

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

**ORDINANCE NO. 2006 - 60**

**VANTAGE BAY REZONE (Z-06-25) AND PRELIMINARY PLAT (P-06-26)**

**IN THE MATTER OF AMENDING THE KITTITAS COUNTY ZONING ATLAS FOR PORTIONS OF THE EAST HALF SECTION 30 OF TOWNSHIP 17 N., RANGE 23 E., FROM FOREST AND RANGE-20 TO PLANNED UNIT DEVELOPMENT AND DIVISION OF A PORTION OF THE PLANNED UNIT DEVELOPMENT LOCATED IN THE PORTION OF SECTION 30, TOWNSHIP 17N., RANGE 23E., INTO 315 LOTS REFERED TO AS PHASE 1 OF THE PLANNED UNIT DEVELOPMENT**

**WHEREAS**, due to lack of quorum, the September 12<sup>th</sup>, 2006 hearing initially scheduled for the Planning Commission was continued to September 21, 2006; and,

**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 was held by the Kittitas County Planning Commission on September 21, 2006 for the purpose of considering a zone change consisting of approximately 75.61 acres from Forest and Range-20 to Planned Unit Development (PUD), and a preliminary plat known as Phase 1 of the Planned Unit Development and described as follows:

ALL OF THREE PARCELS LOCATED EAST OF HUNTZINGER ROAD AND SOUTH OF INTERSTATE 90 AT HUNTZINGER ROAD, VANTAGE, WA 98950 WITHIN SECTION 30, described as being the east half portion of section 30 of T.17N., R.23E., W.M., in the County of Kittitas, State of Washington; all of map numbers 17-23-30010-0006, 17-23-30000-0001, and 17-23-30000-0003. 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 September 21, 2006 hearing to September 26, 2006 for deliberation with the record closed; and,

**WHEREAS**, the Planning Commission at the September 26<sup>th</sup>, 2006 held a continued closed record hearing, deliberated and recommended denial of said proposed rezone and preliminary plat in a 3-1 decision. The following minority report was included; rather than forward with a recommendation of

denial, it was recommended that the project be remanded back to staff to address issues; and,

**WHEREAS**, a closed record public meeting was held by the Board of County Commissioners on November 7, 2006 to consider the Planning Commission's recommendation on this matter; and,

**WHEREAS**, the November 7<sup>th</sup>, 2006 hearing was continued to November 13<sup>th</sup>, 2006 where the Board of County Commissioners approved said rezone and preliminary plat with a 3-0 vote and directed staff to prepare enabling documents for Board consideration during the December 5<sup>th</sup>, 2006 agenda; and,

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

1. Todd Lolkus Land Surveying LLC, authorized agent for BCSCBN Inc., landowner has submitted applications for the following: 1. Vantage Bay Rezone, Z-06-25, from Forest and Range-20 to Planned Unit Development (PUD) for approximately 75.61 acres, and 2. Vantage Bay Preliminary Plat, P-06-26, which is a 315-lot subdivision on approximately 58.20 acres of the total 75.61 acres. The subject property is approximately 75.61 acres and is located east of Huntzinger Road and south of Interstate-90 at Huntzinger Rd, Vantage, WA 98950 in a portion of the east half of Section 30, T17N., R23E., W.M. in Kittitas County. Parcel numbers 17-23-30010-0006, 17-23-30000-0001, and 17-23-30000-0003.
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 a phased approach and is as follows: Phase #1: 315 lot subdivision on approximately 58.20 acres of the total 75.61 acres involved in the PUD rezone. 310 lots are being proposed as dwelling lots with the other 5 lots being proposed as the following tracts: Tract A. Community Tract (0.13 acres), Tract B. Community Area (0.13 acres), Tract C. Community Area (1.41 acres), Tract D. Water Storage Area (0.70 acres), Tract E. Sewage Treatment Area (1.84 acres). The proposed density of the development for Phase #1 is 8.36 dwelling units per acre. Phase #2: Nothing specific proposed for Phase #2 currently other than request to rezone to Planned Unit Development. The total acreage for just Phase #2 is 17.41 acres
3. Total acreage for all subject properties requested to be rezoned to PUD = 75.61 acres
4. Total acreage for just Phase #1= 58.20 acres, Total acreage for just Phase #2= 17.41 acres
5. 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 as located on Tract "F" that is identified as reserved for future Phase #2. To the west, south and north of the property is Washington State Parks and Recreation and Grant County PUD lands, and to the north of the property is Washington State Department of Transportation property. To the east of the subject property is an inlet and further east and not directly abutting is the Columbia River.
6. The subject properties are within the Vantage Urban Growth Node (UGN). The submitted application is proposed to be served by a community water and sewer system. Zoning to the north, south, east and west of the properties is Forest and Range-20.
7. This rezone request is the follow-up to the 2005 comprehensive plan map changes recommended for approval by the Planning Commission and approved by the Board of County Commissioners on December 20<sup>th</sup>, 2005
8. The Comprehensive Plan's Land Use Element currently designates the subject parcel as Urban Residential. The comprehensive plan designation was recently amended to adopt the

