



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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PLANNING COMMISSION STAFF REPORT

TO: Kittitas County Planning Commission
FROM: Mackenzie Moynihan, Staff Planner
DATE: May 19, 2008 for May 27, 2008 Public Hearing
SUBJECT: Graham Rezone (Z-08-02) and Graham Family Short Plat (SP-08-02)

I. BACKGROUND INFORMATION

Proposal: Graham Rezone (Z-08-02) and Graham Family Short Plat (SP-08-02)

The Graham Rezone is an application for a rezone of one parcel from Forest & Range to Rural-3, followed by the Graham Family Short Plat (SP-08-02) to subdivide the approximately 12.19 acre parcel into 4-lots. The applications were submitted by Richard Graham, landowner.

Location: The subject property is located south of Interstate 90, off Lower Peoh Point Road, Cle Elum, WA 98922, and is located in a portion of section 04, T19N, R16E, WM, in Kittitas County. Map number 19-16-04030-0013.

Environmental Health: The applicant proposed individual wells and septic systems for this project. Because this is one project with one single exemption from the Department of Ecology, the wells will be required to be metered. The single groundwater exemption of 5,000 gallons per day shall be shared between the 4-proposed lots. Individual septic systems are allowed.

Transportation: The proposed access to the plat will be off of Lower Peoh Point Road and all conditions and requirements set forth by the Department of Public Works shall be met or exceeded by the applicant.

Land Use and Site Characteristics: The proposed development site is located within a rural area zoned Forest & Range, within agricultural and natural resource areas. The property borders the John Wayne Trail followed by the Yakima River on the north end. The subject property is bordered on all sides by Forest & Range zoning, though there is some Ag-3 zoning and Rural-3 zoning beyond that to the north, south and west.

II. POLICY AND REGULATORY REQUIREMENTS

Comprehensive Plan: The Comprehensive Plan's Land Use Element designates the subject parcel as Rural. Lands that can support residential development, but also farming, mining and forestry generally characterize such areas. Consequently, particular precaution must be taken to minimize conflict between new residential developments and natural resource activities. The economy of our

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rural community has traditionally been based on natural resource activities and Kittitas County encourages and supports their continuation in Rural Lands.

Comprehensive Plan – Rural Lands

8.5(A) General Goals, Policies and Objectives

The following GPO's apply to all Rural Lands or uses on those lands:

GPO 8.5: Kittitas County recognizes and agrees with the need for continued diversity in densities and uses on Rural Lands.

GPO 8.9: Projects or developments which result in the significant conservation of rural lands or rural character will be encouraged.

GPO 8.11: Existing and traditional uses should be protected and supported while allowing as much as possible for diversity, progress, experimentation, development and choice in keeping with the retention of Rural Lands.

GPO 8.12: Descriptions of rural character included in the Comprehensive Plan shall not be used as a criteria in the evaluation of an individual project application.

GPO 8.13: Methods other than large lot zoning to reduce densities and prevent sprawl should be investigated.

Zoning Code: The subject zoning is currently Forest & Range. The purpose and intent of this zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged.

Some permitted uses in this zone include single family homes, cabins, mobile homes, duplexes, lodges and community clubhouses, agriculture, livestock, poultry or hog raising, forestry

Some conditional uses in this zone include campgrounds, private trail clubs, airports, sawmills, firing ranges, golf courses, greenhouses, nurseries, riding academies, etc.

The proposed zoning designation is Rural-3. The purpose and intent of this zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in citing R-3 zones will be to minimize adverse effects on adjacent natural resource lands.

Some permitted uses in this zone include single family homes, mobile homes, cabins, lodges and community clubhouses, forestry, accessory dwelling units and accessory living quarters.

Some conditional uses include campgrounds, guest ranches, retreat centers, motor trail clubs and golf courses.

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: An administrative site analysis was completed by Community Development Services in compliance with Title 17A. The only noted critical area to the property is the presence of steep slopes, some in excess of 30%.

III. ADMINISTRATIVE REVIEW

Affidavit of Posting: The site was accurately posted with the “Land Use Action” sign as provided by Community Development Services and as required by KCC 15A.03.110. The signed Affidavit of Posting was returned to Community Development Services on February 19, 2008.

Notice of Application: A complete application was submitted to Community Development Services on February 7, 2008. A Notice of Application was issued on February 22, 2008. This notice was published in the official county paper of record on February 22, 2008 and was mailed to jurisdictional government agencies, adjacent property owners within 500 feet and other interested parties.

Written Testimony: Comments were received from the Washington State Department of Ecology, Kittitas County Environmental Health, Kittitas County Department of Public Works, and the Washington State Department of Community, Trade and Economic Development (CTED).

State Environmental Policy Act: Review under the State Environmental Policy Act was required for this project and the completed SEPA checklist and application materials were mailed to interested parties and required jurisdictions on February 22, 2008. On April 25, 2008, Community Development Services issued a Mitigated Determination of Non-significance (MDNS) for this project. The MDNS was issued with the following mitigation measures:

I. Transportation

- a. The applicant shall be responsible for meeting or exceeding all conditions and requirements set forth by the Department of Public Works, as listed in the attached memorandum.
- b. A minimum 20’ wide access and utility easement shall be shown on the final mylars for the proposed access location to Lot 4 of the Graham Family Short Plat.

