

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

ORDINANCE NO. 2006 - 40

GROVE REZONE (Z-06-14)

**IN THE MATTER OF AMENDING THE KITTITAS COUNTY ZONING ATLAS FOR A
PORTION OF SECTION 25 OF TOWNSHIP 18 N., RANGE 18 E., FROM AGRICULTURE-3 TO
PLANNED UNIT DEVELOPMENT (PUD)**

WHEREAS, according to Kittitas County Code Titles 15A & 17, relating to general rezones, adopted pursuant to RCW 36.70B & 36.70 respectively, an open record hearing was held by the Kittitas County Planning Commission on July 25, 2006 for the purpose of considering a zone change consisting of approximately 13.30 acres from Agriculture-3 to Planned Unit Development and described as follows:

ALL OF ONE PARCEL LYING NORTH OF EAST HELENA AVENUE, EAST OF N. AIRPORT ROAD, AND SOUTH OF E. SANDERS ROAD, ELLENSBURG, WA 98926 WITHIN SECTION 25, described as being a portion of section 25, of T.18N., R.18E., W.M., in the County of Kittitas, State of Washington; parcel map number 18-18-25030-0015; and,

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 July 25, 2006 public hearing to August 8, 2006 for deliberation and decision, and the Planning Commission at said hearing left the written comment period open until noon on July 28, 2006. Staff transmitted received comments to the Planning Commission; and,

WHEREAS, due to lack of quorum, the August 8, 2006 hearing was continued to August 29, 2006 for deliberation and discussion; and,

WHEREAS, the Planning Commission held a continued hearing on August 29, 2006 and voted to forward a recommendation of approval of said proposed rezone in a 5-0 decision with two members absent; and,

WHEREAS, a closed record public meeting was held by the Board of County Commissioners on September 5, 2006 to consider the Planning Commission's recommendation on this matter; and,

WHEREAS, the following FINDINGS OF FACT have been made concerning said proposed rezone:

1. Jamie Flynn of Campus Crest Development, authorized agent for Sara J. Wolfe, landowner has submitted a general zone change request for one parcel totaling approximately 13.3 acres

from Agriculture-3 to Planned Unit Development (PUD). The subject property is located North of E. Helena Ave., East of N. Airport Rd., South of E. Sanders Rd., Ellensburg, WA 98926 within the SW ¼, of Section 25 of T.18N., R.18E., W.M. in Kittitas County tax parcel number 18-18-25030-0015.

2. Pursuant to KCC 17.36: Planned Unit Development any persons or corporation applying for a planned unit development zone shall file a preliminary development plan with an application for zone change. The submitted application is proposing to construct a 192-unit student housing complex on approximately 13.3 acres. The proposed density of the development is 14.4 units per acre. Per the revised site plan submitted on July 7, 2006 (see attached Exhibit B: Revised Site Plan), the Grove will contain the following: Six 24-unit buildings and four 12-unit buildings for a total of 192 units, a clubhouse with various amenities, an outdoor recreation area featuring a basketball court, swimming pool, etc., open areas scattered throughout the site, in particular in relation to Mercer Creek, 582 parking stalls, and the location of Greenfield Avenue on the southern boundary of the parcel (per City of Ellensburg).
3. A Notice of Application was issued on May 18, 2006 by Kittitas County Community Development Services. 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. Written comments were solicited and the final date to submit written comments was on June 23, 2006 by 5:00pm. Comments were received and have been made part of the project record.
5. 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 July 10, 2006. (See attached Exhibit C: SEPA MDNS and July 25, 2006 Memo) No SEPA Appeals were received.
6. Administrative site analysis was completed by the staff planner in compliance with Title 17A. The following are findings from the review: *Airport Zone:* The north 1/3 of the subject property is located within the Airport Operations Zone. Pursuant to KCC 17.58: Airport Operations Zone, inside the existing Ellensburg Urban Growth Area (UGA) the average density will be one dwelling unit per one acre in the Airport Operations Zone. All uses shall be subject to the height restrictions set forth in KCC 17.58.04 (A). Per the submitted site plan, located within the Airport Zone within a portion of the subject property are the following: open space areas, Mercer Creek, parking spaces and the clubhouse. These uses are consistent pursuant to KCC 17.58: Airport Operations Zone. *100-year floodplain and Mercer Creek:* West and northwest portions of the property is located within the 100-year floodplain and contains Mercer Creek. Locations of these areas are identified in the site plan (revised July 7, 2006). All applicable development will need to comply with the requirements of KCC 14.08: Flood Damage Prevention and KCC 17A: Critical Areas.
7. The subject property is fairly flat and was previously used for agriculture. There currently is an existing residence, accessory structures and agriculture related buildings on-site. Mercer Creek and a pond are located on the west and northwest portion of the site. The surrounding area is composed of a mixture of uses which include residential, agriculture and fields. To the west of the property is Airport Road.
8. The subject property contained within this application is within the Ellensburg Urban Growth Area. The submitted application is proposed to be served by municipal water and

