



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

STAFF REPORT

(updated from May 2, 2013 version)

Canyon River Ranch Conditional Use Permit, CU-12-00002

TO: Kittitas County Hearing Examiner
FROM: Kittitas County Community Development Services Staff
RE: Canyon River Ranch Conditional Use Permit (CU-12-00002)
DATE: June 13, 2013 (Hearing Date)

I. GENERAL INFORMATION

Requested Action: Mr. Steve Joyce, property owner, submitted a conditional use permit application for the improvement of an existing boat launch, guest lodge, and cabins by the construction of twelve (12) new cabin sites, garage structures, and an archery range placed upon the land zoned Forest and Range.

History of the Project: A conditional use request through application was submitted to the County in 2003 to build and improve an existing recreational project along the Yakima River. The proposed project was divided into two phases, the first which was considered at the 2003 hearing. In Phase I, the applicant proposed reconstructing the existing guest lodge, replacement of two existing cabins, rebuilding and remodel of a storage building, the manager's home and the fly shop apartment. Phase II was proposed for future application and included an additional 10 cabins and two casting ponds near the Yakima River, which would require a re-classification of the shoreline designation from "Natural" to "Rural" and a substantial development permit. The Board of Adjustment approved the conditional use permit for Phase I, CU-03-02 on July 9, 2003. The applicants, after discussing the application and water concerns for the project, determined to only concentrate on Phase I of the project that was approved until the Yakima shoreline was re-classified from a "Natural" designation to a "Rural" designation.

Kittitas County, in February, 2004, proposed shoreline re-designation on Yakima River at the proposed site. On March 31, 2006 Kittitas County received notice from Washington Department of Ecology that the re-designation had been approved.

An application for a Shoreline Substantial Development permit application (SSDP-06-03) was received by the County on October 9, 2006 to place a fly shop and deli, gravel parking area, septic system and cabin decks within 200 feet of the Ordinary High Water Mark of the Yakima River. The County Board of Adjustment heard and approved the proposal on October 10, 2007 at a public hearing. The Chair of the Board of Adjustment signed the permit on October 29, 2007, and the decision was approved on December 5, 2007 by the Department of Ecology. The approval of the Conditional Use Permit (CU-03-02) and the Substantial Development Shoreline permit (SSDP-06-03) allowed the development of the Canyon River Ranch recreational facility now existing upon the Yakima River, and which is being proposed for expansion through this current conditional use request.

Location: The project is located approximately at Milepost 15 on Canyon Road (Highway 821) lying easterly of the Yakima River in the SW ¼ of Section 28, T16N, R19E, W.M. in Kittitas County. Map number: 16-19-28050-0000.

II. SITE INFORMATION

Total Property Size: 12.2 acres
Number of Lots: 1; no new lots are being proposed
Domestic Water: Obtained from an existing Class A water system serving Canyon River Ranch
Sewage Disposal: Septic to be approved by Public Health
Power/Electricity: Puget Sound Energy
Fire Protection: Kittitas Valley Fire & Rescue

Site Characteristics:

North: Vacant, Public lands

South: Vacant, Public lands

East: Vacant, Public lands

West: Vacant, Public lands

Access: The site is accessed from SR 821(Canyon Road).

Zoning and Development Standards: The subject property is located within the Forest and Range zoning district. The purpose and intent of the Forest and 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 and Range zone allows for a vast array of permitted and conditional uses, and this project is being proposed under KCC 17.56.030(40), guest ranches, group homes, retreat centers.

Conditional Uses: This application is consistent with KCC 17.60A. Since this application was filed, the Board of Adjustment has been dissolved. Conditional use permits are now required to have a public hearing before the Hearing Examiner for a recommendation to the Board of County Commissioners. A public, closed record hearing is held upon recommendation before the Board of County Commissioners, where the BOCC makes the final decision on the conditional use permit.

