



**KCPW Binding Site Plan Amendment  
File Number BS-18-00001  
FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL**

**I. General Information**

**Requested Action:** Justin Turnbull authorized agent for Kittitas County Public Works, landowner, submitted a Binding Site Plan amendment application on December 27, 2018. The original Binding Site Plan was approved using a plat number P-07-00049 and was later amended in 2009 (file # BS-09-00001) and in 2015 (file # BS-15-00001). The current application involves various parcel combinations, boundary line adjustments, and re-platting as well as various fixes to inaccurate survey information. In total the amendment will reduce the 37 parcels involved to 26 parcels. The subject property is zoned Light Industrial.

**Location:** 37 parcels, located directly north of the City of Ellensburg at 713 Bowers Road, in a portion of Section 24, T18N, R18E, WM in Kittitas County.

**Site Information**

Total Property Size:	1142 acres
Number of existing lots:	37 lots involved
Number of proposed lots:	37 lots reduced to 26 lots
Domestic Water:	Ellensburg Water
Existing sewage Disposal:	On Site Septic
Power/Electricity:	City of Ellensburg
Fire District:	Fire District 2
Irrigation District:	KRD

**Site Characteristics:** The site is relatively flat with various commercial and industrial functions centered on airport function and support.

**Surrounding Property:**

North: Privately owned land primarily used for agricultural purposes.  
South: Privately owned land primarily used for residential purposes.  
East: Privately owned land primarily used for agriculture and residential purposes.  
West: Privately owned land primarily used for residential and agricultural purposes.

**Access:** The proposed project has access from Bowers RD.

**II. Administrative Review**

**Notice of Application:** A Binding Site Plan Amendment application was submitted to Kittitas County Community Development Services on December 27, 2018. The application was deemed complete on January 16, 2019. A Notice of Application for the KCPW Binding Site Plan Amendment (BS-18-00001)



was mailed to all federal, state, and local agencies/departments with potential interest in the proposal as well as to all adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel on January 29, 2019. Notice was published in the Daily Record, the official newspaper of record for Kittitas County, and posted to the Kittitas County Website on January 29, 2019, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).

**Designated Permit Coordinator (staff contact):** Jeremy Johnston, Staff Planner. P: (509) 962-7065, E: [jeremy.johnston@co.kittitas.wa.us](mailto:jeremy.johnston@co.kittitas.wa.us).

### III. Zoning and Development Standards

The subject properties are located adjacent to the northern border of the City of Ellensburg within the UGA, and have a zoning designation of Light Industrial within an Airport Overlay Zone. The Light Industrial zone is established to preserve areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses and to protect such zones from encroachment by conflicting land uses. The project site is in the Bowers Field Airport Overlay Zoning District and primarily includes commercial and industrial sites associated with airport use. This project is being proposed under KCC 16.05.020 Binding Site Plan Requirements.

**KCC 16.05.020 Requirements:** The director shall consider, and base his decision to approve with or without conditions, deny or return the application on the following:

A. Whenever a binding site plan for an eligible project is proposed on a parcel of land for which neither a planned unit development or a building permit has been approved for the entire parcel, the following must be satisfied prior to recording:

1. A conceptual site plan shall be prepared in a form prescribed by the director which includes the following information (if appropriate to the project type):
  - a. Maximum number of dwelling units permitted.
  - b. Approximate size and location of all proposed buildings.
  - c. Approximate layout of an internal vehicular circulation system, including proposed ingress and egress.
  - d. Approximate location of proposed open space, including required landscaped areas, if any.
  - e. Approximate location of parking areas.
  - f. Location and size of utility trunk lines serving the site.
  - g. Topography detailed to five-foot intervals.
  - h. Location of water storage and fire hydrant location.
  - i. Demonstrate that the requirements of [Chapter 13.35, Kittitas County Code](#), Adequate Water Supply Determination, can be met or work voluntarily with Kittitas County to develop an authorized conservation easement, see [section 16.08.061](#)



*Consistency Statement: The proposed project is an amendment to an existing Binding Site Plan (P-07-00049). The sum total of the proposed changes decreases the number of existing lots and will not increase the intensity of use approved in the initial Binding Site Plan. The conceptual site plan submitted addresses the information necessary to review the proposed changes for this project type.*

B. The director shall consider, and base his decision to approve with or without conditions, deny or return the application on the following:

