

**Black Horse at Whiskey Creek - Z-06-00015 P-06-00022 Compliance Document
Mitigated Determination of Non-Significance, October 31, 2006**

RECEIVED
JAN 21 2022

Kittitas County CDS

Preliminary Approval Condition	Applicant Response	Staff Review
<i>I. Transportation</i>		
A. Internal roads shall be constructed in accordance with Kittitas County or the City of Ellensburg standards, whichever is more restrictive.	The roads have been constructed per the plans approved by Kittitas County and the City of Ellensburg. All roads meet the City of Ellensburg standards.	
B. Half street improvements, including sidewalk, full height curb and gutter, asphalt, street lighting, and storm drainage improvements will be required along Bender Road, Reecer Creek Road and Bowers Road frontages of the development. The Developer shall install full street improvements, including sidewalk, curb and gutter, asphalt, street lighting, and storm drainage improvements along the interior streets.	Bonds have been put in place for all work, completed or not, associated with the complete project. The frontage improvements along Reecer Creek Road and Bowers Road have been installed to approximately 50% and all interior street and utility improvements have been completed.	
C. Bowers Road and Reecer Creek Road are both identified as arterials on the City's comprehensive plan. The developer will need to dedicate additional right of way on Reecer Creek Road, from approximately the north side of the canal crossing and extending south to Bender Road. Arterial roadways are 48' wide face to face of full height curbs, with 7' sidewalks.	The appropriate amount of additional right-of-way was dedicated for each road with the final plat for Division 1.	
D. Bender road is identified as a collector, and also listed on the city bike plan. The existing right of way of Bender is 60' wide. The Bender Road improvements shall be 44' wide face to face of full height curbs, with 6' sidewalks.	The appropriate amount of additional right-of-way was dedicated for each road with the final plat for Division 1.	
E. All proposed interior roadways will be local access roadways, with 50' wide right of way. Local access roadways are 38' wide face to face of rolled curbs, with 5' sidewalks.	The appropriate amount of right-of-way was dedicated for each internal road with the final plat for Division 1.	
F. The proposed Lariat Street on the preliminary site plan is proposed as an 80' wide right of way, and the proposed 29th Avenue is proposed as a 60' wide right of way. At time of project civil plans submittal, the developer shall provide a proposed roadway section at these two streets to the City.	The approved civil plans provide the roadway sections for these two locations.	
G. The proposed roadway names shown on the preliminary plat map have been reviewed and approved by the City of Ellensburg and the fire departments.	The approved roadway names are shown on the final plat map.	

**Black Horse at Whiskey Creek - Z-06-00015 P-06-00022 Compliance Document
Mitigated Determination of Non-Significance, October 31, 2006**

Preliminary Approval Condition	Applicant Response	Staff Review
<p>H. The developer shall include on their site plan the 185 foot long right turn lane from Bender Road into the development with appropriate striping. The developer shall include on their site plan the 160 foot long right turn taper from Reecer Creek Road into the development as described in the GTC Traffic Impact Analysis for the development.</p>	<p>The turn lanes have been shown on the approved civil plans. The improvements have been included in the overall project bond and will be installed with the final improvements to Bender Road.</p>	
<p>I. Prior to final plat approval the developer shall pay 15,000 towards the total estimated current cost for offsite traffic improvements of 200,000 (a semi-actuated signal at the intersection of Reecer Creek Road and University Way). This amount is 7.5% of the total cost to construct and install the signal to include mast arms, detection loops, and advance warning signs. The County will invest these funds until the signal is constructed in approximately six years in order to keep up with inflation.</p>	<p>This payment has been made to Kittitas County.</p>	
<i>II. Light and Glare</i>		
<p>A. Any proposed lighting should be shaded and directed down towards the site.</p>	<p>All street lighting has been designed by City of Ellensburg staff. Residential lighting will meet all residential standards.</p>	
<p>B. Street lighting shall conform to the city street lighting requirements and standards.</p>	<p>All street lighting has been designed by City of Ellensburg staff.</p>	
<i>III. Water and Septic</i>		
<p>A. Any filling of the onsite Category IV wetland will be in accordance with Kittitas County Code 17A: Critical Areas. Design and development of mitigations for the impact of wetlands shall be reviewed and approved prior to disturbance. Development mitigations shall be reviewed by the County, DOE, and other jurisdictional agencies. The mitigation plan shall contain a maintenance plan which demonstrates a physical and legal maintenance of the wetlands by the appropriate Homeowner's Association (HOA) or other entity.</p>	<p>A USACOE Permit, Reference NWS-2020-902, was approved October 16, 2020 which outlines the mitigation for the filling of a small portion of wetland within the site. Installation of the mitigation plantings is complete. Reference to this permit was recorded on title as part of the Phase 1 final plat.</p>	

