



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

STAFF REPORT ALYSSA PRELIMINARY PLAT

TO: Kittitas County Hearing Examiner
FROM: Kittitas County Community Development Services Staff
RE: Alyssa Preliminary Plat (LP-08-00031)
DATE: December 10, 2009

I. GENERAL INFORMATION

Requested Action: Preliminary plat approval of a five lot long plat on a 25.01 acre parcel. All lots are proposed to be approximately five acres in size. The zoning is AG-5. Proposed lots will be served by include individual domestic wells and individual onsite septic systems. Access to the site is off of Westside Road via South Cle Elum Ridge Road (aka Forest Service Road No. 3350) and Rocky Mountain Road/Anders Drive. Secondary access is proposed through the Apple Tree Plat Amendment that connects into Hidden Springs Road and the County's Graham Road. This secondary access will be constructed prior to the issuance of a building permit. Shared and individual driveways will be constructed to each building site.

Location: The property is located east of South Cle Elum Ridge Road and south of Westside Road, in Cle Elum, WA located in a portion of the South ½ of Section 9, T19N, R15E, WM. in Kittitas County. Map number: 19-15-09050-0002.

II. SITE INFORMATION

Total Project Size: 25.01 acres
Number of Lots: 5
Domestic Water: Individual wells
Sewage Disposal: Individual on-site septic system
Power/Electricity: Puget Sound Energy
Fire Protection: Fire District #7
Irrigation District: Not applicable

Site Characteristics: The area is generally a recently logged forested with areas of steeper slopes.

Surrounding Properties:

North: Vacant, zoned Forest & Range

South: Vacant, zoned Forest & Range

East: Vacant, zoned Forest & Range & Rural 5

West: Vacant, zoned Forest & Range

Access: Access to the site is off of Westside Road via South Cle Elum Ridge Road (aka Forest Service Road No. 3350) and Rocky Mountain Road/Anders Drive. Secondary access is proposed through the Apple Tree Plat Amendment that connects into Hidden Springs Road and the County's Graham Road. This secondary access will be constructed prior to the issuance of a building permit. Shared and individual driveways will be constructed to each building site.

Zoning and Development Standards: The subject property is zoned Rural-5. The purpose and intent of the Rural-5 zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in siting Rural-5 zones will be to minimize adverse effects on adjacent natural resource lands

Lot Size: Five acres for lots served by individual wells and septic tank (KCC 17.030A.040).

Setbacks: There shall be a minimum front yard setback of twenty-five feet. Side and rear yard setbacks shall be fifteen feet (KCC 17.030A.050).

Preliminary Plats: The requirements of KCC Chapter 16.12, "Subdivisions: Preliminary Plats," apply to the design and review requirements for approval of major subdivisions of five or more lots, parcels or tracts.

III. ADMINISTRATIVE REVIEW

Notice of Application: A long plat application was submitted to Community Development Services on November 19, 2008. The Notice of Application for the preliminary plat application was issued on October 26, 2009. 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 November 2, 2009.

Posting of Site: In accordance with Kittitas County code 15A.030.110, this project was accurately posted with the "Land Use Action" sign as provided by Community Development Services. The Affidavit of Posting was signed on December 12, 2008 by the applicant, returned to Community Development Services, and is included as part of the 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 future housing developments in Rural areas. These goals and policies were developed in response to existing housing conditions and identified needs within the county. These goals and policies support the County Wide Planning Policies:

GPO 3.1 Provide a sufficient number of housing units for future populations in rural areas of Kittitas County;

GPO 3.6 Provide for future populations while protecting individual property rights;

GPO 3.17 Provide a sufficient number of housing units for future populations while maintaining the rural character of Kittitas County;

GPO 3.18 Provide sufficient housing units while maintaining environmental quality;

GPO 8.5 Kittitas County recognizes and agrees with the need for continued diversity in densities and uses on Rural Lands; and

GPO 8.46 Residential development in rural lands must be in areas that can support adequate private water and sewer systems.