1. Conformance of the proposed site plan with any approved building permit or planned unit development and any conditions on a portion of the site, and with any applicable codes and ordinances, of the State of Washington and Kittitas County. The director shall identify, to the extent feasible, conditions likely to be imposed on building permits related to dedication of right-of-way or open space, and tracts, easements or limitations which may be proposed or required for utilities, access, drainage controls, sanitation, potable water supply, protection of sensitive areas or other unique conditions or features which may warrant protection of the public health, safety and welfare. Such preliminary conditions shall not be binding at the time of building permit approval.
2. The recommendations and comments of agencies having pertinent expertise or jurisdiction.
3. Proof that all lots or tracts created by binding site plan are approved for irrigation delivery by the appropriate irrigation entity or entities.
4. The director may require dedication of additional road right-of-way pursuant to criteria contained in Kittitas County Code.

*Consistency Statement: 1) The proposed amendment is consistent with the original Binding Site Plan conditions and all applicable state and county regulations. 2) All applicable agency comments have been considered in this determination. 3) KRD provided guidance regarding irrigation deliver. All general KRD guidelines will apply to this binding site plan amendment. 4) No right-of-way dedications have been determined as necessary for this proposal.*

C. Additional documents shall be submitted as necessary for review and approval and may include a plat certificate, boundary survey, agreements, easements, covenants.

*Consistency Statement: No additional documents were necessary for this proposal.*

D. The plan must be approved and signed in the same manner as a short plat. Prior to recording, the director shall verify the final plan and any attachments to determine whether the binding site plan is accurate and complete and complies with any conditions or approval. Approval of a binding site plan does not give the applicant a vested right to build without regard to subsequent changes in zoning or building codes or other applicable land use regulations prior to application for a building permit on the subject property.

*Consistency Statement: The Binding Site Plan amendment, as conditioned, is consistent with the original Binding Site Plan requirements outlined in P-07-00049.*

E. Open Space. All plats which include open space shall contain appropriate plat notes to ensure the area will not be further subdivided in the future, the use of the open space for the purpose specified will continue in perpetuity, and the open space will be appropriately maintained to control noxious weeds and



fire hazards. The identified open space tracts shall be proportionately owned by tenants in the common, and retained by each home owner, and will be assessed, taxed, and foreclosed upon each building lot not fulfilling their obligation. Open space lots shall not be required to be transferred to the other lot owners to be held in common ownership so long as the lots are used for the purposes of agricultural activities as that term is defined by RCW [90.58.065\(2\)\(a\)](#) or the lots are designated as timber and forestlands according to RCW [84.33](#). Open space lots created as a result of an Agricultural Plat shall not be required to be transferred to the other lots owners to be held in common ownership.

*Consistency Statement: The proposed amendment does not include any areas defined as open space on the original Binding Site Plan (P-07-00049). Due to the natural open space inherit to air fields, open space plat note requirements were not a condition of the original approval.*

F. This requirement shall not apply to lots retained by the original landowner or subsequent landowner(s) for the purpose of providing improved recreational facilities serving the benefited parcels. For the purposes of this condition, improved recreational facilities shall be those which exceed \$100,000 in value.

*Consistency Statement: The proposed amendment does not include any recreational facilities.*

G. Non-buildable Lots. Any lots created specifically for, or dominated by, easements, roadways, storm water retention facilities, septic facilities or other purposes and as a result are non-buildable shall be proportionately owned by tenants in the common, and retained by each home owner, and will be assessed, taxed, and foreclosed upon each building lot not fulfilling their obligation.

*Consistency Statement: The proposed amendment does not propose any changes to non-buildable lots.*

3. Proof that all lots or tracts created by binding site plan are approved for irrigation delivery by the appropriate irrigation entity or entities.

*Consistency Statement: Consistency with KRD guidelines is a determination condition. Evidence that these guidelines have been met will be required for final approval.*

4. The director may require dedication of additional road right-of-way pursuant to criteria contained in Kittitas County Code.

*Consistency Statement: CDS has determined that no dedications of additional right-of-ways are required for this proposal.*

### **Staff Conclusions**

Staff finds that the proposed binding site plan amendment, as conditioned, is consistent with all applicable Washington State regulations and Kittitas County code section 16.05.020.

