

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

October 9, 2014

D.R. Horton
Attn: Jennifer Reiner, P.E.
12910 Totem Lake Blvd. NE
Suite 220
Kirkland, WA 98034

Subject: Black Horse @ Whiskey Creek PUD – RZ 06-00015 & LP-06-00022

Dear Ms. Reiner,

Community Development Services is writing in response to your email dated September 17, 2014. Within this email, you requested that Kittitas County address the following: proposal to modify the frontage improvements on Bender Road, the necessary documentation to meet final development plan approval, and the necessary documentation to meet final plat approval.

Attached to this correspondence you will find a memo from Kirk Holmes, Public Works Director addressing your proposal to modify the frontage improvements requirements for this PUD. If you have any questions regarding this memo, please contact Public Works directly at (509) 962-7523.

In regards to your last two inquiries of necessary documentation and steps for final development plan and final plat approval please refer to the attached updated project review matrix attached to this correspondence. This matrix has been updated as of October 9, 2014 and all new comments are in track changes. There are seven (7) items that still need to be addressed prior to CDS moving forward with scheduling the closed record hearing with the Board of County Commissioners for Final Development Plan Approval. These items have been highlighted in yellow on the matrix. Once CDS has received verification from the pertinent department that these conditions have been met we will schedule the closed record hearing for the next available Board Agenda hearings which are held on the first and third Tuesdays of every month at 10:00 am. You will be notified of this date once available.

Additionally, there are a few conditions that are required to be met for final plat approval rather than final development plan approval. This is also indicated in the attached matrix. The final development plan must receive approval through closed record hearing and resolution prior to submittal of the final plat. Also the final plat submittal must meet the conditions of the Preliminary Plat Approval Ordinance 2007-06 and KCC 16.20.

I hope this letter has clarified your questions adequately. Should you have any further questions or need further assistance regarding this matter, please contact me at (509) 962-7637. Thank you.

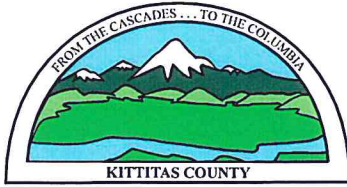
Sincerely,



Lindsey Ozbolt
Planner II

Enclosures (2)


CC:	Doc Hansen, Kittitas County Planning Official	<i>via email</i>
	Kirk Holmes, Kittitas County Public Works Director	<i>via email</i>
	Doug D'Hondt, Kittitas County Engineer	<i>via email</i>
	Christina Wollman, Kittitas County Floodplain Manager	<i>via email</i>
	Ryan Lyski, City of Ellensburg Public Works Director	<i>via email</i>



KITTITAS COUNTY
DEPARTMENT OF PUBLIC WORKS

Kirk Holmes, Director

MEMORANDUM

To: Lindsey Ozbolt, Staff Planner
From: Kirk Holmes, Public Works 
Cc: Kittitas County Public Works Project Team, Ryan Lyyski
Date: October 2, 2014

Subject: RZ 06-00015 and LP 06-00022 – Blackhorse at Bender Road/Whiskey Creek

This memo serves as the response to the meeting held on October 16th, 2014 with representatives from DR Horton, City of Ellensburg, and County staff. The purpose of the meeting was to consider new mitigations proposed by DR Horton in lieu of the current requirement to construct a full width bridge and associated civil and road frontage improvements to Bender Road. Specifically, this memo discusses the impacts of the new Whiskey Creek crossing in relationship to the designated floodplain. Additional discussions are expected to occur on civil engineering issues associated prior to the applicant receiving Final Development Planning approvals.

It is important to note that Blackhorse requested water and sewer services from the City of Ellensburg for the development. This signed agreement requires full compliance with City of Ellensburg development standards, including road frontage improvements. Meeting these standards ultimately required the replacement of a culvert at the Bender Road/Whiskey Creek crossing with three sided box culvert per the Washington State Department of Fish and Wildlife design standards. As such, multiple hydrological studies that were conducted related to this site have indicated minor changes to peak flow conditions within this reach of Whiskey Creek. None of the studies available for review definitively indicate any additional risk to the regulatory floodplain than currently exists.

Current planned improvements to the stormwater systems and drainage facilities of the Blackhorse property appear to adequately address County and City requirements. Additional construction permitting may fall under the purview of other agencies and are the sole responsibility of the developer.