III. ADMINISTRATIVE REVIEW

Notice of Application: A complete conditional use permit application was submitted to Community Development Services on June 22, 2012 and was found complete on July 12, 2012. The Notice of Application for the conditional use permit was issued on July 30, 2012. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on August 17, 2012. The following agencies provided comments during the comment period: WA Department of Ecology, WA Department of Transportation, WA Department of Fish and Wildlife, and Yakima Nation. Comments were also received from the Kittitas County Public Health Department and are incorporated within conditions of approval and the public record.

IV. COMPREHENSIVE PLAN

The Kittitas County Comprehensive Plan designates the subject property as Rural. Kittitas County has established the following goals and policies to guide recreational outdoor activities. These goals and policies were developed in response to identified needs within the County, and support the County Wide Planning Policies:

Section 8.5 of the Comprehensive Plan states that numerous goals, policies and objectives have been established to "... provide for a variety of densities and uses, respect private property rights, provide for residences,

recreation, and economic development opportunities, support farming, forestry and mining activities, show concern for shorelines, critical areas, habitat, scenic areas, and open space while keeping with good governance and the wishes of the people of Kittitas County and to comply with the GMA and other planning mandates.” (pages 8-4 and 8-5)

The proposed project meets this intent and meets the following Goals Policies and Objectives:

GPO 8.9 Projects or developments which result in the significant conservation of rural lands or rural character will be encouraged. **The project, while creating development, will result in structures which are rural in character and will preserve that characteristic.**

GPO 8.11 Existing and traditional uses should be protected and supported while allowing as much as possible for diversity, progress, experimentation, development and choice in keeping with the retention of Rural Lands. **The proposed project is intended for recreational purposes which is traditional in the County, allows diversity in the open spaces, and will aid in the retention of Rural lands.**

GPO 8.43 To increase commercial, industrial, recreational and tourist opportunities, the County should consider the establishment of areas of more intensive rural development, according to RCW 36.70A.070(5)(d). **The proposed project is designed to create recreational and tourist opportunities with a more intense development of rural character.**

GPO 8.56 Private development of recreational opportunities should be encouraged through a predictable, uncomplicated permit process. **The proposal is a private, recreational opportunity which is permitted under the Conditional Use process.**

V. ENVIRONMENTAL REVIEW

Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Determination of Non-Significance (DNS) was issued on March 29, 2013. The appeal period ended on April 15, 2013 at 5:00 p.m. No appeals were filed.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments have been included as Exhibits in the Hearing Examiner packet.

VII. PROJECT ANALYSIS

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

Consistency with the Comprehensive Plan:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan.

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

Staff has conducted an administrative critical area review in accordance with KCC 17A and found that the proposal is located along a shoreline of the state with a natural shoreline designation, a portion of the site is within the 100 year floodplain, and two wetlands were found on the site: PSS1C and R3UBH. As conditioned, this proposal is consistent with KCC 17A.

Consistency with the provision of KCC 17.56, Forest and Range zone:

This proposal is consistent with the Kittitas County Zoning Code 17.56. Specifically this proposal is compatible with KCC 17.56.030(40), guest ranches, group homes, retreat centers.

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

This proposal is consistent with the Kittitas County Zoning Code for Conditional Uses. The proposed conditional use will be adequately served by rural levels of service. As conditioned, staff finds the proposal is 1) desirable to public convenience, 2) will not be detrimental to public health, safety or welfare, 3) is not economically detrimental to the public, and 4) is adequately serviced by required facilities.

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

The proposal is consistent with the provisions of KCC Title 12.

Agency Comments:

The following agencies provided comments during the comment period: WA Department of Ecology, WA Department of Transportation, WA Department of Fish and Wildlife, and Yakima Nation. Comments were also received from the Kittitas County Public Health Department. Comments are provided as recommended conditions of approval for the project.

Public Comments:

No public comments have been received regarding the project.