- Vantage Sub Area Plan to re-designate the subject parcels to "Urban Residential" as part of the 2005 comprehensive map update ordinance (No. 2005-40).
9. A Notice of Application was issued on June 30, 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.
  10. Written comments were solicited and the final date to submit written comments was on August 3, 2006 by 5:00pm. Comments were received and have been made part of the project record.
  11. 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 August 29, 2006. The SEPA appeal period ended on September 12, 2006 at 5:00pm. No SEPA Appeals were received.
  12. The following are the mitigations contained with the MDNS:
    - I. Transportation
      - A. The applicant shall adhere to all applicable regulations as set forth in the current Kittitas County Road Standards.
      - B. No direct access to I-90 or within the limited access boundaries of Huntzinger Road will be allowed per WSDOT requirements.
      - C. The north side of Tract "F" abuts WSDOT property on the north side. Access from the plat area to or across said WSDOT property shall be prohibited.
      - D. It is the developer's responsibility to dampen or deflect any I-90 traffic noise for the development.
      - E. Any outdoor advertising or motorist signage for this project shall comply with state criteria. The applicant shall contact Rick Gifford of the WSDOT South Central Regional office at (509)577-1985 for requirements.
      - F. Site grading shall be designed so as not to reduce flood storage or conveyance capacity.
      - G. Mail routes shall be approved by the postmaster. The postmaster shall also approve mailbox locations. Mailbox locations shall not create sight obstructions.
    - II. Light and Glare
      - A. Any proposed lighting should be shaded and directed down towards the site and away from I-90.
    - III. Water
      - A. Withdrawals of groundwater on the subject property shall be subject to the rules and regulations adopted and administrated by the Washington State Department of Ecology.
      - B. A minimum 80 foot buffer shall be maintained from the wetlands. Currently, the preliminary plat depicts a buffer that is over 120 feet from the wetlands. Proper signage shall be incorporated and maintained on-site to encourage the maintenance of the buffer and natural condition of the shoreline and wetlands. 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, and County to design and establish the signage and a buffer restoration plan. Wetlands locations and buffer boundaries shall be delineated on the final mylar. A plat note shall be included on the final mylar stating that *All development will need to comply with KCC 17A: Critical Areas.*
      - C. All development shall comply with the Kittitas County Shoreline Master Plan. Lots adjacent to wetland and shoreline areas shall be large enough to accommodate a building envelope

which will not intrude into buffer areas or require a variance for build-out. Per Kittitas County Shoreline Master Program, all structures shall be setback a minimum of 100 feet from the Ordinary High Water Mark of all shorelines.

- D. The project shall comply with all requirements of the Department of Ecology Storm Water Manual for Eastern Washington standards for storm water and shall be collected, retained and disposed of on-site.
- E. The project shall meet the requirements for a NPDES Construction Storm Water permit.
- F. All development shall comply with Kittitas County Flood Code Title 14.08.
- G. On-site drainage features associated with construction shall be designed such that 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).

#### V. Land Use

- A. A final development plan pursuant to Kittitas County Code 17.36.040 shall be submitted for approval by the Board of County Commissioners.
- 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.
- C. Fencing and/or signage delineating private and public property on the easterly boundary shall be placed in order to prevent encroachment, and minimize ground disturbance and vegetation between the properties.
- D. Prior to development of Phase 2, the proponent shall submit detailed PUD development drawings for review and approvals to Kittitas County.