**Black Horse at Whiskey Creek - Z-06-00015 P-06-00022 Compliance Document
Mitigated Determination of Non-Significance, October 31, 2006**

Preliminary Approval Condition	Applicant Response	Staff Review
<p>B. The development shall comply with Cascade Irrigation District and Ellensburg Water requirements, and shall not interfere with irrigation delivery to any downstream users. Prior to final approval, a certificate/letter of approval must be received by CDS from the irrigation entity representative stating that the proposed development meets the irrigation entity requirements (KCC 16.18.030).</p>	<p>A letter from CID is being requested and will be provided prior to final plat approval by Kittitas County.</p> <p>It is anticipated that EWD will also provide a letter of support prior to final plat approval. Mitigation has been provided to County staff in an attempt to aid in resolving outstanding concerns raised by EWC.</p>	
<p>C. The project shall comply with Kittitas County Code 17A: Critical Areas and 14.08: Flood Damage Prevention.</p>	<p>Several studies have been completed in conjunction with the floodplain analysis. Public Works has approved the civil plans.</p>	
<p>D. A 100 foot setback from the Ordinary High Water Mark (OHWM) of Whiskey Creek, location of wetlands and the boundary of the 100 year flood plain shall be shown on the final mylar. The allowed uses within the Whiskey Creek buffer shall comply with applicable jurisdictional requirements and the appropriate permits shall be obtained as necessary.</p>	<p>All setbacks have been shown on the final plat maps, see sheets 12-14.</p>	
<p>E. Proper signage shall be incorporated on-site and CC&R restrictions shall be put in place to encourage the maintenance of the buffer to retain the natural condition of Whiskey Creek.</p>	<p>Signage will be located along the Whiskey Creek buffer. Tract restrictions have been noted in the recorded CC&R's .</p>	
<p>F. Site grading and development shall be designed as to minimize loss of existing flood storage or flood conveyance capacity, and shall have adequate drainage provided to reduce exposure to flood damage.</p>	<p>The site was originally graded to allow for lots within the floodplain and to provide compensatory storage, however it was removed and all grades within the floodplain have been restored to original grade and verified by Kittitas County staff.</p>	
<p>G. The applicants design engineer shall determine groundwater elevations in the vicinity of proposed stormwater treatment and flow control facilities. The water surface elevation shall be utilized in the facility designs and shall be verified when groundwater is at its highest.</p>	<p>The geotechnical report and stormwater drainage report which have been provided to Public Works provides the required information. The approved stormwater evaporation ponds were designed based on these studies.</p>	
<p>H. Storm water and irrigation conveyance shall be kept separate.</p>	<p>Stormwater runoff will be conveyed in a closed pipe system to the evaporation pond system. The irrigation flows from CID will be piped through the site and used for irrigation on the individual lots. The existing EWC Town Ditch is located in the southwest corner of the site and is totally separate from the stormwater flows within the site.</p>	

**Black Horse at Whiskey Creek - Z-06-00015 P-06-00022 Compliance Document
Mitigated Determination of Non-Significance, October 31, 2006**

Preliminary Approval Condition	Applicant Response	Staff Review
I. Stormwater and surface runoff generated by this project must be retained and treated on-site in accordance with regulating agencies' standards.	The stormwater design retains all stormwater onsite for treatment and evaporation/infiltration as shown on the approved civil plans.	
J. Stormwater shall not be discharged to Whiskey Creek or on-site wetlands without treatment.	All stormwater runoff within the site will be directed to one of eight evaporation ponds where the flows will evaporate and/or infiltrate. No onsite runoff will be discharged to Whiskey Creek or the onsite wetland.	
K. The project shall comply with all requirements of the Department of Ecology Storm Water Manual for Eastern Washington, County and the City of Ellensburg standards for stormwater, whichever is more stringent; and shall be collected, retained and disposed of on-site accordingly.	The project has a NPDES permit, WAR-009906 and has been meeting all County/City stormwater standards.	
L. The developer shall provide for the ongoing maintenance of drainage swales and shall identify long term maintenance in CCRs. A plat note shall be included in the final mylar as follows: As long as the detention tract is privately and not publicly owned, the detention tract shall be maintained by the Homeowner's Associations (HOA), as per the latest Department of Ecology's "Best Management Practices" Manual.	Long term maintenance has been addressed in the final plat map notes and in the recorded CCR's. The HOA is responsible for all ongoing maintenance of the stormwater tracts within the plat.	
M. Erosion control measures must be in place prior to any clearing, grading or construction.	All erosion control measures were in place prior to the start of construction. The approved civil plans include the TESC requirements and all work has been in compliance with NPDES permit number WAR-009906.	
N. The project shall meet the requirements for a NPDES Construction Storm Water permit.	Project is currently under NPDES permit number WAR-009906.	
O. On-site drainage features associated with construction shall be designed such that off-site adjacent wetlands are not dewatered or impacted.	The onsite drainage system has been designed to ensure all water is kept on site and evaporated or infiltrated per the engineering plans/reports approved by Kittas County and the City of Ellensburg.	
P. The project shall comply with the requirements of the Army Corps of Engineers Nationwide Permit.	A Corp permit has been processed and approved. The approved plans comply with the requirements of the Corp permit.	
<i>IV. Noise & Aesthetics</i>		
A. All county noise ordinances shall apply to the project.	The site construction has adhered to all County noise ordinances.	
B. Construction activities shall comply with KCC 9.45 (Noise).	The site construction has adhered to all County noise ordinances.	