VIII. RECOMMENDATION

As conditioned below, staff finds that the application is not detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 12, Title 17.56, Title 17.60A, & Title 17A of the Kittitas County Code and the Kittitas County Comprehensive Plan. Staff recommends approval of the Canyon River Ranch expansion Conditional Use Permit application, subject to the following findings of fact and conditions:

Staff Findings of Fact

1. Mr. Steve Joyce, property owner, submitted a conditional use permit application for the expansion of an existing recreational facility in the Forest and Range zone. The existing facility resulted from approval of a conditional use permit (CU-03-02) on July 9, 2003, and approval of a Shoreline Substantial Development permit (SSDP-06-03) on October 9, 2007.
2. The project is located approximately at Milepost 15 on Canyon Road (Highway 821) lying easterly of the Yakima River in the SW ¼ of Section 28, T16N, R19E, W.M. in Kittitas County. Map number: 16-19-28050-0000.
3. Site Information:

Total Property Size:	12.2 acres
Number of Lots:	1; no new lots are being proposed
Domestic Water:	Obtained from an existing Class A water system serving Canyon River Ranch
Sewage Disposal:	Septic to be approved by Public Health
Power/Electricity:	Puget Sound Energy
Fire Protection:	Kittitas Valley Fire and Rescue

4. Site Characteristics:
 - North: Vacant, Public lands
 - South: Vacant, Public lands
 - East: Vacant, Public lands
 - West: Vacant, Public lands
5. Site Characteristics: The area is easterly of the Yakima River and is primarily covered in brush, trees and bare land. Project buildings are proposed more than 200 feet easterly of the River's Ordinary High Water Mark (OHWM).
6. The Comprehensive Plan designation is "Rural."
7. The subject property is zoned "Forest and Range," which allows for the proposed project as a conditional use.
8. A complete conditional use permit application was submitted to Community Development Services on June 22, 2013. The Notice of Application for the conditional use permit was issued on July 30, 2012. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on August 17, 2012.
9. Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Determination of Non-Significance (DNS) was issued on March 29, 2013. The appeal period ended on April 15, 2013 at 5:00 p.m. No appeals were filed.
10. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan.
11. Staff has conducted an administrative critical area review in accordance with KCC 17A and found that the proposal is located along a shoreline of the state with a "Rural" shoreline designation, a portion of the site is within the 100 year floodplain, and two wetlands were found on the site: PSS1C and R3UBH. As conditioned this proposal is consistent with KCC 17A.
12. This proposal is consistent with the Kittitas County Zoning Code 17.56. Specifically this proposal is compatible with KCC 17.56.030(40), guest ranches, group homes, retreat centers.
13. This proposal is consistent with the Kittitas County Zoning Code for Conditional Uses. The proposed conditional use will be adequately served by rural levels of service. As conditioned, staff finds the proposal is 1) desirable to public convenience, 2) will not be detrimental to public health, safety or welfare, 3) is not economically detrimental to the public, and 4) is adequately serviced by public facilities.
14. All roads are required to meet all Kittitas County Road Standards if applicable.
15. As requested in the Yakima Nation comment letter dated July 31, 2012, the applicant did submit a Cultural Resources Study in November 2012 prepared by Fennelle Miller of Fennelle deforest Miller Consultants. The conclusion of this report is that the project will not impact any archaeological resources.
16. The proposed project is adjacent to State Highway 821, a Class 3 managed access facility with a posted speed limit of 45 miles per hour. DOT has determined that it is acceptable for the proponent to continue to use the approach at milepost 14.78 during construction provided

additional crushed surfacing top course is placed along the shoulder to prevent any further deterioration of the asphalt pavement.

