



## KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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### STAFF REPORT

**TO:** Kittitas County Planning Commission

**FROM:** Joanna Valencia, Staff Planner

**DATE:** July 18, 2006 for July 25, 2006 Public Meeting (revised 8/31/06 –JV)

**SUBJECT: Grove Rezone (Z-06-14)**  
*Rezone from Agriculture-3 to Planned Unit Development (PUD)*

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#### I. GENERAL INFORMATION

**Proposal:** 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).

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. Per the revised site plan submitted on July 7, 2006, the Grove will contain the following:

1. Six 24-unit buildings and four 12-unit buildings for a total of 192 units
2. A clubhouse with various amenities
3. An outdoor recreation area featuring a basketball court, swimming pool, etc.
4. Open areas scattered throughout the site, in particular in relation to Mercer Creek
5. 582 parking stalls
6. Location of Greenfield Avenue on the southern boundary of the parcel (per City of Ellensburg)

The proposed density of the development is 14.4 units per acre.

**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 tax parcel number 18-18-25030-0015.

**Site Information:** 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

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DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

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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.

## II. POLICY AND REGULATORY REQUIREMENTS

**Countywide Planning Policies:** provide for the orderly development of Planned Unit Developments within and outside of UGA’s and UGN’s.

**Kittitas County 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. The Urban Growth Area is the area designated by an incorporated city and approved by the county, in which urban growth is encouraged. Urban growth areas are suitable and desirable for urban densities as determined by the sponsoring city’s ability to provide urban services. Following are goals, policies and objectives that are related to growth in the UGA’s:

*Comprehensive Plan – Urban Growth Areas and Urban Growth Nodes*

**GPO 2.94:** A consideration for all future development should be the adaptability of a proposal to urban water and sewer systems.

**GPO 2.98:** The UGN’s and/or UGA’s shall be consistent with the following criteria:

- a. Each UGN and /or UGA shall provide sufficient urban land to accommodate future population/employment projections through the designated planning period.
- b. Lands included within UGN’s and /or UGA’s shall either be already characterized by urban growth or adjacent to such lands.
- c. Existing urban land uses and densities should be included within UGN’s and/or UGA’s.
- d. UGN’s and/or UGA’s shall provide a balance of industrial, commercial and residential lands.
- e. Each UGA shall have the anticipated financial capability to provide infrastructure/services needed in the areas over the planning period under adopted concurrency standards.

**Zoning Code:**

**The subject property is currently zoned Agriculture-3.** The purpose and intent of the agricultural (A-3) zone is to provide for an area where various agricultural activities and low density residential developments co-exist compatibly. A-3 zones are predominately agricultural-oriented lands and it is not the intent of this section to impose further restrictions on continued agricultural activities therein. (Ord. 83-Z-2 (part), 1983).

**Proposed Zoning:** The requested zone change is to Planned Unit Development (PUD). Pursuant to Kittitas County Code 17.36, the purpose of this chapter is to provide for and encourage a harmonious mixture of land uses with greater flexibility in land use controls than is generally permitted by other sections of this title. (Ord. 90-6 (part), 1990; Res. 83-10, 1983).

The permitted uses include: all residential uses including multifamily structures, hotels, motels, condominiums, retail business, commercial-recreation businesses, restaurants, cafes, taverns, cocktail bars, and any other similar uses deemed by the Planning Commission to be consistent with the purpose and intent of KCC 17.36.

Pursuant to KCC 17.36.030: 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 development plan includes the following:

1. A vicinity map showing the location of the site and its relationship to surrounding areas;
2. A map of the site drawn to a scale, no smaller than two hundred feet to the inch showing the following:
  - a. Arrangement of land uses by type (residential, commercial, open spaces, etc.). A statement on the approximate percentage of land in each category. The map should show proposed traffic circulation;
  - b. Names and dimensions of dedicated roads bounding or near the site;
  - c. Planned off-street parking areas including approximate number of spaces to be provided;
  - d. Elevation contours of no more than twenty-foot intervals;
3. A statement relating the development plan to adjacent development and natural areas;
4. A statement of the developer's intent with regard to providing landscaping and retention of open spaces;
5. A statement outlining future land ownership patterns within the development including homeowners associations if planned;
6. Proposed water supply, storage and distribution system, sewage disposal/treatment plan, solid waste collection plan;
7. Documentation from the planning department that environmental review (SEPA) has been completed;
8. Statement of planned residential (housing) densities expressed in terms of living units per building and per net acre (total acreage minus dedicated rights-of-way). (Ord. 90-6 (part), 1990: Res. 83-10, 1983).

**Required Findings for Rezone:** Pursuant to KCC 17.98.020(E), a petition requesting a change on the zoning map from one zone to another must demonstrate that the following criteria are met:

1. *The proposed amendment is compatible with the comprehensive plan*
2. *The proposed amendment bears a substantial relation to the public health, safety or welfare*
3. *The proposed amendment has merit and value for Kittitas County or a sub-area of the county*
4. *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*
5. *The subject property is suitable for development in general conformance with zoning standards for the proposed zone*
6. *The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property*
7. *The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties*

**Critical Areas Review:** An 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.

### III. ADMINISTRATIVE REVIEW

**Notice of Application:** A Notice of Application was issued on May 18, 2006. 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.

**Written Testimony:** Written comments were solicited and the final date to submit written comments was on June 23, 2006 by 5:00pm. Comments were received and were routed to you as part of your packet.

**State Environmental Policy Act:** 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. The SEPA appeal period ends on July 25, 2006.

The following are the mitigations contained with 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.
- 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.
- 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.
- 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 maybe 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.

**IV. SUGGESTED FINDINGS OF FACT**

**THE FOLLOWING GENERAL FINDINGS HAVE BEEN PREPARED BY THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT STAFF FOR CONSIDERATION BY THE PLANNING COMMISSION IN RENDERING ITS RECOMMENDATION ON THIS MATTER. THESE FINDINGS MAY BE USED TO REASONABLY SUPPORT A RECOMMENDATION IN FAVOR OF OR AGAINST THIS PROPOSAL, HOWEVER ADDITIONAL FINDINGS MAY ALSO BE NECESSARY.**

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. 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.
3. 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.
4. 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. The SEPA appeal period ends on July 25, 2006.
5. 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.

6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. The Planning Commission finds that the proposed rezone is consistent with the underlying Comprehensive Plan designation.
12. The Planning Commission finds that 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. 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.*
  - b. *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.*
  - c. *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.*
  - 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. This allows for reasonable development of the property. The property is located within the Urban Growth Area of Ellensburg.*
  - e. *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.*
  - f. *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.*

- g. 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.*
13. The Planning Commission finds that additional conditions are necessary to protect the public’s interest.
  14. All SEPA Mitigations shall be conditions of approval.
  15. Public testimony against the rezone was heard.