

KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

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To:

WA Dept. of Ecology - Yakima
WA Dept. of Ecology - SEPA Registry
WA Department of Natural Resources - Ellensburg
WA Department of Fish and Wildlife - Ellensburg
Yakama Nation
Yakama Nation - Dept. of Natural Resources
Kittitas County Board of County Commissioners
Kittitas County Sheriff's Dept.
Kittitas County Fire Marshal
Kittitas County Fire District #7

Kittitas County Environmental Health
Kittitas County Solid Waste Programs
Kittitas County Public Works
CWU Library
Cle Elum-Roslyn School District
Adjacent Property Owners
Applicant

From:

Joanna Valencia, Staff Planner ✓

Date:

November 8, 2007

Subject:

**NOTICE OF APPLICATION FOR A 14-LOT PERFORMANCE BASED CLUSTER PLAT:
Fremmerlid Preliminary Plat (File No. P-07-34)**

Application from Mark Fremmerlid, landowner, for a 14-lot Performance Based Cluster Plat pursuant to Kittitas County Code 16.09 on approximately 21.00 acres of land that is zoned Rural-3. Location: north of SR-970, south of Red Bridge Road, and east of Wiehl Road on Red Bridge Road, Cle Elum, WA 98922 located with a portion of the East ½ of Section 26, T. 20N., R. 16E., W.M., in Kittitas County. Map number 20-16-25000-0013.

A copy of the submitted environmental checklist and related application materials for this proposal were previously mailed to you for review on July 10, 2007 as part of a Notice of Application. If you did not receive any of these documents, or require additional information, please contact our office.

Enclosed please find a Notice of Action/Public Hearing and Mitigated Determination of Non-Significance (MDNS) for the referenced proposal. These documents do not constitute approval of this application, but rather a threshold determination that the proposed project would not have a significant adverse environmental impact.

Any action to set aside, enjoin, review, or otherwise challenge such administrative SEPA action on the grounds of noncompliance with the provisions of chapter 43.21RCW shall be commenced **before November 27, 2007 at 5:00 p.m.** to the Kittitas County Board of Commissioners, Rm. 108, County Courthouse, Ellensburg, WA 98926.

An open record hearing is scheduled before the Kittitas County Planning Commission on November 27, 2007 at 6:30 p.m. in the Commissioner's Auditorium, Kittitas County Courthouse. Anyone with an interest in this matter is urged to attend said hearing where testimony will be taken. Written comments will be received and documents may be viewed at the CDS office prior to the hearing. Interested persons are encouraged to verify hearing date and time prior to attending by contacting the CDS office.

If you have any questions please do not hesitate to contact us at (509) 962-7506.

Please retain all enclosed materials.

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

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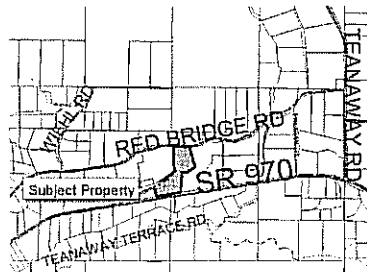
Notice of SEPA Action/Public Hearing

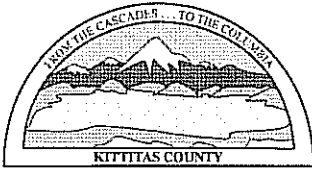
NOTICE IS HEREBY given that pursuant to 43.21C RCW (SEPA), Kittitas County Community Development Services did on November 8, 2007 make a Mitigated Determination of Nonsignificance (MDNS) on an application from Mark Fremmerlid, landowner, for a 14-lot Performance Based Cluster Plat pursuant to Kittitas County Code 16.09 on approximately 21.00 acres of land that is zoned Rural-3. Location: north of SR-970, south of Red Bridge Road, and east of Wiehl Road on Red Bridge Road, Cle Elum, WA 98922 located with a portion of the East 1/2 of Section 26, T20N, R16E, WM, in Kittitas County. Map number 20-16-25000-0013.

Any action to set aside, enjoin, review, or otherwise challenge such administrative SEPA action on the grounds of noncompliance with the provisions of chapter 43.21RCW shall be commenced **on or before November 27, 2007 at 5:00 p.m.** to the Kittitas County Board of Commissioners, Rm. 108, County Courthouse, Ellensburg, WA. 98926. The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926. Staff Planner: Joanna Valencia.

NOTICE IS HEREBY given that a hearing on said application before the Kittitas County Planning Commission has been scheduled for **November 27, 2007 at 6:30 p.m.** in the Kittitas County Courthouse Auditorium, Ellensburg, WA 98926. Anyone with an interest in this matter is urged to attend said hearing where testimony will be taken. Written comments will be received and documents may be viewed at the above address prior to the hearing. Interested persons are encouraged to verify by contacting CDS prior to attending.