## **IV. Comprehensive Plan**

The Kittitas County Comprehensive Plan designates the proposal as a Binding Site Plan in an Airport Zone within an Urban Land Use. Kittitas County has established the following goals and policies to guide activities in Urban Land Use Zones, specifically within Airport Zones. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:





GPO 2.46E: All aviation related land uses should be considered acceptable in the area designated as "industrial" and provided that the FAA airport design criteria are met.

GPO 2.46F: The County should promote economic development and employment opportunities for the Airport Industrial Zone and Bowers Field Overlay Zone.

### Consistency Statement

*The proposed Binding Site Plan is proposed, in part, to meet the needs of existing leases and accommodate predicted future use and development, encouraging economic development in the area.*

### Staff Comments

*The Kittitas County Public Works Binding Site Plan Amendment as proposed is consistent with the Kittitas County Comprehensive Plan GPO's listed above. The proposal, as conditioned, preserves the rural character and is not a detriment to neighboring agricultural activities. The property involved is adequately served by local service and meets density requirements for the zoning designation.*

## **V. Environmental Review**

SEPA review is not required under WAC 197-11-800 (6)(d), "Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW [58.17.060](#), and short plats or short subdivisions within the original short subdivision boundaries provided the cumulative divisions do not exceed the total lots allowed to be created under RCW [58.17.020](#). This exemption includes binding site plans authorized by RCW [58.17.035](#) up to the same number of lots allowed by the jurisdiction as a short subdivision." Short subdivisions are limited to nine parcels within the UGA (KCC 16.08.186). This amendment includes eight parcels involved in re-platting. Various wetlands and type 9 streams cover the original Binding Site Plan area; however the specific parcels involved in this amendment do not contain any critical areas.

Suspected Contaminated sites were noted by the Washington State Department of Ecology. Kittitas County Public Works responded to the concern for contaminated sites by stating "It is our understanding that suspected contamination at Bowers Field is now fully abated...prior to any further re-development of the site, Kittitas County will flag potentially impacted lots in the revised binding site plan for further environmental investigation prior to proceeding to lease agreements with potential land developers." This proposal has been conditioned to address these potential contaminated sites.

Washington State Department of Fish and Wildlife sent comments related to concerns for nearby critical areas that may be impacted within the binding site plan area. Kittitas County Public Works responded that they will be working with WDFW during their Airport Capital Facility Plan process to address any impacts within the binding site plan area. This proposal has been conditioned to address the potential impacts to critical areas.



## 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 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. As referenced above in Section IV of this staff report, the following Comprehensive Plan GPOs apply to this proposal: GPO 2.46E and 2.46F.

Provided the applicant follows and maintains the GPOs, they shall be in compliance with the Kittitas County Comprehensive Plan. The applicant is proposing an amendment to an existing Binding Site Plan consistent with the goals, policies, and objectives of the land use designation. Therefore, the County and applicant are in compliance with the Comprehensive Plan.

### Consistency with the provisions of KCC Title 16.05 Binding Site Plans:

As conditioned, the proposal must be consistent with the provisions of KCC Title 16.05.

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

Staff conducted an administrative critical area review in accordance with KCC 17A. GIS information indicates several wetlands and streams within the boundaries of the original Binding Site Plan, however the lots involved in this amendment do not contain any critical areas.

### Consistency with the provisions of KCC 17.48, Light Industrial Zoning:

This proposal is consistent with the Kittitas County Zoning Code 17.48 as conditioned.

### Consistency with the provisions of KCC 17.58.040A, Airport Overlay Zoning District (Bowers Field):

This proposal is consistent with the Kittitas County Zoning Code 17.58.040A as conditioned.

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

All buildings must be consistent with International Building Codes.

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

As conditioned, the proposal must be consistent with the provisions of KCC Title 12.

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

As conditioned, the proposal must be consistent with the provisions of KCC Title 20.



**Agency Comments:**

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

Kittitas County Public Health submitted comments outlining the requirement of the applicant to prove capacity of sewer and water from the City of Ellensburg.

Washington State Department of Health requested that any changes in drinking water demands be communicated with the City of Ellensburg as well as the Washington State Department of Health Office of Drinking Water.

Washington State Department of Ecology noted the possible existence of a contaminated site which could be hazardous to human health. Future clean up may be required by Ecology under the Model Toxics Control Act.

Washington state Department of Fish and Wildlife commented that general considerations should be made to ensure the protection of all critical areas and no net loss to ecological functions.

