly forested lands
West:	Yakima River & lands comprised of wetlands & forests

The site is accessed via State Route 10

5. The Comprehensive Plan land use designation is Rural Working Land with a portion of the western edge of parcel # 346534 located in Rural Residential. The proposed development will be occurring in Rural Working Land Use. The zoning is Forest & Range with a portion of the western edge of parcel #346534 located in Rural 5 zoning.
6. The purpose and intent of the Forest & Range zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged.
7. A Reasonable Use Application was submitted to Kittitas County Community Development Services department on October 20, 2023.
8. The application was determined complete on November 9, 2023.
9. Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on November 14, 2023, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on December 1, 2023, and all comments were transmitted to the applicant on December 5, 2023.
10. A critical area review was performed by CDS staff and GIS data indicates a PSSC, R5UBH, PFOA & R4SBC wetlands and Stream Type S, Type F & Type U on the proposed lots. Through a Critical Area report performed by Sewall Wetland Consulting, Inc., it was discovered that additional wetlands not identified using GIS, were discovered on the property with a Type F stream located within these wetlands. As noted in the critical areas report, they are identified as Wetland A (PEM1E, PSS1C 7 PFO1C) & Wetland AA (PEM1E & PSS1C). Both Wetland A & AA are Category II wetlands.

The Yakima River (Type S stream) & associated Rural Conservancy shoreline buffer in KCC 17B.05.050 is 100-foot from the OHWM. This does not include the additional 15' building setback in KCC 17A.01.090.5. For a Type S stream, the Shoreline Management Plan (SMP) governs buffer distances.

The Yakima River (Type S stream) & associated Rural Conservancy shoreline buffer in KCC 17B.05.050 is 100-foot from the OHWM. This does not include the additional 15' building setback in KCC 17A.01.090(5). For a Type S stream, the Shoreline Management Plan (SMP) governs buffer distances.

Per the Shoreline Management Plan, the Yakima River has a protected buffer of 200' from floodway as noted in KCC 17B.01. This does not include the additional 15' building setback in KCC

17A.01.090.5. For a Category II Wetland found within Shoreline jurisdiction, the current required buffer in KCC 17B.05.020G is a 150-foot buffer from the regulated wetland edge as marked in the field. This does not include the additional 15' building setback in KCC 17A.01.090.5.

For a Category II Wetland, the current required buffer in KCC 17A.04.030.4 is a 150-foot buffer from the edge of the wetland boundary. This does not include the additional 15' building setback in KCC 17A.01.090.5.

The proposal is within the required buffers for wetlands A & AA and Type F stream and requires a reasonable use exception. The interrupted buffer criteria would apply to the area located within the main campground loop road which is on the landward side of the road interrupting the wetland buffer for Wetland A & Wetland AA, the existing basketball court area, and the campground loops running north & south, which are on the landward side of the campground loop road interrupting the wetland buffer on the west side of Wetland AA. With the reasonable use, the reduced development area and interrupted buffer, the project is consistent with the provisions of KCC 17A as it relates to areas impacted by critical areas & their buffers.

A portion of the proposal is within shoreline jurisdiction. However, the existing main campground loop road will act as an interrupted buffer where the shoreline jurisdiction impacts the project. An updated site plan was submitted showing no development in the rest of shoreline jurisdiction. With the interrupted buffer criteria and the revised site plan moving development out of shoreline jurisdiction, the project is consistent with the provisions of KCC 17B as it relates to areas impacted by shoreline jurisdiction.

11. The proposal is consistent with the provisions of KCC 17A, Critical Areas as conditioned.
12. The proposal is consistent with the reasonable use exception criteria in KCC 17A.01.060(2)(c). All seven criteria have been satisfied.
13. This proposal is consistent with the provisions of the KCC Title 14.04, Building Code as conditioned.
14. The proposal is consistent with the provisions of KCC Title 20, Fire and Life Safety, as conditioned.
15. The proposal is consistent with the provisions of KCC Title 12, Roads and Bridges as conditioned.
16. Comments were received from the following agencies during the comment period: WSDOT – Aviation, KC PUP, KC Dept of Health, Office of Drinking Water, Confederated Tribes of Colville Reservation, WSDOT – South Central Region WA Dept. of Ecology, Kittitas County Public Works, WA DAHP, Washington Department of Fish & Wildlife, WA State Dept of Health, KC Building Code Official. All comments are on file and available for public review.
17. No public comment was received.

IX. STAFF CONCLUSIONS:

1. This proposal has satisfied all seven criteria of KCC Title 17A.01.060(2)(c).
2. The proposal is consistent with state and federal regulations.
3. The proposal is consistent with local regulations including Kittitas County Code Title 12 Roads and Bridges, Title 14.04 Building Code, Title 17 Zoning, Title 17A Critical Areas, and Title 20 Fire and

Life Safety.