sewer. An "Outside Utility Agreement, Annexation Covenant" between the City of Ellensburg and the owners of the subject property would be required as part of the services being provided. To the north, east, and south of the property is the Agricultural-3 zone. To the west of the property is the Ellensburg City Limits.

9. An open record hearing was held by the Planning Commission on July 25, 2006 to consider this matter and testimony was taken from those persons who wished to be heard.
10. The Kittitas County Planning Commission held a public hearing on July 25, 2006 and continued the hearing to August 8, 2006 for deliberation and decision. Public testimony was heard during the public hearing. The Planning Commission at said hearing left the written comment period open until noon July 28, 2006. Staff transmitted comments received during this comment period to the Planning Commission.
11. Due to lack of quorum, the August 8, 2006 hearing was continued to August 29, 2006. The Planning Commission held a continued hearing on August 29, 2006 and voted to forward the Grove Rezone with a recommendation of approval with a 5-0 decision to the Board of County Commissioners.
12. The proposed rezone is consistent with the underlying Comprehensive Plan designation.
13. The proposed rezone does meet all seven criteria of Kittitas County Code 17.98.020(E) as outlined below:
 2. *The proposed amendment is compatible with the comprehensive plan. The site is located within the land use designation of High Density Residential (Ellensburg). This land use designation does correspond with the proposed Planned Unit Development. The subject parcels are within the Urban Growth Area of Ellensburg.*
 3. *The proposed amendment bears a substantial relation to the public health, safety or welfare. The surrounding area is composed of a mixture of uses which include residential, agriculture and fields. The submitted application is proposed to be served by municipal water and sewer. An "Outside Utility Agreement, Annexation Covenant" between the City of Ellensburg and the owners of the subject property would be required as part of the services being provided. To the north, east, and south of the property is the Agricultural-3 zone. To the west of the property is the Ellensburg City Limits.*
 4. *The proposed amendment has merit and value for Kittitas County or a sub-area of the count. The site is located within the land use designation of High Density Residential (Ellensburg). The subject parcels are within the Urban Growth Area of Ellensburg.*
 5. *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. This allows for reasonable development of the property. The property is located within the Urban Growth Area of Ellensburg.*
 6. *The subject property is suitable for development in general conformance with zoning standards for the proposed zone. The site is located within the land use designation of High Density Residential (Ellensburg). This land use designation does correspond with the proposed Planned Unit Development.*
 7. *The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property. The subject property is fairly flat and was previously used for agriculture. There currently is an existing residence, accessory structures and agriculture related buildings on-site. Mercer Creek and a pond are located on the west and northwest portion of the site. The surrounding*

area is composed of a mixture of uses which include residential, agriculture and fields. To the west of the property is Airport Road. The subject property contained within this application is within the Ellensburg Urban Growth Area (UGA). The submitted application is proposed to be served by municipal water and sewer. An "Outside Utility Agreement, Annexation Covenant" between the City of Ellensburg and the owners of the subject property would be required as part of the services being provided. To the north, east, and south of the property is the Agricultural-3 zone. To the west of the property is the Ellensburg City Limits.

8. ~~The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties. The applicant shall comply with the Cascade Irrigation District requirements, and shall not interfere with irrigation delivery to downstream users.~~

14. Additional conditions are necessary to protect the public's interest.

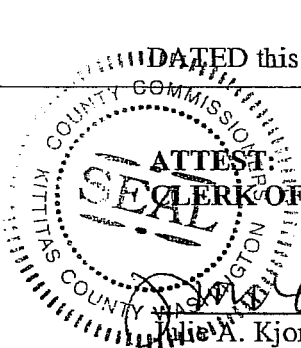
15. All SEPA Mitigations shall be conditions of approval.

16. Public testimony against the rezone 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 from Agriculture-3 to Planned Unit Development known as the Grove Rezone (Z-06-14), and does hereby authorize the amendment of the Kittitas County Zoning Map as set forth in attached Exhibit A: Subject Property and Exhibit B: Site Plan (as of July 7, 2006).