**Black Horse at Whiskey Creek - Z-06-00015 P-06-00022 Compliance Document
Mitigated Determination of Non-Significance, October 31, 2006**

Preliminary Approval Condition	Applicant Response	Staff Review
<p>C. Landscaping shall be provided consisting of a mixture of native plantings, and mixed deciduous and conifer trees as reflected in the draft landscaping plan in order to provide a buffer to the surrounding area.</p>	<p>The proposed landscaping plans are in compliance with this condition.</p>	
<i>V. Land Use and Recreation</i>		
<p>A. A final development plan pursuant to Kittitas County Code 17.36.040 shall be submitted for approval by the Board of County Commissioners.</p>	<p>The final development plan for this project was approved on March 3, 2015 by the County Commissioners, a copy has been provided in the submittal package.</p>	
<p>B. All proposals of the applicant included within their application that are not in conflict with these mitigations shall be conditions of approval and shall be considered as mitigations.</p>	<p>Noted.</p>	
<p>C. Pursuant to Kittitas County Code 17.74.060A, a Plat Note regarding the Right to Farm Ordinance is required. The note shall read as follows: "The subject property is within or near land used for agriculture on which a variety of commercial activities may occur that are not compatible with residential development for periods of varying duration. (RCW 36.70A.060(1)) Commercial natural resource activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances." (RCW 7.48.305).</p>	<p>The note has been added to the final plat map, see Sheet 3, Note 11.</p>	
<i>VII. Utilities and Services</i>		
<p>A. As required in the outside utility agreement, the installation of utility, street and other public improvements shall conform to the standards and specifications approved by the City of Ellensburg and such development standards shall use the current City development design requirements as the standard for review of the development</p>	<p>All approved sewer and water plans are in conformance with the signed Developer Extension Agreement. The City of Ellensburg has prepared power and gas plans for the project.</p>	
<p>B. The project shall be served by City water and sewer services. The applicant shall work with the city to establish the appropriate connections per the City of Ellensburg processes and standards.</p>	<p>The project currently has City sewer and water at the site.</p>	

**Black Horse at Whiskey Creek - Z-06-00015 P-06-00022 Compliance Document
Mitigated Determination of Non-Significance, October 31, 2006**

Preliminary Approval Condition	Applicant Response	Staff Review
C. All requirements from the local fire jurisdictions shall be incorporated into the project. This project shall comply with International Fire Code (IFC) and Appendices.	The project has been designed in accordance with applicable fire codes.	
D. No parking; fire lane" shall be posted within 20 feet of all internal intersections. The signs must comply with IFC Appendix D.	No parking signs will be installed within the plat as noted once the sidewalks have been installed.	
E. The subject property shall conform to the minimum requirements for fire apparatus access.	The approved plans conform to the fire apparatus access requirements.	
F. Location and amount of fire hydrants on-site shall meet local fire jurisdiction requirements.	The approved plans meet the local fire jurisdiction requirements.	
G. Mail routes shall be approved by the postmaster. The postmaster shall also approve mailbox locations. Mailbox locations shall not create sight obstructions.	The proposed mailbox location has been approved by the post office.	
H. The applicant shall work with the local school district to provide for a safe location and passageway for a school bus stop. This location shall be delineated on the final mylar.	The school district has been contacted and a bus stop location has been noted on the plat map. See Note 8, Sheet 3.	