

**Preliminary Development Plan Requirements**

**Exhibit #14.**

**Additional SEPA Reviews**

**BOARD OF COUNTY COMMISSIONERS  
COUNTY OF KITTITAS STATE OF WASHINGTON**

**ORDINANCE NO. 2007 - 21**

**TEANAWAY RIDGE AND SINCLAIR REZONE (Z-06-57)**

**IN THE MATTER OF AMENDING THE KITTITAS COUNTY ZONING ATLAS FOR A  
PORTION OF SECTIONS 21, 22 AND 28 OF TOWNSHIP 18 N., RANGE 18 E., FROM  
COMMERCIAL AGRICULTURE AND AGRICULTURE-20 TO AGRICULTURE-3 FOR  
APPROXIMATELY 130.06 ACRES**

**WHEREAS**, according to Kittitas County Code Titles 15A & 17, relating to general rezones, adopted pursuant to RCW 36.70B & 36.70 respectively, and according to Kittitas County Code Title 16, relating to Subdivision of Land, adopted pursuant to RCW 58.17, an open record hearing continued from March 27, 2007 was held by the Kittitas County Planning Commission on April 24, 2007 for the purpose of considering a zone change consisting of approximately 130.06 acres from Commercial Agriculture and Agriculture-20 to Agriculture-3 described as being

ALL OF AND PORTIONS OF A PARCELS LYING NORTH OF DRY CREEK ROAD, EAST OF FAUST ROAD, WEST OF REECER CREEK ROAD, AND SOUTH OF HUNGRY JUNCTION ROAD AT 2910 AND 2912 FAUST ROAD, ELLENSBURG, WA 98926, WITHIN A PORTION OF SECTIONS 21, 22, and 28, T.18N., R.18E., W.M. in Kittitas County. Parcel numbers 18-18-21040-0001, 18-18-21040-0006, 18-18-22030-0010, and 18-18-28000-0001.

**WHEREAS**, testimony was taken from those persons present who wished to be heard during said open record hearing before the Planning Commission; and,

**WHEREAS**, due notice of the hearing had been given as required by law, and the necessary inquiry has been made into the public interest to be served by such zone change; and,

**WHEREAS**, the Planning Commission continued the April 24, 2007 hearing to May 8, 2007 to address testimony received; and,

**WHEREAS**, the Planning Commission at the April 24, 2007 hearing left the written comment period deadline open until April 27, 2007 at 12:00pm to provide for opportunity for interested parties to submit additional written testimony; and,

**WHEREAS**, the Planning Commission held a continued hearing on May 8, 2007 at 6:30pm for discussion and deliberation. The record was closed at said hearing. The Planning Commission discussed and deliberated the project at said hearing and voted to forward their recommendation of denial to the Board of County Commissioners by a vote of 5-0(1 member abstaining) and directed staff to prepare findings of fact for the May 22, 2007 Planning Commission Meeting; and,

**WHEREAS**, a closed record public meeting was held by the Board of County Commissioners on June 19,

2007 to consider the Planning Commission's recommendation on this matter; and,

**WHEREAS**, the following FINDINGS OF FACT and CONCLUSIONS AT LAW have been made concerning said proposed rezone:

1. Terra Design Group and Jeff Slothower, authorized agents for Teanaway Ridge LLC, Arthur Sinclair and Basil Sinclair, landowners have submitted an application for a general zone change from Commercial Agriculture and Agriculture-20 to Agriculture-3 for approximately 130.06 acres. The subject parcels are north of Dry Creek Road, east of Faust Road, west of Reecer Creek Road, and south of Hungry Junction Road at 2910 and 2912 Faust Road, Ellensburg, WA 98926 a portion of Sections 21, 22, and 28, T.18N., R.18E., W.M. in Kittitas County. Parcel numbers 18-18-21040-0001, 18-18-21040-0006, 18-18-22030-0010, and 18-18-28000-0001.
2. The subject property is currently used for agriculture. Currently on-site are two existing single family residences and agriculture related buildings. Surrounding uses include a mixture of uses which includes residential and agricultural.
3. The zoning to the north and portions of the west of the subject parcels is Commercial Agriculture, to the east and portion of the west is Agriculture-3, and portions to the south are Agriculture-3, Agriculture-20, and Suburban-1.
4. The majority of the 130.06 acres is currently zoned Commercial Agriculture, with approximately 3 acres of the site being zoned Agriculture-20.
5. A Notice of Application was issued on February 6, 2007. 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.
6. A corrected legal and notice was issued on February 8, 2007 to identify the current zone of the properties inadvertently identified as Commercial Forest.
7. Written comments were solicited and the final date to submit written comments was on March 9, 2007 by 5:00pm. Comments were received and were routed to you as part of your packet.
8. Based on the review of the submitted application materials (including an environmental checklist), correspondence received during the 30 day comment period and other information on file with our office, a SEPA Mitigated Determination of Non-Significance (MDNS) was issued by Kittitas County Community Development Services on March 13, 2007. A corrected notice was issued on March 15, 2007 to identify the correct zone. Notice of said determination was provided to all existing parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code. No SEPA appeals were received for the project. The issued MDNS contained the following mitigations:
  - I. Transportation
    - A. At the time of project action, the applicant shall submit a stamped traffic impact analysis