#### VII. Utilities and Services

- A. A Class A Water System and wastewater management system shall be developed to serve the site in conformance with local and state health regulations.
  - B. Per the Kittitas County Shoreline Master Plan, there shall be a minimum setback of 100 feet from the Ordinary High Water Mark for all on-site sewage treatment systems.
  - C. The plat shall comply with International Fire Code (IFC) and appendices.
  - D. The subject property shall conform to the minimum requirements for fire apparatus access.
  - E. Water supplies and apparatus/equipment for fire suppression shall comply with the International Fire Code and NFPA, and shall be reviewed by Kittitas County and local jurisdictions.
  - F. The applicant shall coordinate with the local school district to provide for a safe location and passageway for a school bus stop. This shall be delineated on the final mylar.
13. An administrative site analysis was completed by the staff planner in compliance with Title 17A. The following are findings from the review: **Shorelines of the State:** There is an inlet to the east of the property. Per the report conducted by the Environmental Assessment Services (dated July 19, 2006), this has been described as small back water slough that is connected to the Wanapum pool of the Columbia River and likely provides waterfowl, amphibian, and fish habitat. The project's storm water design may allow for percolation of the water into the slough resulting in the slough's water temperature's possibly being affected. It is recommended that a baseline evaluation and subsequent semi-annual monitoring of water quality (temp, DO, conductance) and of the benthic community (macroinvertebrate community structure) for a period of three years to document possible changes in the slough due to storm water practices for the proposed project. All development will need to comply with the Kittitas County Shoreline Master Plan and KCC

17A: Critical Areas. **Wetlands:** Wetlands are located within 200 feet of the proposed development's footprint to the east. There is an inlet east of the property. Per the report conducted by the Environmental Assessment Services (dated August 25, 2006), the wetland was typed a Category II wetland. A minimum 80 foot buffer shall be maintained from the wetlands. Currently, the preliminary plat depicts a buffer that is over 120 feet from the wetlands. Proper signage shall be incorporated and maintained on-site to encourage the maintenance of the buffer and natural condition of the shoreline and wetlands. 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, and County to design and establish the signage and a buffer restoration plan. Wetlands locations and buffer boundaries shall be delineated on the final mylar. A plat note shall be included on the final mylar stating that *All development will need to comply with KCC 17A: Critical Areas.* **100-year floodplain:** A small portion of the southeast corner of the proposed site is located within the 100-year flood plain. All development will need to comply with the requirements of KCC 14.08: Flood Damage Prevention and KCC 17A: Critical Areas.

14. An open record hearing was scheduled before the Planning Commission on September 12, 2006 to consider this matter.
15. Due to lack of quorum the September 12, 2006 hearing was continued to September 21, 2006 and testimony was taken from those persons who wished to be heard. The Planning Commission at said hearing continued to September 26, 2006 for Planning Commission deliberation with the record closed for both oral and written testimony.
16. The proposed rezone is consistent with the underlying Comprehensive Plan designation of Urban Residential
17. 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 proposed rezone is compatible with the underlying land use designation of Urban Residential and Vantage Bay Subarea Plan adopted for this project site as part of the 2005 Comprehensive Plan Amendment.*
  - B. *The proposed amendment bears a substantial relation to the public health, safety or welfare. The subject properties are within the Vantage Urban Growth Node (UGN). The submitted application is proposed to be served by a community water and sewer system. All proposed infrastructure shall be constructed and approved by appropriate government entities.*
  - C. *The proposed amendment has merit and value for Kittitas County or a sub-area of the county. It provides for a potential for an increased tax revenue/tax base and allows for a mixture of densities in the Rural land use designation and it is recognized that different zones are allowed. The subject property is located within the land use designation of Urban Residential and is part of the Vantage Sub Area Plan.*
  - 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. The comprehensive plan designation was recently amended to adopt the Vantage Sub Area Plan to re-designate the subject parcels to "Urban Residential" as part of the 2005 comprehensive map update ordinance (No. 2005-40). The project site is also located within the Vantage Urban Growth*