Black Horse at Whiskey Creek Compliance Review

INTRODUCTION

A. Project Overview

Planned unit development of 375 Single Family Units on 73.34 acres in two phases. Project received preliminary approval on February 6, 2007. Ordinance 2007-06. (Z-06-15 and Preliminary Plat P-06-22)

B. Project Context

Project is located at 1406 West Reecer Road, within Section 27 described as being a portion of Section 27 of T.18N.,R18E., W.M. in the County of Kittitas State of Washington: all of map number 18-18-27010-002

C. Timing of Construction Activity

Ground work/construction shall only occur prior to FPUD and Final Plat approval if it is directly related to meeting a condition of approval.

I. FINAL PLANNED UNIT DEVELOPMENT (FPUD)

RELEVANT CODE SECTIONS	ANALYSIS	FINDING
<p>A. Final Development Plan (KCC 17.36.040) Following approval of the preliminary development plan by the county and before lot sales or building construction commences, the developer (owner) shall submit a final development plan for approval by the board of county commissioners which shall include all of the following:</p>	<p>Numerous plan sheets provided which detail all the elements listed in criteria.</p>	<p>In Compliance</p>
<p>1. A staging plan describing the timing or sequence of construction for all the elements of the plan. Subdivision lot sales may precede other elements of the development upon final plat approval</p>	<p>Provided. Tab 1 of Final Application. Timelines for construction commencing provided but now out-of-date. First phase was to begin in April 2014. It is acceptable to the County to consider the timing plan to be pushed back one construction season to begin in 2015. If the applicant is not in agreement with this, then an updated timeline for construction will be required.</p>	<p>In Compliance - Applicant may update if desired.</p>
<p>2. A map or maps of the site drawn at a scale no smaller than one hundred feet to one inch showing the following:</p> <ul style="list-style-type: none"> a. Preliminary engineering plans including site grading, road improvements, drainage and public utilities extensions; b. Arrangement of all buildings which shall be identified by type; c. Preliminary building plans including floor plans and exterior design and/or elevation views; d. Location and number of off-street parking areas including type and estimated cost of surfacing; e. The location and dimensions of roads and driveways including type and estimated cost of surfacing and road maintenance plans. f. The location and total area of common open spaces; g. Proposed location of fire protection facilities; h. Proposed storm drainage plan; 	<p>2. Maps are provided:</p> <ul style="list-style-type: none"> a. Provided. Attached plan b. Provided, Attached plan c. Typical Building Floor Plans and Elevation not provided. Tab 3 d. Location and Number of Driveways shown including information on surfacing or cost. Tab 4 e. Location and dimensions of roads and driveways Provided. No information on estimated cost of surfacing or road maintenance plans. Tab 4 f. The location and total area of common open spaces. Attached plan g. Proposed location of fire protection facilities; Attached plan h. Proposed storm drainage plan; Attached plan 	<p>In Compliance</p>
<p>1. Certification from state and local health authorities that water and sewer systems are available to accommodate the development;</p>	<p>Reimbursement agreement provided signed 7/7/2008. TAB 7</p>	<p>In Compliance</p>
<p>2. Provisions to assure permanence and maintenance of common open spaces;</p>	<p>Provided Draft CC&R's for Approval by County. Requires recording as condition prior to sale of any lot. TAB 8 Provided. Need review by Legal. Condition that CC&R's be recorded and shown on face of final plat. <u>Kittitas County does not regulate CC&Rs</u></p>	<p>Review Needed; <u>CDS staff to review In Compliance; CC&Rs must be recorded prior to sale of any lots.</u></p>
<p>3. Statement of intent including estimated cost for landscaping and restoration of natural areas despoiled by construction including tree planting.</p>	<p>Provided at Tab 9</p>	<p>In Compliance</p>