V. ENVIRONMENTAL REVIEW

Based on review of the submitted application materials, correspondence received during the comment period Kittitas County issued a Determination of Nonsignificance (DNS) on November 20, 2009 in accordance with WAC 197-11-355 (Optional DNS process). The appeal period ended on December 7, 2009, no appeals were filed.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included as Exhibits in the Hearing Examiner packet.

No written comments were received from the public.

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.

Comprehensive Plan Consistency:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan, including those listed above in section IV of this report. The proposed subdivision will be adequately served by rural levels of service. The lots will be served by individual wells and individual onsite septic systems.

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 portions of the site have areas of 25-50% steep slopes. No other critical areas were identified on site.

Development on steep slopes will be required to comply with adopted building codes, particularly IRC Section R403.1.7 and IBC Section 1805.3.1. As conditioned, the proposed development is consistent with the provisions of KCC Title 17A.

Consistency with the provisions of KCC 16.12: Preliminary Plat Subdivision Code:

The application contained all required elements necessary to review this proposal with the exception of soil logs, which will be required prior to final plat approval. All proposed lots meet the dimensional standards of KCC 17.30A for lots zoned Rural-5. As conditioned, this proposal is consistent with the Kittitas County Subdivision Code for Preliminary Plats.

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

The Department of Public Works has reviewed this proposal for consistency with KCC Title 12 Roads and Bridges. Several conditions have been applied to the construction of onsite private roads, as outlined in the July November 4, 2009 memorandum issued by the Department of Public Works, which will be required prior to issuance of a building permit. As conditioned, the proposal is consistent with the provisions of KCC Title 12.

Agency Comments:

The following agencies provided comments during the comment period: Kittitas County Department of Public Works, Kittitas County Public Health Department, and Kittitas County Fire Marshal's Office. Where appropriate, these comments have been included as conditions of approval.

Public Comments:

No written comments were received from the public.

VIII. RECOMMENDATION

As conditioned below, the application does not appear to be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 12 and Title 16.12 of the Kittitas County Code and the Kittitas County Comprehensive Plan. Staff recommends approval of the Alyssa Plat Preliminary Plat; file number (LP-08-00031), subject to the following findings of fact and conditions:

Suggested Findings of Fact

1. Property Holdings & Speculation LC, landowner, has submitted a Preliminary Plat application to subdivide approximately 25.01 acres into 5 lots on land that is currently zoned Rural 5.
2. The proposed lot sizes are approximately five acres in size. The project is proposed to be served individual domestic wells and individual onsite septic systems.
3. The property is located east of South Cle Elum Ridge Road and south of Westside Road, in Cle Elum, WA located in a portion of the South ½ of Section 9, T19N, R15E, WM. in Kittitas County. Map number: 19-15-09050-0002..
4. Site Information:

Total Project Size:	25.01 acres
Number of Lots:	5
Domestic Water:	Individual wells
Sewage Disposal:	Individual on-site septic system
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District #7
Irrigation District:	Not applicable
5. Site Characteristics: The area has recently been logged and is forested with areas of steep slopes.
6. Surrounding Properties:
 - a. North: Vacant, zoned Forest & Range
 - b. South: Vacant, zoned Forest & Range
 - c. East: Vacant, zoned Forest & Range & Rural 5
 - d. West: Vacant, zoned Forest & Range
7. The Comprehensive Plan designation is “Rural.”
8. The subject property is zoned Rural 5, which allows for one residential unit per 5 acres.
9. A long plat application was submitted to Community Development Services on November 19, 2008. The Notice of Application for the preliminary plat application was issued on October 26, 2009. 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 November 2, 2009.
10. In accordance with Kittitas County code 15A.030.110, this project was accurately posted with the “Land Use Action” sign as provided by Community Development Services. The Affidavit of Posting was signed on December 9, 2009 by the applicant and returned to Community Development Services, and is included as part of the record.

