



## KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

# Quilomene Cove Public Facilities and Shoreline Substantial Development Permit File Numbers PF-16-00001 and SD-16-00001 FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

## I. GENERAL INFORMATION

**Requested Action:** Deb Firestone, authorized agent for Grant County Public Utility District, has submitted a Public Facilities Permit application for a floating restroom facility off of the shore of the Columbia River. The shoreline is designated Natural under the Kittitas County Shoreline Master Program, while project itself falls into the Aquatic designation, and as such the project also requires a Shoreline Substantial Development Permit, SD-16-00001.

**Location:** This proposed facility will be moored to the river bottom approximately 200 feet from the shore along the Columbia River in Section 25, T 19 N R 22E, WM. Parcels adjacent to the water location include #'s 943433 and 623433.

## II. SITE INFORMATION

Total Property Size:	N/A
Number of Lots:	N/A
Domestic Water:	Use Specific
Sewage Disposal:	Collected by pump boat and transported off site
Power/Electricity:	N/A
Fire Protection:	Outside Fire Districts
Irrigation District:	Cascade Irrigation District

### Site Characteristics:

**North:** Recreational lands owned by the Washington Department of Fish and Wildlife.

**South:** Sandbar of Quilomene Cove, Columbia River

**East:** Recreational Lands owned by the Washington Department of Fish and Wildlife

**West:** Recreational Lands owned by the Washington Department of Fish and Wildlife

**Access:** The site is accessed by boat from a pier in the northwest corner of the cove.

**Zoning and Development Standards:** The subject property is located on the Columbia River northeast of the City of Kittitas and is next to lands with a zoning and Land Use designation of Commercial Forest. The general purpose and intent of the Commercial Forest zone is to permit agriculture operations functioning as a commercial activity which is considered a resource to the economy in Kittitas County. Kittitas County Code (KCC) 17.15.050.1 allows public facilities in the zone as permitted administrative uses.

In review of the project, it was determined that the project is subject to the following regulations:

- Goals, Policies, and Objectives (GPOs) of the Kittitas County Comprehensive Plan
- KCC Shoreline Master Program
- KCC Title 15 Environmental Policy
- KCC Title 17 Zoning

### III. ADMINISTRATIVE REVIEW

Public Facilities Permit Notice of Application: A public facilities permit application was submitted to Kittitas County Community Development Services (CDS) on June 30<sup>th</sup>, 2016. The application was deemed complete on October 25<sup>th</sup>, 2016. A Notice of Application and a Notice of SEPA were mailed to all state and local agencies/departments with potential interest in the project and required by SEPA, as well as to adjacent landowners located within five hundred (500) feet of any portion of the boundary of the proposal's tax parcel on October 26<sup>th</sup>, 2016. Notice was published in the Daily Record, the official newspaper of record for Kittitas County, on October 27<sup>th</sup>, 2016.

Shorelines Substantial Development Notice of Application: A Shorelines Substantial Development permit application was submitted to Kittitas County Community Development Services (CDS) on June 30<sup>th</sup>, 2016. The application was deemed complete on October 6<sup>th</sup>, 2016. A Notice of Application and a Notice of SEPA were mailed to all state and local agencies/departments with potential interest in the project and required by SEPA, as well as to adjacent landowners located within five hundred (500) feet of any portion of the boundary of the proposal's tax parcel on October 26<sup>th</sup>, 2016.

### IV. PROJECT ANALYSIS

In review of this proposal the GPOs of the Comprehensive Plan and the Kittitas County Shorelines Master Program, Kittitas County Code, public and agency comments, any identified environmental concerns and state and federal requirements were considered. Identified below is planning staff's analysis and consistency review for the subject application.

#### Consistency with the Comprehensive Plan:

The Kittitas County Comprehensive Plan designates the subject property as "Commercial Forest", under the broader classification of "Resource Lands". Kittitas County has established goals, policies and objectives to guide activities within the Resource Lands. These goals and policies were developed in response to identified needs within the County, and support the County Wide Planning Policies. The proposal is found by Planning Staff to be consistent with applicable GPOs of the Kittitas County Comprehensive Plan.

*GPO8.123 Where proposed development is determined incompatible with natural resource activities, all mitigation measures to make the development compatible with the activities shall be completed at expense of the developer.*

**Staff Response:** The applicant has designed the project in a manner consistent with natural resource activities the area by ensuring that all waste at the floating restroom facility will be pumped away by a Grant PUD boat and taken off site. It will then be transferred to existing sewage lines.

*GPO 8.140 The primary land use activities in commercial forest areas are commercial forest management, forest recreation, agriculture, mineral extraction, sand and gravel operations and those uses that maintain and/or enhance the long-term management of designated commercial forest lands.*

**Staff Response:** The current use of the Resource Lands next the facility is primarily forest recreation. The project will enhance this use by allowing convenient trash and waste disposal during water recreation.