from an engineer licensed in the State of Washington considering, among other factors, intersection spacing, sight distances, traffic volumes, load bearing capacity of soils, pavement thickness design, etc. The traffic analysis shall also include an analysis of impacted intersections. These intersections include, but are not limited to, SR 97 and Faust Road, Dry Creek and Faust Road, Reecer Creek Road and Bowers Road, Bender Road, and University Way, and the intersections of access roads and county roads. The proposed accesses to the rezone property are Reecer Creek Road, Faust Road, and Dry Creek Road. The applicant shall contact the Department of Public Works to meet such requirement.

- B. Any future subdivision or development of the properties involved will be subject to review by WSDOT for their impacts to the WSDOT system.
- C. Any future subdivision or development of the properties involved within this rezone will result in the enactment of road standards review and will require road improvements to be made that comply with all applicable agency standards including Kittitas County Road Standards (See Kittitas County Road Standards, as adopted 9/06/05). Certification that road improvements comply with all applicable Kittitas County Road Standards is required from an engineer licensed in the State of Washington before any building permits are issued.
- D. The applicant shall acquire the appropriate access permits to the site per the requirements of Kittitas County Department of Public Works.
- E. For any future subdivision or development of the properties involved within the rezone, the proponent shall be responsible for facilitating all coordination between interested parties in order to obtain all necessary legal and physical rights for ingress and egress to the proposed subdivision or development. The proponent shall be responsible for establishing a Private Road Maintenance Agreement to address maintenance of any future road systems as applicable.

## II. Water

- A. For any future development that exceeds 1 acre in size, a National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit shall be required. It is the applicant's responsibility to complete such requirement with the Department of Ecology.
- B. Withdrawals of groundwater on the subject property will be subject to the rules & regulations adopted and administrated by the Washington State Department of Ecology.
- C. For any future development, a wetlands determination and possible subsequent delineation shall be conducted to address impacts to wetlands located in the project site.
- D. For any future development, impacts to the flood zones identified within the subject property shall be addressed to ensure consistency with Kittitas County Title 14.08 and Title 17A.

## III. Services

- A. Any future development must comply with International Fire Code (IFC) and Appendices.

## IV. SEPA Review

- A. Any future subdivision or development of the properties involved within this rezone will be subject to additional SEPA review.
  - B. 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.
9. An administrative site analysis was completed by the staff planner in compliance with Title 17A. The following are the findings of the review: Reecer Creek and Currier Creek and 100-year floodplain: Reecer and Currier Creeks is located on the subject property. There is a 100-year floodplain associated to the creeks also located on site. All development will need to comply with the KCC 17A: Critical Areas, KCC 14.08: Flood Damage Prevention and SEPA mitigations. Wetlands: There are two wetlands, one unknown and one Palustrine Emergent Seasonal (PEMC) wetland on the subject properties. All development will need to comply with the KCC 17A: Critical Areas, and SEPA mitigations.
10. A Hearing before the Planning Commission was scheduled for March 27, 2007. The Planning Commission continued this hearing to April 24, 2007 where the Planning Commission held an open record hearing to consider the Teanaway Ridge and Sinclair Rezone (Z-06-57) where testimony was received. The Planning Commission at said hearing continued the hearing to May 8, 2007 to address testimony received. The Planning Commission left the written comment period deadline open until April 27, 2007 at 12:00pm, to be submitted to CDS, to provide for opportunity for interested parties to submit additional written testimony.
11. The Planning Commission held a continued hearing on May 8, 2007 at 6:30pm for discussion and deliberation. The record was closed at said hearing. The Planning Commission discussed and deliberated the project at said hearing and voted to forward their recommendation of denial to the Board of County Commissioners by a vote of 5-0(1 member abstaining) and directed staff to prepare findings of fact for the May 22, 2007 Planning Commission Meeting. The Planning Commission had issue with access to the subject parcels.
12. As part of the recent 2006 Comprehensive Plan Amendment, the Board of County Commissioners approved an expansion request of the Ellensburg Urban Growth Area taking in the 3 acre piece of the subject parcels currently zoned Agriculture-20. The 3 acre Agriculture-20 acre parcel per Ordinance 2006-63 is currently included within the Urban Growth Area of the City of Ellensburg, with an underlying land use designation of Rural.
13. The proposed rezone does meet all seven criteria of Kittitas County Code 17.98.020(E) as outlined below:
- A. **The proposed amendment is compatible with the Comprehensive Plan.**  
As part of the recent 2006 Comprehensive Plan Amendment, the Board of County Commissioners approved an expansion request of the Ellensburg Urban Growth Area taking in the 3 acre piece of the subject parcels currently zoned Agriculture-20, and also approved the change in Land Use designation for the subject property to Rural. The 3 acre Agriculture-20 acre parcel per Ordinance 2006-63 is