II. SEPA CONDITIONS

CONDITION	ANALYSIS	FINDING
I. Transportation		
A. Internal roads shall be constructed in accordance with Kittitas County or the City of Ellensburg standards, whichever is more restrictive.	Completed. Roads are designed to City Standards. Need to complete to bond for improvements.	In Compliance
B. Half street improvements, including sidewalk, full height curb and gutter, asphalt, street lighting, and storm drainage improvements will be required along Bender Road, Reecer Creek Road and Bowers Road frontages of the development. The Developer shall install full street improvements, including sidewalk, curb and gutter, asphalt, street lighting, and storm drainage improvements along the interior streets.	Provided on Tabs 4 and 6. Confirm with Public Works review is completed. See Tab 4 & 6	Review needed by KC PW. Applicant to follow-up with PW.
C. Bowers Road and Reecer Creek Road are both identified as arterials on the City's comprehensive plan. The developer will need to dedicate additional right of way on Reecer Creek Road, from approximately the north side of the canal crossing and extending south to Bender Road. Arterial roadways are 48' wide face to face of full height curbs, with 7' sidewalks.	Completed See Tab 4. Shown on Civil plans. Dedication of ROW to be required prior to final plat.	In Compliance with conditions
D. Bender road is identified as a collector, and also listed on the city bike plan. The existing right of way of Bender is 60' wide. The Bender Road improvements shall be 44' wide face to face of full height curbs, with 6' sidewalks.	Depicted on Civil Plan. Need to complete to bond for improvements prior to Final Plat.	In Compliance with conditions
E. All proposed interior roadways will be local access roadways, with 50' wide right of way. Local access roadways are 38' wide face to face of rolled curbs, with 5' sidewalks.	Complies. See Map DP-04. Need to complete to bond for improvements prior to Final Plat.	In Compliance with conditions
F. The proposed Lariat Street on the preliminary site plan is proposed as an 80' wide right of way, and the proposed 29th Avenue is proposed as a 60' wide right of way. At time of project civil plans submittal, the developer shall provide a proposed roadway section at these two streets to the City.	Complies. See Map DP-04. Need to complete to bond for improvements prior to Final Plat	In Compliance with conditions
G. The proposed roadway names shown on the preliminary plat map have been reviewed and approved by the City of Ellensburg and the fire departments.	Complies. See Map DP-04. Need to verify with Staff that names are approved. Need to complete to bond for improvements in final plat. One or more of the proposed road names are no longer available.	Review needed by KC PW. Applicant to contact Kelly Bacon in PW.
H. The developer shall include on their site plan the 185 foot long right turn lane from Bender Road into the development with appropriate striping. The developer shall include on their site plan the 160 foot long right turn taper from Reecer Creek Road into the development as described in the GTC Traffic Impact Analysis for the development.	Need detail sheet from full Civil plans to verify. Need to complete to bond for improvements	In Compliance with conditions
I. Prior to final plat approval the developer shall pay 15,000 towards the total estimated current cost for offsite traffic improvements of 200,000 (a semi-actuated signal at the intersection of Reecer Creek Road and University Way). This amount is 7.5% of the total cost to construct and install the signal to include mast arms, detection loops, and advance warning signs. The County will invest these funds until the signal is constructed in approximately six years	Noted in plan. Payment required prior final plat recording.	In Compliance with conditions

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in order to keep up with inflation.		
II. Light and Glare		
A. Any proposed lighting should be shaded and directed down towards the site.	Noted in plan.	In Compliance
B. Street lighting shall conform to the city street lighting requirements and standards.	Noted in plan. Street lighting plans are included in the civil set being reviewed by Public Works. Need to verify with Staff that lighting is approved.	Review needed by KC PW and City. Applicant to follow-up with KC PW.
III. Water and Septic		
A. Any filling of the onsite Category IV wetland will be in accordance with Kittitas County Code 17A: Critical Areas. Design and development of mitigations for the impact of wetlands shall be reviewed and approved prior to disturbance. Development mitigations shall be reviewed by the County, DOE, and other jurisdictional agencies. The mitigation plan shall contain a maintenance plan which demonstrates a physical and legal maintenance of the wetlands by the appropriate Homeowner's Association (HOA) or other entity.	Noted in Plan. Compliance not yet verified. Tab 9. A Corps permit is in process, project number NWS 2008-76 for this project. The HOA will be provided maintenance requirements for the wetlands and open space areas. Need completed USACE permit approval prior to FPUD Final Plat Approval. Need to incorporate USACE conditions into CC&R's. Maintenance of CCR&R's will be permanent condition of occupancy	<u>In Compliance for FPUD approval. Applicant needs to provide final USACE approval prior to final plat approval.</u>
B. The development shall comply with Cascade Irrigation District and Ellensburg Water requirements, and shall not interfere with irrigation delivery to any downstream users. Prior to final approval, a certificate/letter of approval must be received by CDS from the irrigation entity representative stating that the proposed development meets the irrigation entity requirements (KCC 16.18.030).	A letter from CID and Ellensburg Water needs to be provided prior to Final PUD-Plat approval.	<u>In compliance for FPUD approval. Applicant needs to provide Need final Water letter from City and CID prior to Final Plat Approval.</u>
C. The project shall comply with Kittitas County Code 17A: Critical Areas and 14.08: Flood Damage Prevention.	Does not yet comply. Final approval from Public Works is needed prior to FPUD approval.	Review Needed by KC PW. Applicant to follow-up with KC PW.
D. A 100 foot setback from the Ordinary High Water Mark (OHWM) of Whiskey Creek, location of wetlands and the boundary of the 100 year flood plain shall be shown on the final mylar. The allowed uses within the Whiskey	Complies. See Tab 1. The engineering design has incorporated the required	In Compliance with