DATED this 19th day of September, 2006 at Ellensburg, Washington.



ATTEST
CLERK OF THE BOARD

[Signature]
Julie A. Kjorsvik

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

[Signature]
David B. Bowen, Chairman

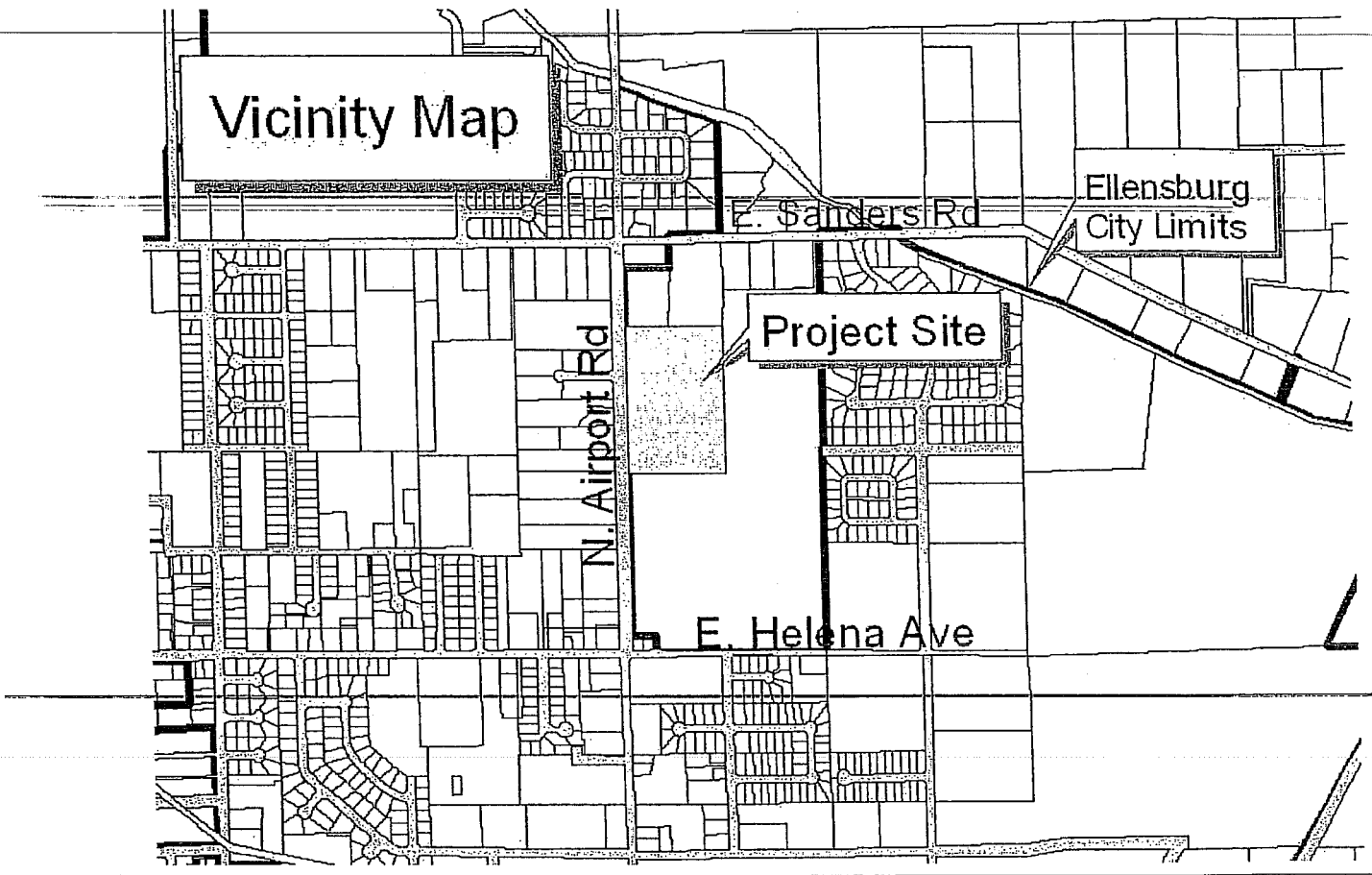
[Signature]
Alan A. Crankovich, Vice-Chairman

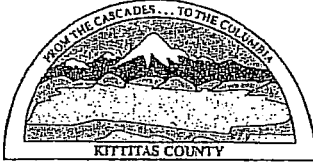
APPROVED AS TO FORM:

Greg Zempel
Greg Zempel WSBA #19125

[Signature]
Perry D. Huston, Commissioner

Exhibit A: Map
Grove Rezone (Z-06-14) Subject Property





KITITITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITITITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

SEPA

MITIGATED DETERMINATION OF NONSIGNIFICANCE

File: The Grove PUD Rezone (Z-06-14)

Description: Rezone from Agricultural-3, to Planned Unit Development (The Grove) of approximately 13.3 acres

Proponent: Campus Crest Development
963 13th Avenue East
Seattle, WA 98102

Sara J. Wolfe, landowner
2420 Airport Road
Ellensburg, WA 98926

Location: Assessor's tax parcel number 18-18-25030-0015. Location: North of E. Helena Ave., East of N. Airport Rd., South of E. Sanders Rd., Ellensburg, WA 98926 within the SW ¼, of Section 25 of T.18N., R. 18E., W.M. in Kittitas County, WA.

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. Transportation

- A. Adequate on-site bike storage at least equal to the number of potential residents of the Grove shall be provided by the applicant.
- B. North/South and East/West connectivity in relation to the planned transportation grid for the north Ellensburg area and specifically the area around this PUD should be developed in accordance to City Standards. The applicant shall work with the City to establish such routes.
- ~~C. The project shall include at a minimum the dedication of the full 60 foot right of way for Greenfield along the southern boundary of the property, and will be responsible for construction of the Greenfield Street frontage to the project when necessary. The applicant shall work with the city to develop such route.~~
- D. The project will include improvements to Airport Road frontage consistent with the City of Ellensburg road standards.
- E. The applicant shall obtain all necessary state and federal permits including an approved Hydraulic Project Approval (HPA), Department of Ecology Stormwater Permit and applicable Army Corps of Engineers Permits.

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

Exhibit C: Grove Rezone

- F. Site grading will be designed so as not to reduce flood storage or conveyance capacity.

II. Light and Glare

- A. Any proposed lighting should be shaded and directed down towards the site.
B. ~~Trees should be planted along all streetscapes and the perimeter of the property in order to reduce impacts of lighting or glare on existing and future residential areas.~~

III. Water

- ~~A. Mercer Creek shall be preserved in its natural state; alteration of the channel and the diversion of water from Mercer Creek are prohibited, except as required to complete road improvements.~~
- B. A minimum of 25 feet and a buffer average of 45ft shall be maintained along Mercer Creek per the July 7, 2006 (see attached) site map for the project and shall be shown on the final site plan for the project. The buffer shall be maintained by the owner or applicable maintenance associations.
- C. A wood fence or equivalent, such as a two-rail split fence design, will need to be placed on-site along Mercer Creek and maintained in conjunction with the minimum 25 feet and 45ft buffer average from the Ordinary High Water mark of Mercer Creek to ensure that the buffer is delineated and not disturbed.
- D. Proper signage shall be incorporated on-site to encourage the maintenance of the buffer and natural condition of Mercer Creek. The signage shall be interpretive in matter, and explains about buffer integrity requirements and educates about the importance of the area for wildlife, etc. The applicant shall work with the Department of Ecology, County and City to design and establish the signage and a buffer restoration plan.
- E. Buffer restoration with native plants shall be done to NRCS standards (i.e. trees on 10-foot centers and underneath them planted shrubs on 3 to 5 foot centers).
- F. No vegetation (including trees) shall be removed or altered within the setback along Mercer Creek.
- G. Areas between the required natural buffers edge along Mercer Creek and the parking lot(s) and/or basketball court as shown on the site-map received on July 7, 2006, shall be kept in green space as much as possible and planted with non-invasive plant species.
- H. To encourage a native riparian area for Mercer Creek, vegetation and landscaping plans shall be designed in conjunction with the Department of Ecology and Washington State Department of Fish and Wildlife shall be established and maintained for the site. Plans shall be submitted for review and approval.
- I. Any proposed or future access point(s) shall not adversely impact Mercer Creek.
- J. The project shall comply with all requirements of the Department of Ecology Storm Water Manual for Eastern Washington and the City of Ellensburg standards for stormwater, whichever is more stringent; and shall be collected, retained and disposed off on-site accordingly.
- K. Erosion control measures must be in place prior to any clearing, grading or construction.
- L. The project shall meet the requirements for a NPDES Construction Storm Water permit.
- M. The project is located within the AO zone of shallow flooding and finished floor elevations shall be built at least 1ft above the 100-year flood elevation, and the site grading will not reduce existing flood storage or flood conveyance capacity.
- N. The project shall be served with water from the City of Ellensburg.
- O. The applicant shall comply with the Cascade Irrigation District requirements, and shall not interfere with irrigation delivery to any downstream users.
- P. Stormwater and surface irrigation systems shall be kept separate.
- Q. On-site drainage features associated with construction shall be designed such that off-site adjacent wetlands are not dewatered or impacted.