*Node.*

- E. *The subject property is suitable for development in general conformance with zoning standards for the proposed zone. The subject property is located within the Vantage Urban Growth Node and the land use designation is Urban Residential. Urban Growth Nodes are those existing unincorporated areas which are established town sites or communities having at a minimum: a community water system; established residential, commercial and industrial densities; and other vestiges of urban development, with defined boundaries established by the County. The submitted application is proposed to be served by a community water and sewer system.*
  - 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 as located on Tract "F" that is identified as reserved for future Phase #2. To the west, south and north of the property is Washington State Parks and Recreation and Grant County PUD lands, and to the north of the property is Washington State Department of Transportation property. To the east of the subject property is an inlet and further east and not directly abutting is the Columbia River. The subject properties are within the Vantage Urban Growth Node (UGN).*
  - G. *The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties. There is no irrigation on-site.*
18. The following conditions shall apply for the Phase 1 preliminary plat:
- A. **On Site Sewage:** 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 project plat file for future reference. The information obtained from these soil logs is for plat approval purposes only and do not constitute a site evaluation in conjunction with the issuance of a permit for any specific lot.
  - B. **Proof of potable water** must be shown prior to final plat approval.
  - C. **Legal Description:** There appears to be a spelling error in the legal description as it appears on the face of the plat. Phase II, paragraph 2, line 9; should read *marking* not *making*. This shall be corrected.
  - D. **Receiving Numbers:** Receiving numbers are required on each sheet of the plat.
  - E. **Contour Lines:** Contour lines are required on the preliminary plat. The applicant shall show contour lines on the preliminary plat.
  - F. **Road Right of Way:** The Road Right of Way note states that *30.00' Road Right of Way is Typical for all Roads in this Development*. However, the road right of ways show a total of 60' on the plat (30' on each side of the road centerline). This note shall be changed to reflect a 60' right of way. The applicant should be aware that by dedicating these right of ways to the use of the public that they would not have the ability to limit access to the general public. The applicant should consider establishing private easements if the applicant has any plans for gated entrances or any other means of restricting or excluding use.
  - G. **Plat Notes for Airstrip:** This development is within close proximity of an airstrip, as shown on the plat submittal, a plat note shall be included that states this. The plat note shall state: this property is located within close proximity of an airstrip in

which a variety of airport aviation activities may occur. Such airport aviation activities may impact the use of your property.

- H. Lot Sizes and Parking: With the proposed size of the lots and type of expected recreational activities, the applicant shall address parking issues that are likely to occur. Final PUD drawings and Site plans should consider whether there is room for adequate driveway lengths to accommodate trucks and larger vehicles associated with recreational activities. Appropriate planning should be done to ensure that vehicles are not going to impede normal traffic flow or extend beyond the driveway parking areas. Provisions may be needed to accommodate these types of uses such as wider turning radiuses or limiting on street parking, designation of parking areas for boats, RV's, etc.
- I. Adjacent Property Owners: The preliminary plat shall show all adjacent property owners and their lot lines (shown as dashed lines).
- J. Additional Information: The applicant shall contact the Public Works department to discuss the specifics of the civil site design. Road design, curb gutter, sidewalks, storm water, utilities and infrastructure shall be discussed in more detail per final development requirements for the Planned Unit Development.
- K. The project shall provide adequate road access to the site and will conform to all Kittitas County Road Standards.
- L. The project shall comply with the requirements of Kittitas County Code 16.18: Irrigation and Sprinkling.
- M. Both sheets shall reflect: Vantage Bay Planned Unit Development Phase 1, P-06-26.
- N. Full year's taxes must be paid on applicable tax parcels per Kittitas County Treasurer's requirements.
- O. 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).
- P. All mitigations contained as part of the issued SEPA MDNS shall be conditions of approval.

19. 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 75.61 acres from Forest and Range-20 to Planned Unit Development (PUD) known as the Vantage Bay Rezone (Z-06-25), and a preliminary plat designated as Phase 1 of the Planned Unit Development, known as the Vantage Bay Preliminary Plat (P-06-26), and does hereby authorize the amendment of the Kittitas County Zoning Map as set forth in attached Exhibit A and does hereby approve the proposed development configuration for the preliminary plat as set forth in attached Exhibit B and C.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2006 at Ellensburg, Washington.