**Public Comments:**

There were no public comments submitted during the comment period.

**VIII. Findings of Fact**

1. **Requested Action:** Justin Turnbull authorized agent for Kittitas County Public Works, landowner, submitted a binding site plan amendment application on December 27, 2018. The original Binding Site Plan was approved using a plat number P-07-00049 and was later amended in 2009 (file # BS-09-00001) and in 2015 (file # BS-15-00001). The current application involves various parcel combinations, boundary line adjustments, and re-platting as well as various fixes to inaccurate survey information. In total the amendment will reduce the 37 parcels involved to 26 parcels. The subject property is zoned Light Industrial.

2. **Location:** 37 parcels, located directly north of the City of Ellensburg at 713 Bowers Road, in a portion of Section 24, T18N, R18E, WM in Kittitas County.

**3. Site Information**

Total Property Size:	1142 acres
Number of existing lots:	37 lots involved
Number of proposed lots:	37 lots reduced to 26 lots
Domestic Water:	Ellensburg Water
Existing sewage Disposal:	On Site Septic
Power/Electricity:	City of Ellensburg
Fire District:	Fire District 2
Irrigation District:	KRD



Site Characteristics: The site is relatively flat with various commercial and industrial uses centered on airport function and support.

Surrounding Property:

North: Privately owned land primarily used for agricultural purposes.

South: Privately owned land primarily used for residential purposes.

East: Privately owned land primarily used for agriculture and residential purposes.

West: Privately owned land primarily used for residential and agricultural purposes.

4. Access: The proposed project has access from Bowers RD.

5. The Comprehensive Plan land use designation is "Urban."

6. The subject property is zoned "Light Industrial," within the "Bowers Field Airport Overlay."

7. A Binding Site Plan Amendment application was submitted to Kittitas County Community Development Services on December 27, 2018. The application was deemed complete on January 16, 2019. A Notice of Application for the KCPW Binding Site Plan Amendment (BS-18-00001) was mailed to all federal, state, and local agencies/departments with potential interest in the proposal as well as to all adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel on January 29, 2019. Notice was published in the Daily Record, the official newspaper of record for Kittitas County, and posted to the Kittitas County Website on January 29, 2019, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).

8. The proposal is consistent with Kittitas County Binding Site Plan Code 16.05.020, Binding Site Plan Requirements. Staff finds that the proposed Binding Site Plan Amendment is consistent with all applicable Washington State and Kittitas County code sections.

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

10. No comments from the public were received as of the time of this staff review.

11. The original Binding Site Plan (P-07-00049) did not include Open Space plat note requirements.

11. SEPA review is not required under WAC 197-11-800 (6)(d), "Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW [58.17.060](#), and short plats or short subdivisions within the original short subdivision boundaries provided the cumulative divisions do not exceed the total lots allowed to be created under RCW [58.17.020](#). This exemption includes binding site plans authorized by RCW [58.17.035](#) up to the same number of lots allowed by the jurisdiction as a short subdivision." Short subdivisions are limited to nine parcels within the UGA (KCC 16.08.186). This amendment includes eight parcels involved in re-platting. Various





wetlands and type 9 streams cover the original Binding Site Plan area; however the specific parcels involved in this amendment do not contain any critical areas.

Suspected Contaminated sites were noted by the Washington State Department of Ecology. Kittitas County Public Works responded to the concern for contaminated sites by stating "It is our understanding that suspected contamination at Bowers Field is now fully abated...prior to any further re-development of the site, Kittitas County will flag potentially impacted lots in the revised binding site plan for further environmental investigation prior to proceeding to lease agreements with potential land developers." This proposal has been conditioned to address these potential contaminated sites.

Washington State Department of Fish and Wildlife sent comments related to concerns for nearby critical areas that may be impacted within the binding site plan area. Kittitas County Public Works responded that they will be working with WDFW during their Airport Capital Facility Plan process to address any impacts within the binding site plan area.

12. The proposed Binding Site Plan Amendment is consistent with KCC 17A as conditioned.
13. The proposed Binding Site Plan Amendment is consistent with KCC 17.48 as conditioned.
14. The proposed Binding Site Plan Amendment is consistent with KCC 17.58.040A as conditioned.
15. The proposed Binding Site Plan Amendment is consistent with KCC 14.04 as conditioned.
16. The proposed Binding Site Plan Amendment is consistent with KCC 12 as conditioned.
17. The proposed Binding Site Plan Amendment is consistent with KCC 20 as conditioned.