II. Air

- a. If the applicant plans to burn trees or debris from the property, the applicant shall obtain a burn permit from the Department of Ecology. Only natural, unprocessed vegetation may be burned in an outdoor fire. It is the applicant’s responsibility to contact the Department of Ecology regarding this permit.
- b. Washington Administrative Code (WAC) 173-400-040 requires that reasonable precautions be taken to prevent dust from leaving the project site. Additionally, dust is prohibited from interfering unreasonably with the use and enjoyment of the property, causing health impacts or damaging property or business. As a result, the applicant shall be responsible for creating a site-specific Fugitive Dust Control Plan (FDCP) before starting this project. The plan shall be followed throughout the duration of any activity and construction of the project.

III. Water

- a. Activities such as road widening, stump pulling and clearing, grading and fill work and utility placements may require an NPDES Construction Stormwater Permit issued by the Department of Ecology prior to the start of construction. This permit requires the preparation of a Stormwater Pollution Prevention Plan. It is the applicant's responsibility to contact the Department of Ecology.
- b. Stormwater and surface runoff generated from this project shall be treated onsite and shall not be allowed to flow into County road right-of-ways.
- c. Withdrawals of groundwater on the subject property are subject to the rules and regulations adopted and administrated by the Washington State Department of Ecology; this includes the use of water for irrigation. Legally obtained water must be used on-site.
- d. The Graham Family Short Plat (SP-08-02) shall be considered as one project and therefore shall be limited to one groundwater withdrawal exemption for all four (4) proposed lots.
- e. Property owners shall be required to demonstrate compliance with the single project withdrawal limitation of 5,000 gallons to be shared between the four lots.
- f. All wells serving the Graham Family Short Plat (SP-08-02) shall be metered and records documenting water usage shall be kept and made available for public inspection. The cumulative daily withdrawal limit of all wells combined shall not exceed the 5,000 gallon per day exemption set forth by the Department of Ecology.
- g. Washington Administrative Code (WAC) 173-150 provides for the protection of existing rights against impairment, i.e. interruption or interference in the availability of water. If the water supply in your area becomes limited, your use could be curtailed by those with senior water rights.

IV. Light and Aesthetics

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

V. Noise

- a. Development and construction practices for this project shall occur between the hours of 7:00am and 7:00pm to minimize the effect of construction noise on nearby residential properties.

VI. Public Safety

- a. Addresses of all new residences shall be clearly visible from both directions at the county road.
- b. The applicant shall consult with the local school district to determine a safe location for a school bus stop and said location shall be depicted on the final mylars.

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. Richard Graham, landowner, submitted complete applications to Community Development Services for a rezone from Forest & Range to Rural-3 along with a Short Plat to subdivide approximately 12.19 acres into 4-lots.
2. The proposed development is located south of Interstate 90, off Lower Peoh Point Road, Cle Elum, WA 98922, and located in a portion of Section 04, T19N, R16E, WM, in Kittitas County. Map number 19-16-04030-0013.
3. The proposed development application included a rezone application from Forest & Range to Rural-3 and a Short Plat to subdivide approximately 12.19 acres into 4-lots. The lots are all around 3.00 acres in size.
4. The site was accurately posted with the "Land Use Action" sign as provided by Community Development Services and as required by KCC 15A.03.110. The signed Affidavit of Posting was returned to Community Development Services on February 19, 2008.
5. Community Development Services issued a Notice of Application pursuant to KCC 15A.03 on February 22, 2008. Interested jurisdictional agencies and landowners within 500 feet of the subject property were notified specifically, as required by law. The Legal Notice of Application was published in the Daily Record on February 22, 2008. Said notices solicited comments from jurisdictional agencies and from the general public.
6. Review under the State Environmental Policy Act (SEPA) was required for this project. Based on review of comments received, a Mitigated Determination of Nonsignificance was issued on April 25, 2008 under WAC 197-11-350.
7. All conditions of the SEPA Mitigated Determination of Non-Significance shall be adhered to by the applicant.
8. A plat note shall be added as follows:

Withdrawals of groundwater on the subject property are subject to the rules and regulations adopted and administered by the Washington State Department of Ecology; this includes the use of water for irrigation. Legally obtained water shall be used on site.
9. A plat note shall be added as follows:

The Graham Family Short Plat (SP-08-02) shall be considered as one project and therefore shall be limited to one groundwater withdrawal exemption for all four (4) proposed lots. All wells serving the Graham Family Short Plat (SP-08-02) shall be metered and records documenting water usage shall be kept and made available for public inspection. The cumulative daily withdrawal limit of all wells combined shall not exceed the 5,000 gallon per day exemption set forth by the Department of Ecology.
10. An open record hearing was held on May 27, 2008 and testimony was taken from those persons present who wished to be heard. Due notice of this public hearing was given as required by law, and the necessary inquiry was made into the public interest to be served by this proposed project.

11. The proposed rezone is consistent with the underlying Comprehensive Plan designation of Rural.
12. The proposed rezone does/does not 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.*
 - b. *The proposed amendment bears a substantial relation to the public health, safety or welfare.*
 - c. *The proposed amendment has merit and value for Kittitas County or a sub-area of the county.*
 - d. *The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property.*
 - e. *The subject property is suitable for development in general conformance with zoning standards for the proposed zone.*
 - f. *The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property.*
 - g. *The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties.*
13. Additional conditions **are/are not** necessary to protect the public's interest.