Julie A. Kjorsvik

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

*David B. Bowen*

David B. Bowen, Chairman

*Alan A. Crankovich*

Alan A. Crankovich, Vice-Chairman

**APPROVED AS TO FORM:**

*Perry D. Huston*

Perry D. Huston, Commissioner

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Greg Zempel WSBA #19125



**Exhibit A: VANTAGE BAY REZONE (Z-06-25) AND PRELIMINARY PLAT (P-06-26), Rezone Maps: Forest and Range-20 to Planned Unit Development**

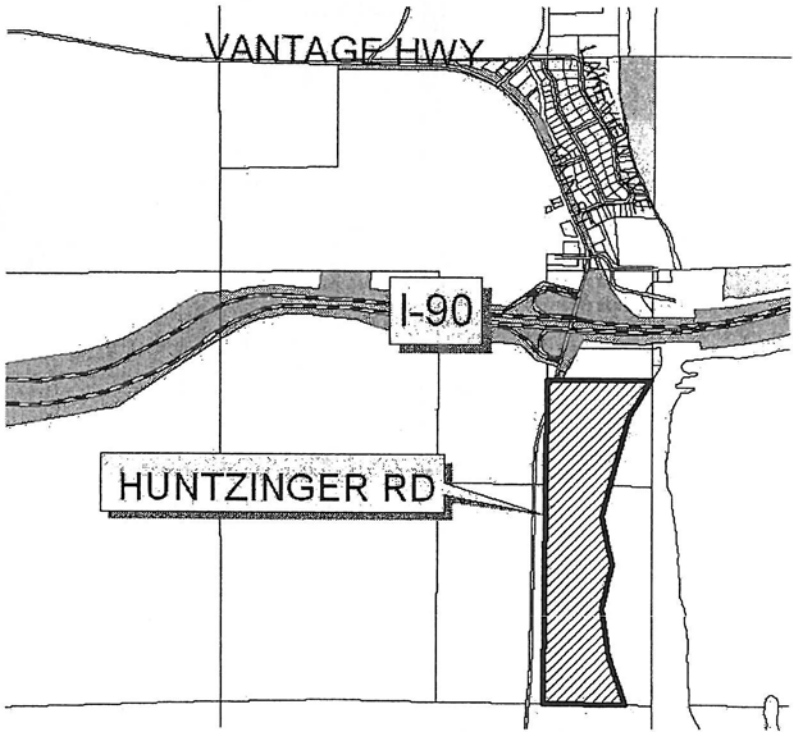
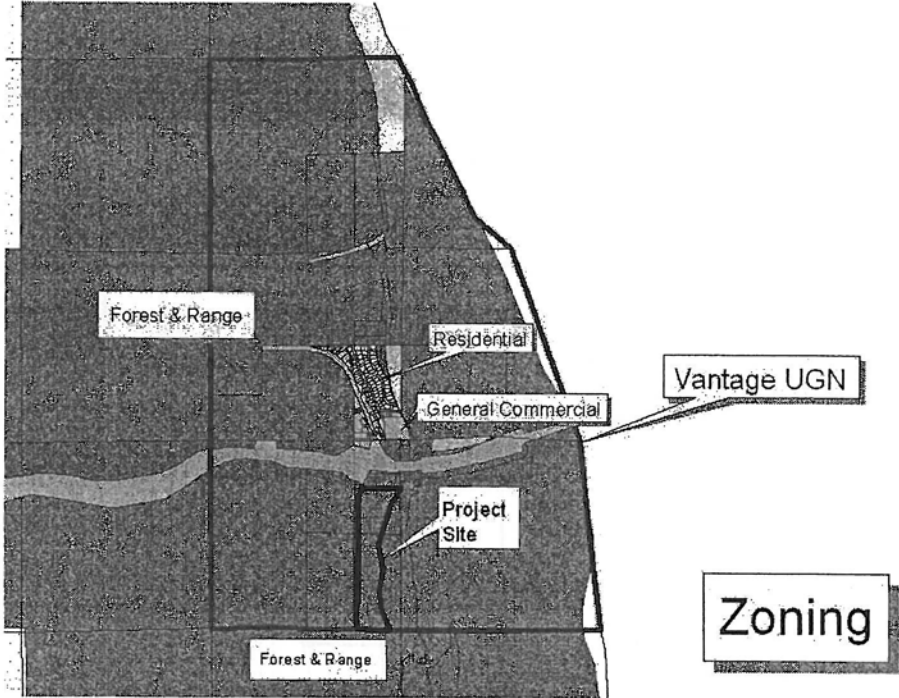