Date: November 8, 2007, Publish: November 13 and November 20, 2007 Daily Record and November 15, 2007 Northern Kittitas County Tribune





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SEPA MITIGATED DETERMINATION OF NONSIGNIFICANCE

File: Fremmerlid 14-Lot Performance Based Cluster Plat (P-07-34)

Proponent: Mark Fremmerlid
16838 234th Way SE
Maple Valley, WA 98038

Location: North of SR-970, south of Red Bridge Road, and east of Wiehl Road on Red Bridge Road, Cle Elum, WA 98922 located with a portion of the East 1/2 of Section 26, T20N, R16E, WM, in Kittitas County. Map number 20-16-25000-0013.

Lead Agency: Kittitas County Community Development Services

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. The lead agency for this proposal has also determined that certain mitigation measures are necessary in order to issue a Determination of Non-Significance for this proposal. Failure to comply with the mitigation measures identified hereafter will result in the issuance of a Determination of Significance (DS) for this project. These mitigation measures include the following:

I. Water and Septic

- a. Withdrawals of groundwater on the subject property will be subject to the rules and regulations adopted and administrated by the Washington State Department of Ecology. The applicant shall contact the Washington State Department of Ecology for requirements at (509) 454-7289.
- b. The applicant will develop a Group A Water System for the project. The Group A Water System shall be designed by a licensed engineer and approved by the Washington State Department of Health. The Group A water system shall be completed prior to final plat approval. The applicant, through the submittal of a letter (dated September 20, 2007 from Joe Mentor, Jr. of Mentor Law Group, PLLC) containing a Water Rights Analysis has indicated the availability of water rights to service this project along with the other three proposed clusters (Cameron, Gleason, and Taylor Plats). Demonstration of adequate water rights in relation to development of a Group A Water System shall be completed prior to final approval. Exempt wells shall not be used to service the project. Any deviations to the water system requirements shall undergo further environmental and plat review.
- c. All waters/waterways/ditches/springs located on the subject property shall be delineated and shown on the final mylars. Improvements to such water features shall not impact on-site and off-site use.
- d. Erosion control measure must be in place prior to any clearing, grading or construction. These control measures must prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. The applicant shall contact the Washington State Department of Ecology regarding requirements if there is a potential for discharge from a construction site larger than one acre.
- e. The applicant shall contact the Washington State Department of Ecology regarding the requirements from a Stormwater Prevention Plan (Erosion Sediment Control Plan) for all construction sites.

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

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- f. Stormwater: On-site stormwater management that conforms to the specifications of the most current version of the Stormwater Management Manual for Eastern Washington is required of this development. Stormwater systems shall be designed to store stormwater generated by a 24-hour, 25-year storm event. Stormwater system designs shall be prepared and stamped by a civil engineer licensed in the State of Washington. The stormwater system construction and a copy of the design shall be included with the road certification and is required prior to the issuance of a building permit.
- g. Stormwater and surface runoff generated by this project shall be retained and treated on-site in accordance with regulating agencies' standards. Stormwater and surface runoff shall not be allowed to flow onto WSDOT rights-of-way.
- h. A hydrological analysis of the local area to determine the cumulative effect of the development on the withdrawal of groundwater and its relation to in-stream flow, temperatures, and the resulting biological effects. The applicant shall be responsible for implementing the recommendations contained within the analysis.
- i. All development shall comply with the Kittitas County Shoreline Master Program.
- j. Per the Kittitas County Shoreline Master Program, a minimum 200 foot buffer from the Ordinary High Water Mark (OHWM) for development shall be maintained along Teanaway River. The buffer shall be maintained by the owner or applicable maintenance associations. Maintenance of the buffer shall be addresses in applicable Restrictive Covenants (CCRs), Homeowner's Association Bylaws and other documents as applicable. The 200 foot buffer and location of the Ordinary High Water Mark (OHWM) shall be shown on the final mylar.
- k. Site grading shall comply with Kittitas County Code 14.08.
- l. 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. Plans shall be submitted for review and approval to CDS and Public Works prior to development.

II. Transportation

- a. The project will be subject to the rules and regulations of the Kittitas County Road Standards, and the Conditional Preliminary Approval dated October 25, 2007.
- b. SR-970 and Red Bridge Road Intersection: Based on the results of a Traffic Impact Analysis of the Gleason Properties, Cameron, Taylor, and Fremmerlid Performance Based Cluster Plats, the following mitigation measure will be required. The Traffic Impact Analysis identified that the additional traffic generated by the development warrants a left turn lane at the intersection of SR 970 and Red Bridge Road. The applicant shall be responsible for all of the costs associated with the realignment and construction of a left turn lane in the eastbound direction of the SR 970 and Red Bridge Road Intersection.
- c. Provisions shall be included in the site development plan for appropriate snow storage and disposal per the stormwater requirements and approved by Kittitas County.
- d. The applicant shall submit plans for maintenance of this facility (e.g. snowplowing, road maintenance, vegetation, etc.). This shall be addressed via the development of a formal Road Maintenance Agreement or similar means.