11. Kittitas County issued a Determination of Nonsignificance (DNS) on November 20, 2009 in accordance with WAC 197-11-355 (Optional DNS process). No appeals were filed.
12. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The proposed subdivision will be adequately served by rural levels of service. The lots will be served by individual domestic wells and individual onsite septic systems.
13. Staff has conducted and an administrative critical area review in accordance with KCC 17A and found that portions of the site have areas of 25-50% steep slopes. As conditioned, the proposed development is consistent with the provisions of KCC Title 17A.
14. As conditioned, this proposal is consistent with the Kittitas County Subdivision Code Chapter 16.12 for Preliminary Plats.
15. The Department of Public Works has reviewed this proposal for consistency with KCC Title 12 Roads and Bridges. Several conditions have been applied to the second access and the construction of onsite private roads, as outlined in the November 4, 2009 memorandum issued by the Department of Public Works, which will be required prior to issuance of a building permit. As conditioned, the proposal is consistent with the provisions of KCC Title 12.
16. The following agencies provided comments during the comment period: Kittitas County Department of Public Works, Kittitas County Public Health Department and the Kittitas County Fire Marshal's Office. These comments have been included as conditions of approval to address these agency concerns.

Suggested 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 16 Subdivision, Title 17 Zoning, Title 17A Critical Areas, Title 15 Environmental, and Title 12 Roads and Bridges.

Suggested Conditions of Approval:

1. The project shall proceed in substantial conformance with the plans and application materials on file dated November 19, 2009 except as amended by the conditions herein.
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. It is the responsibility of the applicant to contact the Kittitas County Assessor's and Treasurer's offices to confirm all taxes are current prior to final plat approval.

Platting Standards, Building, and Zoning Code:

4. The following note shall be placed on the face of the final plat:
The placement of buildings and structures on or adjacent to ascending or descending slopes steeper than 1 unit vertical in 3 units horizontal (33.3-percent slope) shall conform to the building setback requirements of current adopted building codes (IRC Section R403.1.7 and IBC Section 1805.3.1). Alternate setbacks and clearances are permitted, subject to the approval of the building official. The building official is permitted to require an investigation and recommendation of a qualified engineer to demonstrate the requirements necessary to construct a building on or adjacent to ascending or descending slopes. Such an investigation shall include consideration of material, height of slope, slope gradient, load intensity and erosion characteristics of slope material.
5. A plat note discussing the spread of noxious weeds shall be shown on the plat and shall read: “*Per RCW 17.10.140 Landowners are responsible for controlling and preventing the spread of noxious weeds, accordingly, the Kittitas County Noxious Weed Board recommends immediate reseeding of areas disturbed by development to preclude the proliferation of noxious weeds.*”
6. Final mylars shall be submitted in accordance to KCC 16.20: Final Plats. All applicable survey data and dedications shall be reflected pursuant to KCC 16.24: Survey Data-Dedications.
7. Both final plat sheets shall reflect the Plat number: LP-08-00031.

Cultural Resources and Historic Preservation:

8. Archaeological resources are protected under state law (RCW 27.53.060, 27.44.040, 27.44.055); however no comments regarding cultural or archeological resources were received from the Department of Archaeology and Historic Preservation or the Yakama Nation indicating the presence of cultural or archaeological resources at this site. If items of possible cultural or historic significance are encountered during construction activities, work shall be immediately halted within the area 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.

Transportation and Infrastructure:

9. Second Access: A second access is required of this project. Prior to final approval, the applicant must submit a route that has easement or other access rights secured and recorded to Public Works for approval. The second access must conform to Kittitas County Road Standards and the second access requirements as clarified by the Board of County Commissioners on April 2, 2007. The BOCC clarified KCRS 12.01.095(2) with the following requirements: 1) If the second access is restricted to emergency access only, it must meet or exceed the following requirements: 60’ easement, 20’ roadway width, BST/ACP surface, and a paved apron. Access restrictions such as gates or bollards must be approved by the Fire Marshall; 2) If the second access is to be used for ingress and egress, it must meet the same standards of the first access.