Exhibit B: VANTAGE BAY REZONE (Z-06-25) AND PRELIMINARY PLAT (P-06-26),  
 Preliminary Plat Map 1

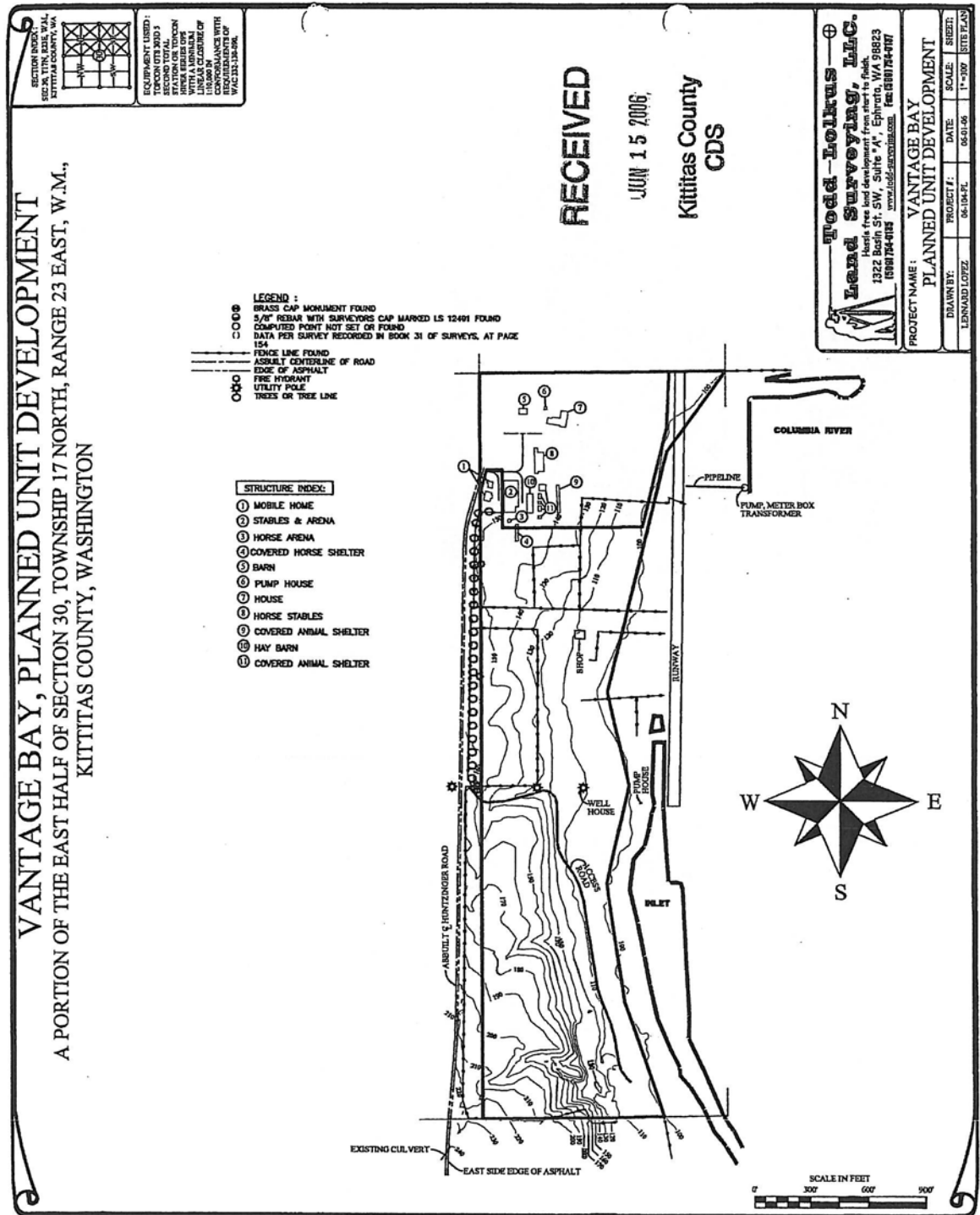


Exhibit C: VANTAGE BAY REZONE (Z-06-25) AND PRELIMINARY PLAT (P-06-26), Preliminary Plat Map 2

