



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

STAFF REPORT

TO: Kittitas County Board of Adjustment

FROM: Dan Valoff, Staff Planner

DATE: February 10, 2010

SUBJECT: Allenbaugh CUP-09-00007
Operate a Riding Academy on 3 acres in the Commercial Agriculture zone.

I. BACKGROUND INFORMATION

Proposal:

Conditional Use Application from Jeff Slothower, authorized agent for Evelyn Allenbaugh, property owner to operate a riding academy on 3 acres in the Commercial Agriculture zone.

Location:

The project is located at 1051 Sorenson Road, Ellensburg, WA, located in Section 22, T17N R19E WM in Kittitas County. Assessor's Map number 17-19-22051-0001.

II. POLICY AND REGULATORY REQUIREMENTS

- A. The Comprehensive Plan Land Use designates this parcel as Commercial Agriculture and the property is zoned Commercial Agriculture.
- B. The purpose and intent of the Commercial Agriculture zone is an area wherein farming and ranching are the priority. The intent of this zoning classification is to preserve fertile farmland from encroachment by nonagricultural land uses and protect the rights and traditions of those engaged in agriculture.
- C. KCC 17.31.030(14): Riding Academies; subject to the conditions set forth in Chapter KCC 17.60 Conditional Uses.
- D. An administrative critical area site analysis was completed by staff in compliance with Title 17A: Critical Areas. There were no critical areas on site.

III. ADMINISTRATIVE REVIEW

Notice of application:

The submitted application was received by Community Development Services on November 4, 2009. The application was deemed complete on December 3, 2009. A Notice of Application was issued on December 17, 2009. This notice was mailed to government agencies, adjacent property owners, and the applicant.

Posting of Site:

In accordance with Kittitas County Code 15A.03.110, this project was accurately posed with the "Land Use Action" sign as provided by Community Development Services. The Affidavit of Posting was signed by the authorized agent and returned to the planner and is included as part of the record.

Written Testimony:

Written comments were solicited as part of the Notice of Application the final date to submit comments was January 4, 2010 by 5:00pm. Written comments were received and are included in your packets for review.

State Environmental Policy Act:

Based on the comment period and other information submitted with this project permit application, a SEPA Determination of Nonsignificance (DNS) was issued by Community Development Services on January 14, 2010. No appeals were filed.

Recommended Conditions:

Community Development Services recommends approval of the Conditional Use Permit with the following suggested conditions. The Board of Adjustment may impose further conditions as needed:

1. Water used on the property will be used consistent with the existing Department of Ecology rules and regulations.
2. The applicant will not provide water to the public for consumption unless that water provided to the public is pre-packaged or is from an approved drinking water source.
3. The applicant will provide access to bathroom facilities either through a permanent or portable bathroom facility. In the event a bathroom is added to the property specifically to serve the individuals utilizing the riding service, the applicant should contact the Kittitas County Department of Health to determine if septic system requirements still met with the addition of a bathroom.
4. The applicant will maintain regular garbage collection and properly store all solid waste.
5. The applicant obtained the Department of Public Works consent that the turning apron meets the conditions in the January 12, 2010 comment letter.
6. Depending on the size of the structures, a sprinkler and/or fire alarm system may be required.
7. A commercial project review will be required.
8. A fire and life safety inspection shall be conducted prior to beginning operations, and an annual fire and life safety inspection is required, as well.
9. All development, design and construction shall comply with Kittitas County Code, Kittitas County Zoning and the 2006 International Fire & Building Codes

IV. SUGGESTED FINDINGS OF FACT

This matter having come before the Kittitas County Board of Adjustment upon the above referenced Conditional Use Application from Jeff Slothower, authorized agent for Evelyn Allenbaugh, landowners, the Board of Adjustment makes the following Findings of Facts, Conclusions at Law and Decision related to the above referenced matter:

1. The Board of Adjustment finds that Jeff Slothower, authorized agent for Evelyn Allenbaugh, property owner applied for a Conditional Use Permit to operate a riding academy on 3 acres in the Commercial Agriculture zone..
2. The site is located at 1051 Sorenson Road, Ellensburg, WA, located in Section 22, T17N R19E WM in Kittitas County. Assessor's Map number 17-19-22051-0001.
3. The Board of Adjustment finds that the Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on November 4, 2009. The application was deemed complete on December 3, 2009. A Notice of Application was issued on December 17, 2009. This notice was mailed to government agencies, adjacent property owners, and the applicant. The Board of Adjustment finds further that said notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners, and other interested parties. Written comments were received and included in the record for consideration.
4. The Board of Adjustment finds that in accordance with Kittitas County Code 15A.03.110, this project was accurately posed with the "Land Use Action" sign as provided by Community Development Services. The Affidavit of Posting was signed by the authorized agent and returned to the planner and is included as part of the record.

5. The Board of Adjustment finds that The Community Development Services Department on January 14, 2010 issued a SEPA Determination of Non-significance (DNS). The Board finds that the notice of said determination was provided to all required parties of record pursuant to 43.21C RCW and that said notice that said notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners, and other interested parties. No appeals were filed.
6. The Board of Adjustment finds that an open record hearing was held on February 10, 2010 and that testimony was taken from those persons present who wished to be heard. The Board of Adjustment also finds that due notice of this public hearing has been given as required by law, and the necessary inquiry has been made into the public interest to be served by this proposed project.
7. The Board of Adjustment finds that the Comprehensive Plan's Land Use Element designates the subject parcel as Commercial Agriculture and the zoning is Commercial Agriculture.
8. The Board of Adjustment finds that the purpose and intent of the Commercial Agriculture zone is an area wherein farming and ranching are the priority. The intent of this zoning classification is to preserve fertile farmland from encroachment by nonagricultural land uses and protect the rights and traditions of those engaged in agriculture.
9. The Board of Adjustment finds that in KCC 17.31.030(14): Riding Academies; subject to the conditions set forth in Chapter KCC 17.60 Conditional Uses.
10. The Board of Adjustment finds that an administrative site analysis was completed by the staff planner in compliance with Kittitas County Code Title 17A, Critical Areas. No critical areas were identified on site.
11. The Board of Adjustment finds that 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.
12. The Board of Adjustment finds that 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 (1) it will be adequately serviced by existing facilities or (2) that the applicant shall provide such facilities and (3) has demonstrated that the proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.
13. The Board of Adjustment finds that the proposed development **has/has not** met the requirements of KCC. 17.60.010 (as listed in items 12 and 13 of the conditions).
14. The Board of Adjustment finds that the following conditions are required for approval of the Conditional Use Permit.
 1. Water used on the property will be used consistent with the existing Department of Ecology rules and regulations.
 2. The applicant will not provide water to the public for consumption unless that water provided to the public is pre-packaged or is from an approved drinking water source.
 3. The applicant will provide access to bathroom facilities either through a permanent or portable bathroom facility. In the event a bathroom is added to the property specifically to serve the individuals utilizing the riding service, the applicant should contact the Kittitas County Department of Health to determine if septic system requirements still met with the addition of a bathroom.
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 7. A commercial project review will be required.
 8. A fire and life safety inspection shall be conducted prior to beginning operations, and an annual fire and life safety inspection is required, as well.
 9. All development, design and construction shall comply with Kittitas County Code, Kittitas County Zoning and the 2006 International Fire & Building Codes
15. Additional conditions **are/are not** necessary to protect the public's interest.