currently included within the Urban Growth Area of the City of Ellensburg, with an underlying land use designation of Rural. The proposed rezone to Agriculture-3 is compatible with the underlying Comprehensive Plan designation of Rural. The current zoning of Commercial Agriculture is not compatible with the Rural Comprehensive Plan designation. It is further found that there is no issue of compliance and the current Kittitas County Comprehensive Plan is valid.

**B. The proposed amendment bears a substantial relation to the public health, safety or welfare.**

With the rezone being consistent with the Kittitas County Comprehensive Plan, and with the Comprehensive Plan enacted and in place to preserve, protect, and enhance the public health, safety and welfare of Kittitas County this rezone bears a substantial relation to the public health, safety and welfare of Kittitas County. A portion of the property is located within the Urban Growth Area of Ellensburg, with the rest of the property being adjacent to the current Ellensburg Urban Growth Area. The subject property is adjacent to Agriculture-3 and Suburban zoned lands. In addition the proposed rezone will remove some of the more intense uses allowed in Commercial Agriculture zone that are not allowed in the Agriculture-3 designation, as well as created a buffer/transition zone for the Urban Growth Area.

**C. The proposed amendment has merit and value for Kittitas County or a sub-area of the county.**

The rezone has merit and value for Kittitas County in that this is an area where the subject property is adjacent to Agriculture-3 and Suburban zoned lands. A portion of the property is located within the Urban Growth Area of Ellensburg, with the rest of the property being adjacent to the current Ellensburg Urban Growth Area. Also, there is a potential for an increased tax base and tax revenue for the County.

**D. The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property.**

As part of the recent 2006 Comprehensive Plan Amendment, the Board of County Commissioners approved an expansion request of the Ellensburg Urban Growth Area taking in the 3 acre piece of the subject parcels currently zoned Agriculture-20, and also approved the change in Land Use designation for the subject property to Rural. The 3 acre Agriculture-20 acre parcel per Ordinance 2006-63 is currently included within the Urban Growth Area of the City of Ellensburg, with an underlying land use designation of Rural.

**E. The subject property is suitable for development in general conformance with zoning standards for the proposed zone.**

The rezone is adjacent to Agriculture-3 and Suburban zoned lands, with portions of the property within and abutting the current Ellensburg Urban Growth Area. The rezone is suitable, allowing for a natural progression of growth for the city of Ellensburg, and will remove some of the more intense uses allowed in the

Commercial Agriculture zone.

**F. The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property.**

The zoning to the north and portions of the west of the subject parcels is Commercial Agriculture, to the east and portion of the west is Agriculture-3, and portions to the south are Agriculture-3, Agriculture-20, and Suburban-1.

**G. The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties.**

No irrigation delivery structures or delivery systems that service other properties will be impacted by this rezone.

14. No appeal of the SEPA was received for the rezone.

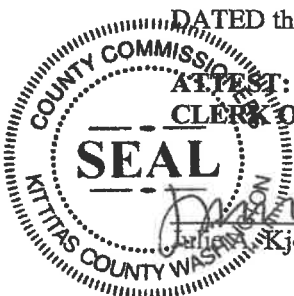
15. Additional conditions are not necessary to protect the public's interest.