*GPO 8.146 Land use activities within or adjacent to commercial forest land will be sited and designed to minimize conflicts with forest management and other activities on commercial forestlands.*

**Staff Response:** *The offshore siting minimizes conflicts with forest activities on the adjacent lands.*

Based upon the previously stated observations, staff finds that the proposal is in compliance with the Kittitas County Comprehensive Plan. The applicant is proposing a limited, mixed, commercial, service use that is compatible with, if not dependent upon, a rural setting and environment. The proposed use does not present any incompatible characteristics which would encroach, encumber, impede, or deter commercial agricultural activities or uses. The proposed use does not require additional or urban services, infrastructure, or development.

**Consistency with the Kittitas County Shoreline Master Program**

In compliance with the Shorelines Management Act, Kittitas County has adopted Title 17B Shorelines. KCC 17B.07.060 requires that the applicant must demonstrate:

- a. *That the proposal is consistent with the policies and procedures in RCW Chapter 90.58 and WAC Chapter 173-27;*

**Applicant Response**

“The proposed floating restroom is to provide enhancements to the Quilomene Bay area to ensure long-term health of the shoreline habitat. The need for the project is to limit degradation to existing habitat and sensitive resources from erosive forces associated with recreational boating, and maintain the health and quality of the habitat within the shoreline recreation areas by encouraging recreators to use the floating restroom instead of the shoreline areas, as there are no other public restroom facilities nearby.”

**Staff Response**

The proposal is consistent with both RCW 90.58 and WAC 173-27.

- b. *That the proposal is consistent with the policies and procedures of the Master Program;*

**Applicant Response**

“The proposed use of this site is compatible with other authorized land uses. A restroom in the uplands was considered but the floating restroom has been identified as the best option to meet the purpose and need of the neighboring land. A floating restroom will be easily accessible by recreational boaters, increasing the likelihood of its use. Maintenance and servicing of the restroom are more easily completed from the water due to lack of vehicular access from the uplands.”

**Staff Response**

The Kittitas County Shoreline Master Program 3.5 outlines Objectives relevant to water recreation. These include:

*SMP 3.5(B)(2) Locate, design, develop, manage, and maintain recreational areas in a manner that protects shoreline ecological functions and processes.*

*SMP 3.5(B)(3) Recognize and protect the public interest by providing increased recreational opportunities within shorelines of statewide significance.*

As proposed, the project fulfills both of these Objectives. As described in the application's Joint Aquatic Resources Permit Application page 6, heavy summertime recreational use has threatened the environment at the site. The site currently has no restroom facilities, and human waste pollution has become a problem. The project fulfills SMP 3.5(B)(2) by protecting shoreline ecological functions and processes. The project fulfills SMP 3.5 (B)(3) by mitigating increased usage at the site.

- c. *That the proposal has been appropriately conditioned where necessary to assure consistency of the project with the Act and the local Master Program.*

**Applicant Response**

"The proposed pre-fabricated and self-contained floating restroom is designed for use in a "no-discharge" waters to protect sensitive shoreline habitat and water quality."

As proposed, the project will minimize impacts to water resources in accordance with the Master Program. As described in the project JARPA, page 11, an onsite storage tank will store waste until the facility itself can be disconnected from its anchoring and towed inland for transfer to a sewage system.

As a recreational water dependent use, proposed project is consistent with allowed uses listed in SMP 4.9: Shoreline Use and Modification.

**Consistency with KCC 15, Environmental Policy**

As the lead agency on the project, Grant Public Utility District completed SEPA review. A Determination of Nonsignificance was issued on May 8<sup>th</sup>, 2015.

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

An administrative critical area site analysis was completed by staff in compliance with Title 17A: Critical Areas. The site falls within the Shorelines of the State under the Aquatic designation. In order address concerns related to Critical Areas, the applicant has also applied for a Shorelines Substantial Development Permit.

Based upon the critical areas analysis and report, the proposed use is consistent and in compliance with the Critical Areas Ordinance (and code) of Kittitas County (KCC 17A).

**Consistency with the provision of KCC 17.15, Allowed Uses:**

This proposal as described in the narrative and the SEPA checklist is defined and established as a Permitted Administrative use under the provisions of Chapter 17.15.050.1. Based upon this assessment, the proposed use is consistent and in compliance with the criteria and requirements within the Allowed Use Chapter of Kittitas County Code.