IV. Noise

- A. All county noise ordinances shall apply to the project.

Exhibit C - Grove Rezoning

- B. Construction activities shall comply with KCC 9.45 (Noise). Construction hours shall be 7:00am to 7:00 pm, Monday to Friday.

V. Land Use

- A. No residential units shall be located within the airport overlay zone and all development shall comply with KCC 17.58: Airport Zone.
B. A final development plan pursuant to Kittitas County Code 17.36.040 shall be submitted for approval by the Board of County Commissioners.

VII. Utilities and Services

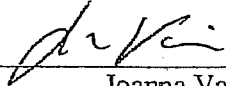
- A. The project shall be served by City water and sewer services. The applicant shall work with the city to establish the appropriate connections per the City of Ellensburg processes and standards.
B. All requirements from the local fire jurisdictions shall be incorporated into the project.
C. Fire apparatus access roads shall be a minimum of 26 feet, aside from parking areas.
D. There may be no more than 250 feet spacing between fire hydrants.
E. "No parking: fire lane" signs must be posted in front of the proposed recreation areas, in addition to the main and secondary entrances. The signs must comply with IFC Appendix D.
F. The subject property shall conform to the minimum requirements for fire apparatus access.
G. Location and amount of fire hydrants on-site shall meet local fire jurisdiction requirements.

VI. Security

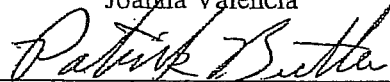
- A. On-site security shall be established and maintained through provisions that provide for free accommodations to a member of the law enforcement community, as well as providing for on-site resident assistants as stated in the application.

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 on or before **Tuesday, July 25, 2006 @ 5:00 PM.**

Responsible
Officials:



Joanna Valencia



Patrick Butler

Title:

Staff Planners

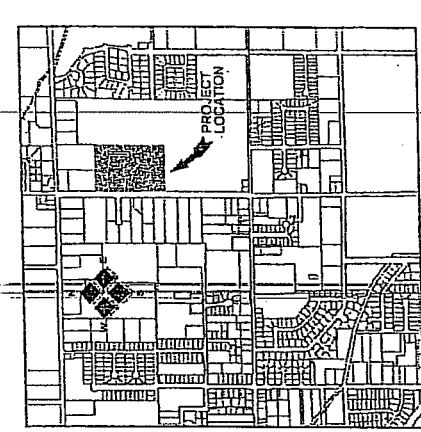
Address:

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

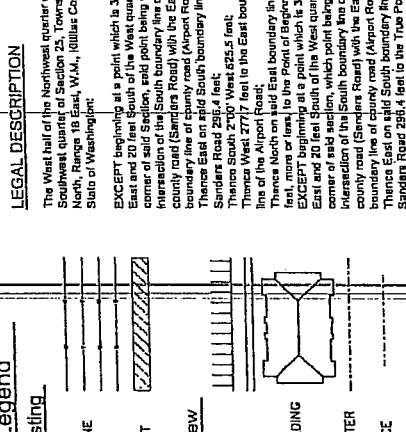
Date:

July 10, 2006.

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 July 25, 2006 @ 5:00PM.** Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.



Vicinity Map



Legend

- Existing**
- EXISTING GAS
 - EXISTING TELEPHONE
 - EXISTING WATER
 - EXISTING SEWER
 - EXISTING PAVEMENT
 - EXISTING TREE
- New**
- NEW PARKING
 - NEW SIDEWALK
 - NEW HOUSING BUILDING
 - NEW DOMESTIC WATER
 - NEW WATER SERVICE
 - NEW FIRE HYDRANT
 - NEW SANITARY SEWER
 - NEW SEWER MANHOLE
 - NEW SEWER SERVICE
 - NEW TREES AND TABLES

LEGAL DESCRIPTION

The West half of the Northwest quarter of the South 1/4 of Section 25, Township 18 North, Range 18 East, W.M.A., Millis County, State of Washington;