Kittitas County Public Works may apply additional conditions to the second access prior to approval. If the second access does not conform to Kittitas County Road Standards, the project may be required to be reopened to public comment due to changed circumstances.

10. Timing of Improvements: This application is subject to the latest revision of the Kittitas County Road Standards, dated 9/6/05. The following conditions apply and must be completed prior to the issuance of a building permit for any of the residence within this plat. A Performance Bond or acceptable financial guarantee may be used, in lieu of the required improvements, per the conditions outlined in the current Kittitas County Road Standards.
11. Private Road Certification: Private roads serving any of the lots within this development shall be inspected and certified by a licensed professional engineer for conformance with current Kittitas County Road Standards, 9/6/05 edition. Kittitas County Public Works shall require this road certification to be completed prior to the issuance of a building permit for any of the structures within the proposed plat.
12. Second Access: The second access route shall be shown on the final plat or within the vicinity map.
13. Improvements to South Cle Elum Ridge Road and Rocky Mountain Road: From Westside Road to the entrance to the Plat, access roads shall be constructed as High Density Private Roads that serve 40+ lots.
14. Emergency Turnaround: A cul-de-sac or hammerhead turn-around shall be constructed at the end of Rocky Mountain Road. A cul-de-sac shall have an outside right-of-way or easement diameter of at least 110 feet and the driving surface shall be at least 96 feet in diameter. Hammerheads and cul-de-sacs must also conform to the requirements specified by the 2006 International Fire Code. Contact the Fire Marshal regarding any additional turnaround requirements.
15. Joint-Use Driveway: A joint-use access shall serve no more than two tax parcels. See Kittitas County Road Standards, 9/6/05 edition.
 - a) Access easements shall be a minimum of 20' wide. The roadway width shall have a minimum width of 12'.
 - b) The surface requirement is for a minimum gravel surface depth of 6".
 - c) Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
 - d) Any further subdivision or lots to be served by proposed access may result in further access requirements.
16. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
17. Lot Closure: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
18. Access Permit: An approved access permit shall be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right of way.
19. Addressing: Contact the Kittitas County Rural Addressing Coordinator at (509) 962-7523 to obtain addresses prior to obtaining a building permit. A parcel cannot receive a building permit or utilities until such parcel is identified with a 911 address.
20. Fire Protection: Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.
21. Mailbox Placement: 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. Contact your local Post Office for location and additional design requirements before beginning construction.

22. Private roads shall meet the following conditions:

- a) Private roads shall meet the minimum access requirements of the International Fire Code as adopted by the County, and
- b) Shall be designed and constructed in conformance with AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400) 2001, as now exists or hereafter amended, and
- c) Shall be inspected and certified by a licensed professional engineer for conformance with the above referenced standards. In the alternative, an applicant may request the private roadway to be inspected and subject to the approval of the Public Works Director. If certification by the public Works Director/County Engineer is desired, submission of road plans and necessary testing documentation that confirms compliance with Kittitas County Road Standards is required, and services will be performed on a reimbursable basis, and
- d) Permanently established by an easement recorded with the Kittitas County Auditor or right-of-way, providing legal access to each affected lot, dwelling unit, or business, and
- e) Will not result in land locking of existing or proposed parcels, and
- f) Maintained by the developer or legally responsible owner or homeowners' association or other legal entity made up of all benefited property owners, under the provisions of an acceptable and recorded "Private Road Maintenance Agreement", and
- g) Clearly described on the face of the plat, short plat, or other development authorization and clearly signed at street location as a private street or road, for the maintenance of which Kittitas County is not responsible and a disclosure statement of the same is filed with the County Auditor, and
- h) The following note shall be placed on the face of the plat, short plat, or other development authorization:
"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."