**Consistency with the provision of KCC 17.57, Commercial Forest zoning:**

This proposal is consistent with the Kittitas County Zoning Code 17.51, “The purpose and intent of this 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 consistent with the commercial forest classification policies of the comprehensive plan. The commercial forest classification applies to lands which have long-term commercial significance for the commercial production of timber, and which have been designated as commercial forest in the comprehensive plan. Nothing in this chapter shall be construed in a manner inconsistent with the Washington State Forest Practices Act. Nothing in this chapter shall be construed in a manner to prohibit uses permitted prior to the effective date of this chapter.” The proposal is compatible with KCC 17.51 referring to the uses table in KCC 17.15. Based upon this assessment, the proposed use is consistent and in compliance with the criteria and requirements within the Commercial Forest Chapter of Kittitas County Code.

**Consistency with the provisions of KCC 17.62, Public Facilities Permits**

This proposal, as conditioned, is consistent with the Kittitas County Zoning Code for Public Facilities. The proposed public facility will be adequately served by rural levels of service. The following are criteria for approving a public facility permit per KCC 17.62:

1. *Required Findings. A public facility permit may be approved by the Community Development Services department only if all of the following findings can be made regarding the proposal and are supported by the record:*
  - a. *That the granting of the proposed public facilities permit will not:*
    - i. *Be detrimental to the public health, safety, and general welfare;*

**Applicant Narrative**

“This proposal will not be detrimental or injurious to the public health, peace or safety or the character of the surrounding area. The floating restroom will improve public health conditions by providing an appropriate means of disposing of human waste.”

**Staff Response:**

Staff concurs with the applicant’s statement. Kittitas County Environmental Health expressed no concerns in relation to the project.

- ii. *Be injurious to the property or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located; nor*

**Applicant Narrative**

“This proposal will mitigate impacts to the environment by limiting degradation to existing habitat and sensitive resources and will improve public health and quality of the habitat within shoreline recreation areas by encouraging the recreating public to use the floating restroom instead of the shoreline areas, as there are no other public restroom facilities nearby.”

**Staff Response**

Staff concurs with the applicant’s statement. The project will provide a convenient location for boaters to properly dispose of waste.

- iii. *Adversely affect the established character of the surrounding vicinity*

**Applicant Narrative**

“The proposed use is compatible with neighboring land uses. A restroom in the uplands was considered but the floating restroom has been identified as the best option to meet the purpose and need of the neighboring land. A floating restroom will be easily accessible by recreational boaters, increasing the likelihood of its use. Maintenance and servicing of the restroom are more easily completed from the water due to lack of vehicular access from the uplands. In addition, placement of the floating restroom in Quilomene Bay will likely decrease recreational boat access to shore, which in turn will decrease human defecation in sensitive and disturbance to sensitive resource areas.”

**Staff Response**

Staff concurs with the applicant’s statement. The adjoining Commercial Forest lands will be better protected if boaters have fewer reasons to come onshore.

- b. *That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.*

**Staff Response**

The project creates some potential for hazard due to human wastes. However, the project has built in mitigation, with waste being pumped from the restroom to a boat and transferred off site.

- c. *That the granting of the proposed public facilities permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulations.*

**Staff Response**

The project is consistent with the Kittitas County Comprehensive Plan and all relevant zoning codes.

- d. *That the facility site and environmental designs:*
  - i. *Meet local and state siting criteria and design; and*

**Staff Response**

KCC 17.62.010 allows public facilities to be sited in any zoning classification, provided that other review and approval requirements are met. The Kittitas County Building Official was present for the pre-application meeting conducted on April 27<sup>th</sup>, 2016. The Official made the determination that no building permit was required. The project meets design criteria as proposed.

- ii. *Have been reviewed and/or commented upon by local and state agencies responsible for issuing permits.*

**Staff Response**

The project requires a Kittitas County Public Facilities Permit, as well as a Shoreline Substantial Development Permit. CDS staff has reviewed the permit application. Project information was sent to agencies with interest in the project. The Washington Department of Fish and Wildlife, the Department of Archeology and Historic Preservation, the Yakama Nation, and the Washington Department of Ecology all responded with substantive comments. The applicant has acquired all necessary permits, including a Hydraulic Project Approval from the Washington Department of Fish and Wildlife, and a Section 10 Permit issued by the Army Corps of Engineers.

- e. *That all conditions to mitigate the site specific impacts of the proposed use which were identified can be monitored and enforced.*

**Staff Response**

The project application indicates that a pier yet to be constructed will be used to transport waste from the shore to sewage lines. A boat with a pump will be used to transport waste to the pier. Site inspections can ensure that the dock is constructed and that the restroom facility operates in a way that does not damage waters of the Columbia River.

- f. *That all yards, open spaces, landscaping, walls and fences, and other buffering features are properly provided to mitigate the impacts of the facility to make it compatible with the character of the surrounding area.*

**Staff Response**

The project is sited away from the shoreline in Quilomene Cove and anchored to the river bottom along with a number of “no wake” buoys as buffering features. The impact to the surrounding character will be minimal.