17. The proposed project is located along the Yakima River. The applicant has not supplied a larger scaled drawing documenting the ordinary high water mark (OHWM) in relationship to the planned building and grading areas.
18. Per DOE, the National Wetland Inventory Map shows a significant emergent wetland on both sides of the side channel in the phase 2 area. There is also a historic side channel to the east of the wetland which extends to the south into phase 1.
19. The following agencies provided comments during the comment period: WA Department of Ecology, WA Department of Transportation, WA Department of Fish and Wildlife, and Yakima Nation. Comments were also received from Kittitas County Public Health Department. These comments have been included as conditions of approval to address these agency concerns.
15. No public comments were submitted for this proposal at the time of staff review.

Staff Conclusions:

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public use and interest will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, Title 17A Critical Areas, Title 15 Environmental, and Title 12 Roads and Bridges.

Recommended Conditions of Approval:

1. The project shall proceed in substantial conformance with the plans and application materials on file dated June 22, 2012.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. All current and future landowners must comply with the International Fire Code.
4. A burn permit must be obtained from Ecology if the proponent plans to burn trees or debris from the property. Only natural, unprocessed vegetation may be burned in an outdoor fire.
5. Washington Administrative Code (WAC) 173-400-040 requires that reasonable precaution be taken to prevent dust from leaving the site. Also, dust is prohibited from interfering unreasonable with the use and enjoyment of property, causing health impacts, or damaging property or business.
6. An NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is

required if there is a potential for stormwater discharge from a construction site with more than one acre of disturbed ground. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit is a minimum of a 38 day process and may take up to 60 days if the original SEPA does not disclose all proposed activities.

7. This NPDES Construction Stormwater General Permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction.
8. All development, design and construction shall comply with all Kittitas County Codes Zoning and the International Fire and Building Codes.
9. The applicant shall immediately contact the Washington State Department of Archaeology & Historic Preservation, and the Yakama Nation if any items of possible cultural or historic significance are encountered during construction activities. Work shall be immediately halted with the area and a large enough perimeter established in order to maintain the integrity of the site.
10. Development and construction practices during building of this project shall only occur between the hours of 7:00 am to 7:00 pm to minimize the effect of construction noise on nearby properties.
11. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby properties.
12. Additional connections to the Canyon River Ranch Group A Transient Non-community water system (ID #72990U) must be approved by the Washington State Department of Health. Future expansion of the Canyon River Ranch Upper Group B water system (ID #AB832E) needs to be approved by the Kittitas County Public Health Department. The applicant must notify the Department to record the water intended for use by the project.
13. For sewage flows less than 3500 gallons per day, an onsite sewage septic permit or permits are required from the Kittitas County Public Health Department. For sewage flows greater than or equal to 3500 gallons per day, the permitting authority is either Washington State Department of Health or Department of Ecology, depending on flow quantities.
14. The applicant shall maintain regular garbage collection service and proper storage of solid waste generated on the site. Solid waste generated must be stored off of the ground, and covered to prevent exposure to the elements and animals to prevent the harboring of insects and vectors.
15. All mailboxes will be located outside WSDOT rights-of-way.
16. Any outdoor advertising or motorist signage for this project will need to comply with State criteria. Any proposed lighting will be directed down towards the site, and away from SR 821.
17. Stormwater and surface runoff generated by this project must be retained and treated on site and not allowed to flow onto State rights-of-way.
18. The proponent will provide additional crushed surfacing top course along the shoulder to prevent any further deterioration of the asphalt pavement. The proponent will contact WSDOT Maintenance Supervisor to coordinate removal of the approach.

19. Because the request for the expansion of the development does not include any work within the shoreline regulated by the Shoreline Master Program, all development proposed will be shown on scaled 1" = 50' final site plan documenting the Ordinary High Water Mark (OHWM) along the Yakima River in relation to planned building and grading areas and existing and proposed utilities. Floodways and associated wetlands are considered part of that shoreline area, and any indication of floodways or wetlands upon the property as determined by the Department of Ecology, and which are associated with the Yakima River will require floodway assessment and/or wetland analysis prior to any construction on the site.