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Creek buffer shall comply with applicable jurisdictional requirements and the appropriate permits shall be obtained as necessary.	setback and it will be shown on the final plat map. Compliance to be verified prior to recording of final plat.	conditions
E. Proper signage shall be incorporated on-site and CC&R restrictions shall be put in place to encourage the maintenance of the buffer to retain the natural condition of Whiskey Creek.	Complies. See Tab 5. Signage will be located along the Whiskey Creek buffer and it will also be noted in the CC&R's the restrictions for each Tract Maintenance of signage permanent condition of occupancy.	In Compliance with conditions
F. Site grading and development shall be designed as to minimize loss of existing flood storage or flood conveyance capacity, and shall have adequate drainage provided to reduce exposure to flood damage.	Complies, See Tab 1. The site grading has been designed to provide compensatory storage adjacent to Whiskey Creek for any filling within the floodplain. Verification from Public Works review of civil drawings need prior to FPUD approval.	Review Needed by KC PW. Applicant to follow-up with Doug D'Hondt
G. The applicants design engineer shall determine groundwater elevations in the vicinity of proposed stormwater treatment and flow control facilities. The water surface elevation shall be utilized in the facility designs and shall be verified when groundwater is at its highest.	Completed, See Tab 6. The geotechnical report and stormwater drainage report have been provided to Public Works provides the required information. Verification from Public Works review of civil drawings need prior to FPUD approval.	Review Needed by KC PW. Applicant to follow-up with Doug D'Hondt
H. Storm water and irrigation conveyance shall be kept separate.	Completed, See Tab 1. The final design for the stormwater conveyance through the site provides the means to keep the stormwater from the site development separate from the Town Ditch flows. Verification from Public Works review of civil drawings need prior to FPUD approval.	Review Needed by KC PW. Applicant to follow-up with Doug D'Hondt
I. Stormwater and surface runoff generated by this project must be retained and treated on-site in accordance with regulating agencies' standards.	Completed, See Tab 6. DP-07 shows the pond locations and provides design methodology	In Compliance
J. Stormwater shall not be discharged to Whiskey Creek or on-site wetlands without treatment.	Completed, See Tab 6 No onsite runoff is proposed to be discharged directly to either Whiskey Creek or the onsite wetland. All water must be treated per WAR Permit - 009906. See plan sheet DP-07. USACE Permit and conditions to be provided prior to FPU Final Plat approval	In compliance for FPUD. Applicant needs to provide Need final USACE approval prior to Final Plat Approval.
K. The project shall comply with all requirements of the Department of Ecology Storm Water Manual for Eastern Washington, County and the City of Ellensburg standards for stormwater, whichever is more stringent; and shall be collected, retained and disposed of on-site accordingly.	Completed See Tab 6 The project has a NPDES permit, WAR-009906 and will meet all County/City stormwater standards. USACE Permit and conditions to be provided prior to Final Plat FPU approval.	In compliance for FPUD approval. Applicant needs to provide Need final USACE approval prior to final plat