EXCEPT beginning at a point which is 30 feet East and 20 feet South of the West corner of said Section, said point being the intersection of the South boundary line of said county road (Sanderia Road) with the East boundary line of said county road (Alport Road);

Thence East on said South boundary line of Sanderia Road 295.4 feet;

Thence South 270° West 525.5 feet;

Thence West 271° 17' East to the East boundary line of the Alport Road;

Thence North on said East boundary line 525.1 feet, more or less, to the point of beginning;

EXCEPT beginning at a point which is 30 feet East and 20 feet South of the West corner of said section, which point being the intersection of the South boundary line of said county road (Sanderia Road) with the East boundary line of said county road (Alport Road);

Thence East on said South boundary line of Sanderia Road 295.4 feet to the True Point of Beginning;

Thence East on said South boundary line of Sanderia Road to the True Point of Beginning at the West corner of the Southwest 1/4 of said section;

Thence South along said East line to a point which lies East of a point which lies South 270° West 525.5 feet from the True Point of Beginning;

Thence West to a point which lies South 270° West 525.5 feet from the True Point of Beginning;

Thence North 270° East 525.5 feet to the True Point of Beginning;

EXCEPT right-of-way for Alport County Road along the West boundary line;

DEVELOPER

CAMPUS CREST DEVELOPMENT
 3 CENTERVILLE DRIVE, SUITE 200
 GREENSBORO, NC 27407
 (336) 430-7787

ENGINEER/SURVEYOR

HILBREGTSE, LOUMAN ASSOC., INC.
 801 N. 30th AVENUE
 YAKIMA, WASHINGTON 98902
 DENNIS WRIGHT, PE
 ERIC T. HERZOG, PLS
 (509) 966-7000

REGIONAL DIRECTOR

JAMIE FLYNN, REGIONAL DIRECTOR
 963 13th AVENUE EAST
 SEATTLE, WA 98102
 (206) 484-8410

DENSITY

DWELLING UNITS	102
DWELLING UNITS PER GROSS ACRE (DU/GA)	14.19
ACREAGE (including Greenfield R/W, Alport Overlay Zone & Buffer)	13.53
(AS SURVEYED)	

PARKING

REGULAR PARKING STALLS	560
HANDICAP PARKING STALLS	22
TOTAL	582
NUMBER OF STUDENTS	504
NUMBER OF STAFF	4
TOTAL	508

NOTES:

1. Airport overlay zone shown is approximate taken from information provided by Millis County Planning Department.
2. Utility information provided by City of Ellensburg, Airport Road Improvement project (89-11804). Not field verified.
3. Fire hydrant number and locations are approximate. Final locations per Fire Marshal's requirements.

Revised site plan July 7, 2006

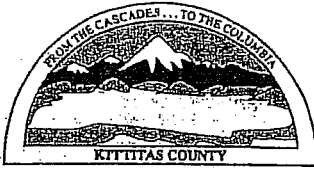


Exhibit C: Grove Rezone
KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

MEMORANDUM

TO: Kittitas County Planning Commission and Applicant
FROM: Joanna Valencia, Staff Planner
~~Kittitas County Community Development Services~~
DATE: July 25, 2006
RE: Grove Rezone (Z-06-14) SEPA MDNS

This memorandum is written to provide clarification on the SEPA MDNS and information received on the above application and supplements the MDNS and staff report that were previously provided.

Clarification of Previously Adopted or Recommended Conditions of the MDNS

I. Transportation

- A. Adequate on-site bike storage at least equal to the number of potential residents of the Grove shall be provided by the applicant.

Per the submitted Traffic Impact Analysis, it has been determined that adequate on-site bike storage shall be developed in accordance with City standards.

I. Transportation

- B. North/South and East/West connectivity in relation to the planned transportation grid for the north Ellensburg area and specifically the area around this PUD should be developed in accordance to City Standards. The applicant shall work with the City to establish such routes.

The only planned transportation grid adopted in the City transportation documents are Greenfield and Airport Road. Chestnut corridor is not adopted in any plan for this area.

IV. Noise

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

Per the submitted SEPA, construction hours shall be limited to 7:00am to 7:00pm with no weekend restrictions. All constructions activities shall comply with KCC 9.45 (Noise).

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

COMMUNITY PLANNING • BUILDING INSPECTION • PLANS EXAMINATION • ADMINISTRATION • PERMIT SERVICES • INVESTIGATION • ENFORCEMENT • GIS