## **IX. 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. As conditioned the proposal is consistent with Kittitas County Code Title 16.05.020 Binding Site plan Requirements.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, Title 17A Critical Areas, Title 17.58.040A\_Airport Overlay Zoning District (Bowers Field) , Title 14.04 Building Code, Title 12 Roads and Bridges, and Title 20 Fire and Life Safety.



## X. Decision and Conditions of Approval

Kittitas County Community Development Services grants *preliminary approval* of the Public Works Airport Binding Site Plan Amendment based on the above staff analysis, findings of fact, and conclusions with the following conditions of approval.

### Conditions of Approval:

#### 1. Water/Sewer

- A. Proof of water and sewer availability to any new parcels shall be obtained through the City of Ellensburg and provided to Kittitas County CDS, Kittitas County Public Health, and the Washington State Department of Health prior to final approval.
- B. Proof of compliance with all KRD irrigation general guidelines and irrigation delivery to all applicable parcels will be required for final approval.

#### 2. Building

- A. All new construction shall meet the International Building Code requirements.
- B. All new construction shall meet all building and development requirements outlined in KCC 17.58.040A.

#### 3. State and Federal

- A. Applicant must meet all state and federal regulations.

#### 4. Fire & Life Safety

- A. Access shall be fully compliant with current IFC-Appendix D.
- B. Addressing to buildings shall be clearly visible from both directions of travel.
- C. Construction shall meet WUI standards.

#### 5. Historic and Cultural Preservation

- A. Should ground disturbing or other activities related to the proposed subdivision 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 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.



## 6. Environmental

A. Potentially contaminated lots shall be noted in the revised binding site plan and undergo environmental review prior to any further re-development. Kittitas County Public Works shall work with the Washington State Department of Ecology to ensure any remaining contaminated sites are appropriately abated.

B. Kittitas County Public Works shall work with the Washington State Department of Fish and Wildlife during their Airport Capital Facility Plan process to ensure all potential impacts to critical areas are mitigated.

## 7. Plat Notes

A. The following plat notes shall be recorded on the final mylar drawings:

- All development must comply with International Fire Code.
- The subject property is within the Kittitas County Airport Overlay zone and is subject to the special provisions for that zone outlined in Kittitas County Code Chapter 17.58.
- The approval of this reconfiguration of land includes no guarantee that there is a legal right to withdraw groundwater within the project area. The approval of this reconfiguration of land provides no guarantee that use of water under the ground water exemption (RCW 90.44.050) for this binding site plan or any portion thereof will not be subject to curtailment by the Department of Ecology or a court of law.
- Kittitas County will not accept private roads for maintenance as public streets or roads until such streets or roads are brought into conformance with current County Road Standards. This requirement will include the hard surface paving of any street or road surfaced originally with gravel.
- This property is located within the Airport Overlay Zoning District in which a variety of airport aviation activities occur. Such airport aviation activities may impact the use of your property.

8. All sheets of the final mylars shall reflect Binding Site Plan Amendment number and an accurate legal description shall be shown on the face of the final plat.

**From these conclusions and findings, the proposed Binding Site Plan is approved with the above conditions. Kittitas County Code (Chapter 15A.07.010) stipulates that an appeal of this administrative land use decision must be filed within 10 (ten) working days by submitting specific factual objections and a fee of \$1,560 to Kittitas County Board of Commissioners Office, 205 W 5<sup>th</sup>, Room 108, Ellensburg, WA 98926. The appeal deadline for this project is March 28, 2019 at 5:00p.m.**



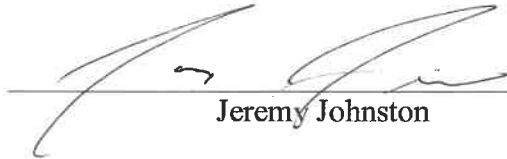
# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

"Building Partnerships – Building Communities"

CDS@CO.KITTITAS.WA.US

**Responsible Official**



---

Jeremy Johnston

**Title:** Planner

**Address:** Kittitas County Community Development Services  
411 N. Ruby Street, Suite 2  
Ellensburg, WA. 98926  
Phone: (509) 962-7506 Fax: (509) 962-7682

**Date:** March 14, 2019