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		approval.
L. The developer shall provide for the ongoing maintenance of drainage swales and shall identify long term maintenance in CCRs. A plat note shall be included in the final mylar as follows As long as the detention tract is privately and not publicly owned, the detention tract shall be maintained by the Homeowner's Associations (HOA), as per the latest Department of Ecology's "Best Management Practices" Manual.	Completed. See Tab 6. All drainage ponds and swales within the plat will be required to be maintained by HOA as will be noted on the final plat and in the CCR's.	In Compliance with Conditions
M. Erosion control measures must be in place prior to any clearing, grading or construction.	Complies. See Tab1. The approved site development plans will include TESC requirements and all work will be in compliance with NPDES permit number WAR-009906. Conditions of permit will be incorporated into and enforced on all future construction permit actions.	In Compliance with Conditions
N. The project shall meet the requirements for a NPDES Construction Storm Water permit.	Complies, See Tab 10. Project is currently under NPDES permit number WAR-009907. Conditions of permit will be enforced through individual permit actions.	In Compliance with Conditions
O. On-site drainage features associated with construction shall be designed such that off-site adjacent wetlands are not dewatered or impacted.	Complies. See Tab 6. The onsite drainage has been designed in accordance with the sites NPDES permit and the County/City stormwater manuals.	In Compliance with Conditions
P. The project shall comply with the requirements of the Army Corps of Engineers Nationwide Permit.	A Corps permit is in process, project number NWS 2008-76. FPDU cannot issue until Corps Permit has been issued and all conditions of the USACE permit shall be incorporated into permit conditions for subsequent construction permits.	In compliance for FPUD approval. Applicant needs to provide Need final USACE approval prior to final plat approval.
IV. Noise and Aesthetics		
A. All county noise ordinances shall apply to the project.	Agreed	In Compliance
B. Construction activities shall comply with KCC 9.45 (Noise).	Agreed	In Compliance
C. Landscaping shall be provided consisting of a mixture of native plantings, and mixed deciduous and conifer trees as reflected in the draft landscaping plan in order to provide a buffer to the surrounding area.	Completed. See Tab 9. Landscaping plans have been provide to the County for review and provide a buffer to the adjacent parcels.	Review needed. CDS staff to review. Need review. In compliance with conditions.
V. Land Use and Recreation		

A. A final development plan pursuant to Kittitas County Code 17.36.040 shall be submitted for approval by the Board of County Commissioners.	Complies	In Compliance
B. All proposals of the applicant included within their application that are not in conflict with these mitigations shall be conditions of approval and shall be considered as mitigations.	Complies	In Compliance
C. Pursuant to Kittitas County Code 17.74.060A, a Plat Note regarding the Right to Farm Ordinance is required. The note shall read as follows: "The subject property is within or near land used for agriculture on which a variety of commercial activities may occur that are not compatible with residential development for periods of varying duration. (RCW 36.70A.060(1)) Commercial natural resource activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances." (RCW 7.48.305).	Complies. The note will be added to the final plat map prior to recording.	In Compliance with conditions
VI. Utilities and Service		
A. As required in the outside utility agreement, the installation of utility, street and other public improvements shall conform to the standards and specifications approved by the City of Ellensburg and such development standards shall use the current City development design requirements as the standard for review of the development	Completed. A Developer Extension Agreement and Latecomer's has been entered into with the City of Ellensburg and all plans are in conformance and will be further verified in subsequent building code reviews. See Tab 7	In Compliance with Conditions
B. The project shall be served by City water and sewer services. The applicant shall work with the city to establish the appropriate connections <i>per</i> the City of Ellensburg processes and standards.	Completed. The project currently has City sewer and water at the site. See Tab 1 & 7	In Compliance
C. All requirements from the local fire jurisdictions shall be incorporated into the project. This project shall comply with International Fire Code (IFC) and Appendices.	Completed. The project has been designed in accordance with applicable fire codes to be further verified in subsequent building code reviews. See Tab 5	In Compliance
D. No parking: fire lane" shall be posted within 20 feet of all internal intersections. The signs must comply with IFC Appendix D.	Agreed	In Compliance
E. The subject property shall conform to the minimum requirements for fire apparatus access.	Completed See Tab 4 & 5. Map DP-04 & Map DP-06 show the fire hydrant locations.	In Compliance
F. Location and amount of fire hydrants on-site shall meet local fire jurisdiction requirements.	Completed See Tab 5. Map DP-06 shows the location of the fire hydrants.	In Compliance
G. Mail routes shall be approved by the postmaster. The postmaster shall also approve mailbox locations. Mailbox locations shall not create sight obstructions.	Completed. See Map DP-04 in Final Development Plan.	In Compliance
H. The applicant shall work with the local school district to provide for a safe location and passageway for a school bus stop. This location shall be delineated on the final mylar.	Completed. The school district has been contacted and the bus stop locations have been determined.	In Compliance with conditions