Fire Marshal

- 23. All future development must comply with the 2006 International Fire Code, International Building Code, and Kittitas County Codes and all other development agreements.
- 24. All current and future land owners must comply with the 2006 International Fire Code.
- 25. No slope or grade for any road shall be greater than 12%.

Water and Stormwater:

- 26. No water right records associated with this property were found in the Department of Ecology Central Regional Office. WAC 173-593A, known as the Upper Kittitas County Emergency Ground Water Rule, withdraws all new appropriations of ground water within the upper Kittitas County during the pendency of a ground water study. The rule does allow for new uses of ground water if a building permit has been granted and vested prior to July 16, 2009 , or for projects which are determined by Ecology to be water budget neutral.

The applicant shall apply to Ecology for a permit to appropriate public ground water or, if seeking to use the ground water exemption, shall submit to Ecology a request for determination that the proposed

exempt use would be water budget neutral. The rule establishes a pathway for parties to develop water budget neutral projects by identifying water rights that can be placed into Ecology's trust water fight program to offset their consumptive use of ground water.

27. Final approval of this plat is conditions upon the developer/owner of the plat providing proof of water availability. Water availability can be provided through submittal of a water availability report with documentation and evidence to support the claim regarding adequate availability of groundwater for the proposed number of potable water wells.
28. Final approval of this plat is conditioned upon the applicant obtaining a Determination of Water Neutrality from the Washington State Department of Ecology. At final approval, if the applicant can show that under the then existing Upper Kittitas County Ground Water Rule such a determination is not required, then the applicant may be released from this condition. In order to secure such a release the applicant must prove that either the withdraw had already commenced before July 16th, 2009 or that the Upper Kittitas county Ground Water Rule has changed and that under the new rule the applicant is not required to obtain a Determination of Water Neutrality and the applicant has meet all the conditions that are required by the new rule.
29. The following notes shall be included on the final plat:
 - a. The approval of this division of land includes no guarantee that there is a legal right to withdraw groundwater within the land division. The approval of this division of land provides no guarantee that use of water under the ground water exemption (RCW 90.44.0550) for this plat or any portion thereof will not be subject to curtailment by the Department of Ecology of a court of law.
 - b. Metering will be required on all new residential well connections and metering results shall be recorded in a manner consistent with Kittitas County and Washington State Department of Ecology requirements.
30. Any surface water diversion will require application to the Department of Ecology for a water right permit.
31. Construction of any dam or dike which is capable of impounding water to a depth of 10 feet or more at any point, or will impound a volume of 10 acre feet or more at normal pool level, will require a reservoir permit from the Department of Ecology prior to construction.
32. If the proposal changes and one or more public water systems are proposed to supply some or all of the 9 lots, then the applicant must gain Department of Health approval of these systems before construction begins.
33. Note that additional valid water rights may be required for irrigation water. If irrigation is not available through an irrigation district, the Department of Ecology encourages the use of covenants to help property owners stay within the group water exemption criteria until a valid water right is obtained for irrigation.
34. 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.
35. 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.

Wastewater

36. Soil Logs: Public Health staff has identified drainage issues on this site that may affect septic and lot layout. Soil log testing may result in requirements that lots are resized or reconfigured, or that the total number of lots must be reduced. Prior to final plat approval the applicant must contact Kittitas County Department of Health to schedule soil logs to be taken on the site in order to demonstrate the suitability of soils for onsite septic, as required by KCC 16.12.030.F.

Air Quality

37. The proponent should create a site-specific Fugitive Dust Control Plan (FDCP) before starting this project, and then follow the plan for the construction of the project and the duration of activity on property.
38. Washington Administrative Code (WAC) 173-400-040 requires that reasonable precautions be taken to prevent dust from leaving the site. Also, dust is prohibited from interfering unreasonably with the use and enjoyment of property, causing health impacts, or damaging property or business.