16. Public testimony was heard.

NOW THEREFORE,

**BE IT HEREBY ORDAINED** by the Board of County Commissioners of Kittitas County, Washington, after due deliberation and in the best interest of the public, does hereby approve said zone change consisting of approximately 130.06 acres from Commercial Agriculture and Agriculture-20 to Agriculture-3 known as the Teanaway Ridge and Sinclair Rezone (Z-06-57) and does hereby authorize the amendment of the Kittitas County Zoning Map as set forth in attached Exhibit A.

DATED this 3rd day of July, 2007 at Ellensburg, Washington.



ATTEST:  
CLERK OF THE BOARD

Mark Kjorsvik  
Mark Kjorsvik

**BOARD OF COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON**

Alan A. Crankovich  
Alan A. Crankovich, Chairman

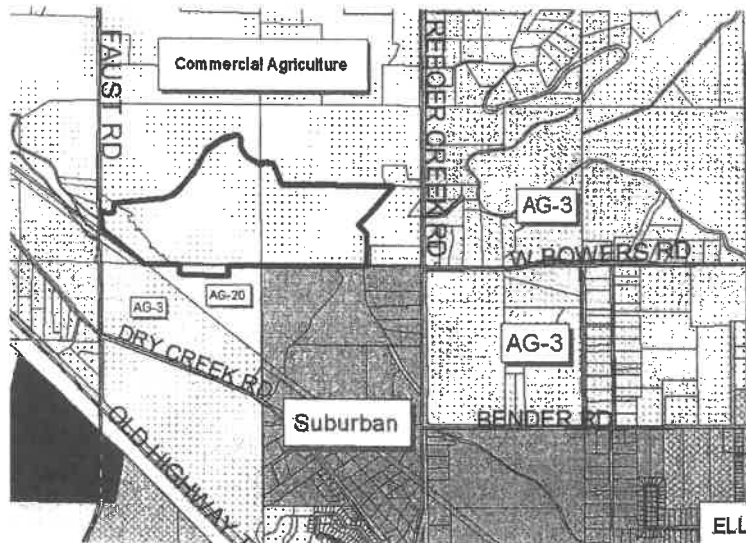
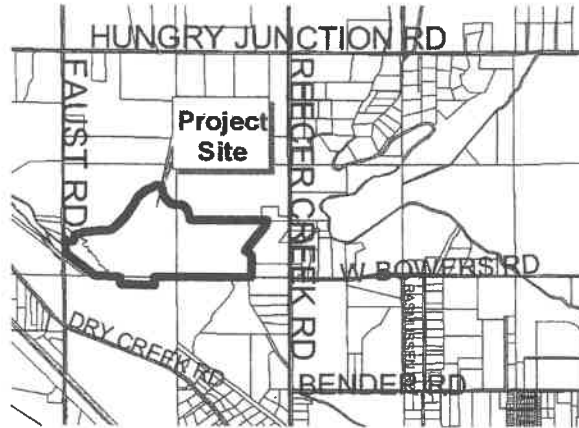
David B. Bowen  
David B. Bowen, Vice-Chairman

Mark McClain  
Mark McClain, Commissioner

**APPROVED AS TO FORM:**

Greg Zempel WSBA #19125

**Exhibit A: Teanaway Ridge and Sinclair Rezone (Z-06-57) Property locator maps**





**BOARD OF COUNTY COMMISSIONERS  
COUNTY OF KITTITAS  
STATE OF WASHINGTON**

**PRELIMINARY PLAT APPROVAL  
Teanaway Ridge (P-07-48)**

**RESOLUTION**

**NO. 2009- 132**

**WHEREAS**, according to Kittitas County Code Chapter 16, relating to the Subdivision of Land, adopted pursuant to RCW 58.17, an open record hearing was held by the Kittitas County Hearing Examiner on May 14, 2009 for the purpose of considering a preliminary plat known as the Teanaway Ridge Preliminary Plat and described as follows:

*The division of 54.369 acres into 146 lots, map number 18-18-22030-0010 located in portions of Section 22, T18N, R18E, WM in Kittitas County. Proponent: Chad Bala, Terra Design Group, Inc. authorized agent for Teanaway Ridge LLC, landowner.*

**WHEREAS**, public testimony was heard from those persons present; and,

**WHEREAS**, due notice of the hearing had been given as required by law, and the necessary inquiry has been made into the public interest to be served by such platting; and,