X. DECISION AND CONDITIONS OF APPROVAL:

Kittitas County Community Development Services finds that the Teanaway Ridge Reasonable Use Exemption Request (RU-23-00001) is hereby **approved**. The Teanaway Ridge Reasonable Use Exemption Request has satisfied the requirements of a reasonable use exception pursuant to KCC 17A.01.060(2)(c).

CONDITIONS OF APPROVAL:

1. The project shall proceed in substantial conformance with the plans and application materials on file with CDS dated October 20, 2023 and subsequent information included in the complete file index except as amended by the conditions herein.
2. The applicant shall comply with all local, State and Federal regulations, including environmental standards and regulations in place at the time of building permit application submittal.
3. The applicant shall comply with local regulations including Kittitas County Code Title 12 Roads and Bridges, Title 14.04 Building Code, Title 17 Zoning, Title 17A Critical Areas, and Title 20 Fire and Life Safety.
4. The applicant shall obtain all necessary permits required by Kittitas County Public Works for this development, and no structure shall encroach upon any easement or right-of-way.
5. An approved access permit for commercial use will be required from the Department of Public Works prior to creating any new driveway access or performing work within the county right-of-way.
6. Maintenance of Driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain access.
7. All commercial and industrial accesses shall be designed in accordance with Exhibits 1340-1 and 1340-2 Driveway Design Templates of the WSDOT Design Manual and approved by the County Engineer prior to access permit issuance per KCC 12.05.030.
8. Driveways longer than 150' in length are required to provide a Fire Apparatus Turnaround meeting the requirements of Appendix D of the International Fire Code.
9. Lots that access easements or rights-of-way controlled by different agencies, such as State highways, Forest Service Roads, irrigation canals, or railroads will require separate access approvals from those agencies. A copy of the access approval shall be submitted to the County prior to issuance of the County's access permit or preliminary approval for any land use development application. The County cannot grant access to roads or easements it does not control (KCC 12.05.030(G)).
10. In addition to the above-mentioned conditions, all applicable Kittitas County Road Standards apply to this proposal.
11. Except as exempted in Section K CC 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).

12. A Transportation Concurrency Management Application is required.
13. Site development will require a floodplain development permit and will need to conform to the standards in KCC 14.08.
14. All current and future owners must comply with International Fire Code.
15. All current and future owners must comply with International Building Code.
16. The applicant shall obtain all necessary permits required by Kittitas County Community Development Services for this development.
17. A building permit may be required for renovations to existing buildings. Depending on the extent of the renovations, the permit could require structural engineering and the structure may also be required to be brought up to the current State Building Codes.
18. The applicant must evaluate the existing drain fields on the parcels as well as reach out to a licensed on-site septic system designed to ensure the future uses of the project will be adequately served by on-site septic systems. Applicants need to keep any new or existing drain fields out of the floodway.
19. The applicant is to work with Washington Department of Natural Resources to determine if a Forest Practices Application is needed.
20. The applicant is to contact Kittitas PUD for any alterations to power supplied or new services desired.
21. The applicant will need to work with the Washington State Department of Health Office of Drinking Water to return to Group A status to serve the updated facility.
22. If planning on withdrawing water for a new use within the boundaries of WAC 173-539A, the project must be water budget neutral.
23. A professional archaeological survey of the project area is to be conducted and a report be produced prior to ground disturbing activities. This report should meet DAHP's Standards for Cultural Resource Reporting.
24. Should ground disturbing or other activities related to this proposal 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 and Historic Preservation (DAHP). Work shall remain suspended until the findings are 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.
25. The applicant is to work with the Washington Department of Fish and Wildlife on a Hydraulic Project Approval for the stream and wetlands connecting to the Yakima River and impacting the project area.
26. Commercial development shall not result in a net loss of ecological functions that have significant adverse impacts to other shoreline uses, resources and values, such as navigation, recreation, and public access.
27. Any development occurring within shoreline jurisdiction will require shoreline review and permitting.

28. The proponent is required to contact Mark Kaiser of the WSDOT South Central Region office at (509) 577-1668 to update the access permit to the subject property.

Per Title 17A.01.090(5), notice on Title shall be recorded with the Kittitas County Auditor's office for all lots involved describing the following:

- i. The presence and location of the critical area and buffer.
- ii. A statement of as to the applicability of Title 17A to the property including this reasonable use exemption.
- iii. A statement describing limitations on action in or affecting critical area and buffers approved as part of this reasonable use.

A copy of the recorded notice shall be provided to Kittitas County Community Development Services.



Responsible Official _____

Bradley Gasawski

Title: Planner I

Address: Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7539

Date: March 7, 2024

Pursuant to Chapter 15A.07 KCC, this determination may be appealed by submitting specific factual objections in writing with a fee of \$1670 to the Kittitas County Community Development Services at 411 N Ruby St Ste. 2, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00pm March 21, 2024. Aggrieved parties are encouraged to contact Community Development Services at (509) 962-7506 for more information on the appeal process.