III. Land Use and Recreation

- a. The applicant will place 51% of the land, 10.70 acres, in Open Space for perpetuity and designate the open space area on the final Mylar.
- b. The applicant will provide passive recreation such as bird watching and wildlife viewing areas along with picnicking areas within the designated open space area and project site.
- c. The applicant will provide active recreation activities such as trails throughout the designated open space area and project site.
- d. Proposed Restrictive Covenants (CCRs), Homeowner's Association Bylaws and applicable documents, and proposals related to roads, Group A Water System, On Site Sewage, recreation and open space need to be reviewed, approved and recorded as appropriate for consistency with the applicant's proposal and KCC 16.09 for final approval. Any conditions of approval of the Group A Water System

and On Site Sewage shall be a condition of the final plat approval and included as a plat note as appropriate.

- e. The subject property was part of the NW Pacific Development Rezone (File No. Z-05-30). All conditions as identified in the rezone shall continue to apply for the project and subject parcels.
- f. 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).
- g. Pursuant to Kittitas County Code 16.18.080, a plat note regarding the irrigation systems is required for lots 3 acres or less in size. The note shall read as follows: "Lots shall be required to irrigate their individual lot or lots by the use of either a sprinkler irrigation system or a drip irrigation system (Ord. 84-6 (part), 1984)."
- h. All proposals of the applicant as contained in their application that are not in conflict with these mitigations shall be conditions of approval and shall be considered as mitigations.
- i. Prior to final plat approval, any features of the project incurred as a result of bonus density shall be fully constructed or bonded for.

IV. Air

- a. A Fugitive Dust Control Plan (FDCP) shall be developed and implemented during construction of the project and duration of activity on the property in order to control blowing dust and dirt.
- b. The use of woodstoves shall be prohibited.

V. Light and Glare and Aesthetics

- a. Any on-site lighting shall be downward shaded and directed on-site, and away from SR-970.
- b. Any outdoor advertising or motorist signage for this project shall comply with state criteria. The applicant shall contact Rick Gifford of the WSDOT South Central Regional Office at (509) 577-1985 for requirements.
- c. Metal roofs with a reflective glare shall not be allowed.
- d. Trees and landscaping should be planted and maintained along all streetscapes and the perimeter of the residential clusters in order to reduce impacts of lighting or glare on existing and future residential areas.

VI. Plants and Wildlife

- a. If fencing is to be used, it should be a two-rail split fence design no greater than 42 inches in height in order to facilitate wildlife passage.

VII. Noise

- a. Construction activities shall comply with KCC 9.45 (Noise). Construction activities shall comply with KCC 9.45 (Noise). Construction hours shall be from 7:00am to 7:00 pm.
- b. It is the developer's responsibility to dampen or deflect any traffic noise for this development. It shall not be the responsibility of WSDOT to create noise dampening facilities or structures within this development.

VIII. Cultural

- a. 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. Kittitas County Community Development Services, the State Historic Preservation Office and the Yakama Nation, as relevant, shall be immediately consulted.

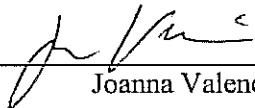
IX. Utilities and Services

- a. All lots must be provided with adequate fire flow.

- b. All development must comply with International Fire Code (IFC) and Appendices.
- c. A private fire service hydrant system shall be required per International Fire Code. Water storage and hydrant shall comply with the International Fire Code. The requirements for private water systems for fire suppression may be reduced when Firewise building materials and landscaping are use, subject to review and approval by the Fire Marshall and Fire District 7.
- d. The Group A Water System will abide by the requirements of the KC Fire Marshall for fire flow and placement of fire hydrants.
- e. The minimum road width shall not be less than 20' in width.
- f. The minimum fire flow requirements for the residential structures shall be no lest than 1,000 gallons per minute.
- g. "No Parking- Fire Lane" signs must be posted at all cul-de-sacs per International Fire Code requirements.
- h. All cul-de-sacs must have a minimum turning radius of 50 feet.
- i. Construction documents for the proposed fire apparatus access, fire lands, and hydraulic calculations for the fire hydrant system or water storage shall be submitted to Fire District 7 and the Fire Marshall's Office for review and approval prior to construction.
- j. Mail routes shall be approved by the postmaster. The U.S. Postal Service requires that private roads with 6 or more residences install USPS approved Cluster Box Units (CBUs) at a safe location at the mouth of the private road. The postmaster shall also approve mailbox locations. Mailbox locations shall not create sight obstructions.
- k. 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.

This MDNS is issued under WAC 197-11-350. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action's procedural compliance with the provisions of Chapter 197-11 WAC shall be commenced before 5:00 PM, November 27, 2007.

**Responsible
Official:**



Joanna Valencia

Title: Staff Planner

Address: Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
(509) 962-7506 FAX 962-7682

Date: November 8, 2007

Pursuant to Chapter 15A.07 KCC, this MDNS may be appealed by submitting specific factual objections in writing with a fee of \$300.00 to the Kittitas County Board of Commissioners, Kittitas County Courthouse Room 110, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00 PM, November 27, 2007. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.