**WHEREAS**, the Hearing Examiner recommended approval of said proposed subdivision; and,

**WHEREAS**, a closed record public meeting was held by the Board of County Commissioners on September 15, 2009 to consider the Hearing Examiner's recommendation on this matter; and,

**WHEREAS**, the Kittitas County Board of Commissioners make the following FINDINGS OF FACT and CONCLUSIONS AT LAW concerning said proposed preliminary plat:

1. Chad Bala, Terra Design Group, Inc, authorized agent for Teanaway Ridge LLC, landowner, for a 14-lot Preliminary Plat on approximately 54.36 acres of land that is zoned Agricultural-3.
2. The subject property is located west of Reecer Creek Road at Hillview Drive, Ellensburg, WA, located within a portion of Section 22, T18N, R18E, WM in Kittitas County. Map number(s) 18-18-22030-0010.
3. A complete long plat application was submitted to Community Development Services on August 9, 2007. The Notice of Application for the preliminary plat application was issued on December 26, 2007. 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.

4. Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on June 22, 2009. The appeal period ended on July 6, 2009 at 5:00 p.m. No appeals were filed
5. The Hearing Examiner conducted an open record hearing on July 9, 2009 to consider this matter where testimony was heard. On July 24, 2009 the Hearing Examiner issued a recommendation of preliminary plat approval for the Teanaway Ridge Preliminary Plat (P-07-48).
6. The Board of County Commissioners conducted a closed record meeting on September 15, 2009 for the purpose of considering the preliminary plat known as the Teanaway Ridge Preliminary Plat (P-07-48). A motion was made and seconded that the preliminary plat be approved subject to removing condition # 38 of the Hearing Examiner's recommendation because the Board determined that Condition #12 adequately addresses the Yakama Nations concerns. The motion carried with a vote of 3-0.
7. The Board of County Commissioners finds that additional conditions are not necessary to protect the public's interest.

**NOW, THEREFORE BE IT RESOLVED:** That the Kittitas County Board of Commissioners hereby grants preliminary plat approval to the Teanaway Ridge Preliminary Plat (P-07-48) and adopts the Kittitas County Land Use Hearing Examiner's Recommended Finds of Fact, Conclusions of Law, Decision and Conditions of Approval (See Exhibit A):  
**NOW THEREFORE,**

**BE IT HEREBY RESOLVED** by the Board of County Commissioners of Kittitas County, Washington, that said preliminary plat designated as Teanaway Ridge Preliminary Plat (P-07-48) and the same hereby is, approved with the proposed development configuration (See Exhibit B).

DATED this 6<sup>th</sup> day of October, 2009 at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS  
 KITTITAS COUNTY, WASHINGTON

  
 Alan A. Crankovich, Chairman

  
 Paul Jewell, Vice Chairman

  
 Mark McClain, Commissioner

ATTEST:  
 CLERK OF THE BOARD

APPROVED AS TO FORM:

*Julie A Kjorsvik*  
Julie A Kjorsvik

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Greg Zempel WSBA #19125



**Exhibit "A"**

**KITTITAS COUNTY  
LAND USE HEARING EXAMINER**

**IN THE MATTER OF** ) **RECOMMENDED FINDINGS OF**  
 ) **FACT, CONCLUSIONS OF**  
P-07-48 ) **LAW, DECISION AND**  
Teanaway Ridge Preliminary Plat ) **CONDITIONS OF APPROVAL**

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on July 9, 2009, the Hearing Examiner having taken evidence hereby submits the following Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

**I. RECOMMENDED FINDINGS OF FACT**

1. Chad Bala, Terra Design Group, Inc, authorized agent for Teanaway Ridge LLC, landowner, for a 14-lot Preliminary Plat on approximately 54.36 acres of land that is zoned Agricultural-3. (Staff Report)
2. The applicant is Chad Bala, Terra Design Group, Inc., PO Box 686, Cle Elum, WA 98332. (Application materials)
3. The proposed lot sizes range from 3.00 acres to 10.13 acres. The project is proposed to be served by a Group "A" public water system and community & individual on-site septic systems. (Staff Report)
4. The property is located west of Reecer Creek Road, Ellensburg, WA 98926 located within a portion of Section 22, T18N, R18E, WM in Kittitas County. Map number(s) 18-18-22030-0010. (Staff Report)
5. Site Information:

Total Project Size:	54.36 acres
Number of Lots:	14
Zoning district	Agriculture-3
Domestic Water:	Group "A" public water system
Sewage Disposal:	Individual on-site septic system or community septic system
Power/Electricity:	Puget Sound Energy or Kittitas Co. PUD #1
Fire Protection:	Fire District #2
Irrigation District:	Ellensburg Water Company & Cascade Irrigation District

(Staff Report)

6. Site Characteristics: The area is flat and has been in agriculture for many years. (Staff Report)
7. Surrounding Property:  

<u>North:</u>	Agriculture
<u>South:</u>	Future residential
<u>East:</u>	Residential/ Agriculture
<u>West:</u>	Agriculture

(Staff Report)
8. The Comprehensive Plan designation is Rural. (Staff Report)
9. The subject property is zoned Agriculture-3, which allows for one residential unit per 3 acres. (Staff Report)
10. A complete long plat application was submitted to Community Development Services on August 9, 2007. The Notice of Application for the preliminary plat application was issued on December 26, 2007. 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. (Staff Report)
11. 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 by the applicant and returned to the planner and is included as part of the record. (Staff Report)
12. Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on June 22, 2009. The appeal period ended on July 6, 2009 at 5:00 p.m. No appeals were filed. (Staff Report)
13. 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 a Group A community water system and community and/or individual on-site septic systems. Staff has conducted and an administrative critical area review in accordance with KCC 17A and found areas within the 100-year floodplain and small wetlands on site. (Staff Report)
14. This proposal is consistent with the Kittitas County Subdivision Code Chapter 16.12 for Preliminary Plats. (Staff Report)
15. All roads are required to meet all Kittitas County Road Standards as outlined in the February 3, 2009 memorandum issued by the Department of Public Works. As conditioned, the proposal is consistent with the provisions of KCC Title 12. (Staff Report)

16. The following agencies provided comments during the comment period: Department of Ecology, Department of Archaeology & Historic Preservation, City of Ellensburg, Kittitas Valley Fire & Rescue, Kittitas County Department of Public Works and Public Health. These comments have been included as conditions of approval to address these agency concerns. (Staff Report)
17. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval. (Hearing Examiner finding based on the record)
18. This Application was found to be Technically Complete as required by law. (Hearing Examiner finding based on the record)
19. The entire Planning Staff file was admitted into the record at the public hearing. (Public hearing record)
20. The Kittitas County Community Development Services recommended approval of this permit, subject to the recommended conditions of approval. (Public hearing record)
21. Public hearing after due legal notice was held on July 9, 2009. Appearing and testifying on behalf of the applicant was Chad Bala of Terra Design Group. Mr. Bala testified that he was an agent authorized to appear and speak on behalf of the applicant. Mr. Bala indicated that all of the proposed conditions of approval were acceptable to the applicant. He further stated that the applicant was committed to a 100 foot buffer on both sides of Currier Creek for Lot 13 and any other lots that are dissected by Currier Creek. Further, the applicant agreed to perform a cultural resource study. Mr. Bala indicated that all bridges within the project will have fire access capacity. (Open record public hearing testimony)
22. No member of the public testified at the hearing. (Hearing Examiner finding based on the record)
23. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located. (Hearing Examiner finding based on the record)
24. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval. (Hearing Examiner finding based on the record)
25. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities. (Hearing Examiner finding based on the record)
26. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference. (Hearing Examiner finding based on the record)

## **II. RECOMMENDED CONCLUSIONS OF LAW**

1. The Hearing Examiner has been granted authority to render this recommended decision.
2. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. Public use and interest will be served by approval of this proposal.
5. 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.
6. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Kittitas County Code and Comprehensive Plan.
7. As conditioned, the proposal does conform to the standards specified in Kittitas County Code.
8. As conditioned, the use will comply with all required performance standards as specified in Kittitas County Code.
9. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Kittitas County Code or the Comprehensive Plan.
10. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
11. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

## **III. RECOMMENDED DECISION**

Based on the above Recommended Findings of Fact and Recommended Conclusions of Law, the Hearing Examiner hereby recommends that Application P-07-48, Teanaway Ridge Preliminary Plat, be APPROVED subject to the following Recommended Conditions of Approval.

## **IV. RECOMMENDED CONDITIONS OF APPROVAL**

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.
2. The project shall proceed in substantial conformance with the plans and application materials on file dated August 9, 2007 except as amended by the conditions herein.

3. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
4. All current and future landowners must comply with the International Fire Code.
5. 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.
6. Soil logs need to be scheduled and dug at a mutually convenient time. The developer/owner shall provide soil logs as per Chapter 246-272 WAC or as amended. The information obtained will be recorded and placed in the plat file for future reference. The information obtained from these soil logs is for plat approval purposes only and does not constitute a site evaluation in conjunction with the issuance of a permit for any specific lot.
7. Proof of potable water must be shown prior to final plat approval.
8. The Final Plat shall meet all requirements as listed in Chapter 16.20 of the Subdivision Code; including content, format, etc. The following items will be required on the Final Plat Submittal:
  - a. Adjacent Property Owners: The adjacent property owners and surrounding properties shall be on the face of the final short plat. (K.C.C.16.20.040, 10, Plat drawing, Adjacent Owners).
  - b. Surrounding Area: All surrounding property shall be shown in dotted lines and letters with names of plats, roads, adjoining lots, canals, and etc., and if un-platted shall be so indicated. (K.C.C.16.20.040, 11, Plat drawing, Surrounding Area).
9. Based on the comments received during the public comment period and other information submitted with this project permit application, a SEPA Mitigated Determination of Nonsignificance (MDNS) was issued by Community Development Services on June 22, 2009. The following are the mitigations contained within the MDNS and shall be conditions of approval:
  - I. Transportation
    - A. The applicant shall be responsible for meeting or exceeding all conditions and requirements set forth by the Department of Public Works included as an attachment "A".
    - B. The applicant will provide a proportionate share contribution to the improvement at the Reecer Creek Road and University Way intersection according to the approved transportation impact analysis.
  - II. Air
    - A. If the applicant plans to burn trees or debris from the property, the applicant shall obtain a burn permit from the Department of Ecology. Only natural unprocessed vegetation may be burned in an outdoor fire. It is the applicant's responsibility to contact the Department of Ecology regarding this permit.
  - III. Water & Septic
    - A. Activities such as road widening, stump pulling and clearing, grading and fill work and utility placements may require an NPDES Construction Stormwater



Permit issued by the Department of Ecology prior to start of construction. This permit requires the preparation of a Stormwater Pollution Prevention Plan. It is the applicant's responsibility to contact the Department of Ecology regarding this requirement.

- B. Prior to any grading, clearing or construction, erosion control measures shall be in place and shall be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. The erosion control sediment plan shall be a part of the Stormwater Prevention Plan.
- C. This project will be served by individual septic system(s) or community septic systems depending on soil conditions. A licensed Designer or a Professional Engineer will be required to design these septic system(s) and that responsibility will be that of the new owner. The individual septic system(s) will be approved by the Kittitas County Public Health Department or by the Washington State Department of Health.
- D. The applicant shall provide proof of approval of a Group A Public Water System by the Washington State Department of Health prior to Final Plat Approval.
- E. Metering shall be required on all residential well connections and metering results shall be recorded in a manner consistent with Kittitas County and Washington State Department of Ecology requirements (Memorandum of Agreement between Kittitas County and Washington State).
- F. 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 90.44.050) for this plat or any portion thereof will not be subject to curtailment by the Department of Ecology or a court of law.
- G. Washington Administrative Code (WAC) 173-150 provides for the protection of existing rights against impairment, i.e. interruption or interference in the availability of water. If the water supply in your area becomes limited your use could be curtailed by those with senior water rights.
- H. Under no circumstances shall stormwater be channeled or dumped into any irrigation canal.

IV. Light and Aesthetics

- A. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.

V. Noise

- A. Construction activities shall comply with KCC 9.45 (Noise). Construction hours shall be from 7:00am to 7:00pm.

VI. Land and Shoreline Use

- A. One hundred foot buffers will be established along Currier Creek and shown on the final mylars (center of stream).
- B. A riparian management plan that would incorporate signage for Currier Creek will be completed prior to final approval.
- C. All waterways/waters/ditches located on the subject property, regardless of their designation of intermittent, perennial or ephemeral shall be delineated and shown on the final mylars. Improvements to such water features shall not impact on-site

and off-site use.

- D. The applicant shall consult with the Department of Fish & Wildlife to determine the appropriate size of culvert needed for the crossing of any stream or watercourse on the subject property. Prior to final approval the applicant will provide documentation that said crossings meet the proposed standards.
- E. The applicant shall consult with the pertinent Irrigation District entity to determine the appropriate crossing needed for any crossings of the irrigation canal.