- g. *That the proposed public facility will be supported by, and not adversely affect, adequate public facilities and services; or those conditions can be imposed to lessen any adverse impacts on such facilities and services.*

**Staff Response**

The applicant organization will maintain the facility. The facility will require minimal Kittitas County public services.

Based upon this assessment, the proposed use is consistent and in compliance with the criteria and requirements within the Public Facilities Chapter of Kittitas County Code.

**Staff Conclusions:**

1. As conditioned, the proposal 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. The proposal meets the criteria outlined in KCC 17.62 Public Facilities Permits.
4. As conditioned, the proposal meets the criteria outlined in KCC 17B Shorelines.
5. As conditioned, the proposal is consistent with Kittitas County Code Title 12 Roads and Bridges, Title 13 Water and Sewer, Title 14.04 Building and Construction, Title 17 Zoning, Title 17A Critical Areas, and Title 20 Fire and Life Safety.

## **V. ENVIRONMENTAL REVIEW**

As the lead agency on the project, Grant County Public Utility District performed SEPA review. A Determination of Non-Significance was issued on May 8<sup>th</sup>, 2015.

## **VI. AGENCY AND PUBLIC COMMENTS**

### **Agency Comments:**

The following agencies provided comments during the comment period: The Yakama Nation, the Washington Department of Fish and Wildlife, and Washington State Department of Ecology. All comments are on file and available for public review.

The Washington Department of Fish and Wildlife visited the site with the applicant on March 31<sup>st</sup>, 2016. At the time, WDFW personnel determined that the project, as proposed, met their requirements. During the agency and public comment period, WDFW commented with the concern that the application as proposed did not include a backup plan in the event of a spill in order to protect fish and wildlife. This concern has been addressed as a condition of approval.

The Yakama Nation responded with a concern over interpretation of the Kittitas County Shoreline Master Program, suggesting that the project required a Shoreline Conditional Use Permit. As a water dependent use of a recreational nature, the facility is allowed in all Shorelines designations under SMP 4.9.

The Washington Department of Ecology responded with concerns over the location in relation to wetlands less than 6 feet in depth and mooring. After a letter sent to Ecology from CDS and further discussion, it was established that both concerns are addressed in materials included with the application.

Kittitas County Public Health responded with a suggestion that handwashing stations be added to the floating restroom facility.

### **Public Comments:**

Opportunity for comment was provided to the public. No public comments were received.

## **VII. DECISION & CONDITIONS OF APPROVAL**

From these conclusions and findings, the proposed Public Facilities use is approved with the following conditions:

1. The project shall proceed in substantial conformance with the plans and application materials on file dated June 30<sup>th</sup>, 2016 except as amended by the conditions herein.
2. Environmental and statutory review shall be required for all future development, construction, and improvements; the applicant is responsible for compliance with all applicable local, state, and federal rules,



codes, and regulations, and must obtain all appropriate permits and approvals. Failure to do so may result in the revocation of the public facilities permit.

3. Development shall occur in substantial conformance with the Site Plan and narrative provided on June 30<sup>th</sup>, 2016 to Kittitas County in the public facilities application. Any alterations to this site plan shall be reviewed by Kittitas County prior to construction to ensure it still meets the requirements of all applicable regulations.
4. All current and future landowners must comply with the International Fire Code.
5. A backup plan for spill monitoring and containment will be developed to mitigate possible damage to fish and wildlife in the event of a waste spill.
6. As suggested by Kittitas County Public Health, a handwashing station on the floating restroom platform will be required.
7. Building permits will be required for any construction or structure not exempted by 2012 IBC 105.2 Work exempt from permit.
8. Should ground disturbing or other activities related to the proposed use 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 DAHP. Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.
9. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties and county roads.
10. Any signage for the proposed use will require a sign permit as per KCC 17.70 and may not be located in County right of way.
11. 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 residential properties.

**Kittitas County Code (Chapter 15A.07.010) stipulates that an appeal of the Public Facilities (PF-16-00001) land use decision must be filed within 10 (ten) working days by submitting specific factual objections and a fee of \$780 to the Kittitas County Board of Commissioners at 205 West 5<sup>th</sup>, Room 108 Ellensburg, WA 98926. The appeal deadline for this project is December 23<sup>rd</sup>, 2016 at 5:00p.m.**

**This Shoreline Substantial Development decision (SD-16-00001) can be appealed to the Shorelines Hearings Board within 21 days of the date the Washington Department of Ecology issues notice to the applicant of complete review.**

Responsible Official



Dan Carlson

Director, Community Development Services

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Date:

December 8<sup>th</sup>, 2016