VII. Public Safety

- A. The applicant shall consult with the local school district and provide for and depict on the final mylars a safe location for a bus stop.
  - B. Any future development shall comply with the International Fire Code (IFC) and its Appendices and Referenced Standards, Kittitas County Code, and Kittitas County Road Standards and shall adhere to the strictest of said standards.
  - C. 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.
  - D. The applicant will construct roads to the Private Road Standards of Kittitas County, which will guarantee that all roads will handle Fire Department apparatuses.
- 10. The applicant will provide a proportionate share contribution to the improvement at Reecer Creek Road and University Way intersection according to the approved transportation impact analysis. The TIA dated February 2008 determined the proportionate share for this project to be \$1,785.
  - 11. Access to this plat is dependent on approval of the Palomino Fields Plat. This plat shall not receive final approval until the Palomino Fields Plat has been recorded.
  - 12. 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.
  - 13. 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 residences 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.
  - 14. 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.

15. The vicinity map shall show Bowers Road rather than Hilltop Road, and the shape of the parcel outline shall include Lot 14.
16. The paragraph beginning with "Parcels A and A-1" shall be corrected. The word "north" shall be added to read "Section 22, Township 18 North, Range 18 East".
17. The access road from Reecer Creek Road to this plat shall be shown on the face of the plat.
18. All existing structures shall be shown on the plat.
19. Each easement shall be labeled with the specific lots to use the easement.
20. The access to Lot 14 appears to cross Lot 5. Easement S does not appear to cross Lot 5. The easement shall be extended across Lot 5.
21. The Ellensburg Water Company and Washington Department of Fish and Wildlife shall be contacted for any requirements for constructing crossings or bridges over the canal and Currier Creek. Bridges shall be constructed to the requirements of these agencies and the 2006 International Fire Code. The bridges shall be certified by a licensed engineer familiar with bridge design, construction and load ratings and the certification included with the private road certification.
22. The easement radius shall be corrected to be a 55' radius rather than 25'.
23. The Bowers Road Extension and the temporary cul-de-sac shall be constructed to the requirements stated in the Palomino Fields Plat. Bowers Road shall be constructed prior to receiving building permits for this plat.
24. Access from the Bowers Road Extension to the cul-de-sac shall be constructed to meet or exceed the conditions of a High-Density Private Road and serve no more than 14 tax parcels. See current Kittitas County Road Standards, 9/6/05 edition.
  - a. Access easements shall be a minimum of 40' wide. The roadway shall have a minimum width of 20', with 1' shoulders, for a total width of 22'.
  - b. Minimum centerline radius shall be 60'.
  - c. Surface requirement is gravel.
  - d. Maximum grade is 12%.
  - e. Stopping site distance, reference AASHTO.
  - f. Entering site distance, reference AASHTO.
  - g. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
  - h. Any further subdivision or lots to be served by proposed access may result in further access requirements.
  - i. All roads located within this development or roads that provide access to this development shall be constructed to current county road standards unless any other maintenance agreements, forest service road easements or state easements require higher road standards. The higher of the road standards shall apply.
  - j. All easements shall provide for AASHTO radius at the intersection with a county road.

- k. A paved apron shall be constructed at the intersection of the proposed private intersection and the county road right-of-way.
25. A cul-de-sac turn-around having an outside right-of-way easement diameter of at least 110 feet shall be constructed at the closed end of all dead-end roads serving 3 or more lots. The driving surface shall be at least 96 feet in diameter. Cul-de-sacs must also conform to the requirements specified by the 2006 International Fire Code. Contact the Fire Marshal regarding any additional cul-de-sac requirements.
  26. 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.
  27. A single-use access shall serve no more than one lot. See Kittitas County Road Standards, 9/6/05 edition.
    - a. The roadway shall be a minimum of 8' wide with gravel surface.
    - b. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
    - c. Any further subdivision or lots to be served by proposed access may result in further access requirements.
  28. The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
  29. It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
  30. 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.
  31. 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.
  32. Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.
  33. 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.

34. 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."*
35. 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."
36. 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.
37. Both sheets shall reflect the Plat number: P-07-48.
38. ~~The applicant shall have prepared a cultural resource survey on the subject property and shall comply with all recommendations contained therein.~~

Dated this 22<sup>nd</sup> day of July, 2009.

KITTITAS COUNTY HEARING EXAMINER

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Andrew L. Kottkamp

