



# KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

## STAFF REPORT BIG CREEK TRAILS SUBSTANTIAL DEVELOPMENT PERMIT (SD-15-00002)

TO: Kittitas County Hearing Examiner  
FROM: Kittitas County Community Development Services Staff  
DATE: February 9, 2017

### I. GENERAL INFORMATION

#### Requested Action:

D.K. Professional Consultants, Inc. submitted, and received conditional approval for rezone application to change the current Rural Recreation and Rural 5 zoning on parcels of land to a Planned Unit Development (PUD) allowing the development of 58 single family homes over 290 acres. Such development is allowed per KCC 17.36.15.02. One of the conditions of the approved rezone and creation of the PUD is to obtain a substantial development permit under the Shoreline Master Program (SMP) adopted by the County in 1975. This application is provided for action to meet this condition of the approved project.

Location: The subject property consists of eleven (11) parcels, located approximately 8 miles east of the City of Cle Elum south of Nelson Siding Road, in a portion of Section 28, 29 and 32, T20N, R14E, WM in Kittitas County, bearing Assessor's map number 20-14-28000-0018, 20-14-28000-0054, 20-14-29000-0006, 20-14-29000-0015, 20-14-29000-0017, 20-14-29000-0018, 20-14-29000-0019, 20-14-32000-001, 20-14-32000-003, 20-14-32000-0004, and 20-14-32000-005.

### II. SITE INFORMATION

Total Project Size: 290 acres  
Number of Lots: 58  
Domestic Water: LCU, Inc. Group A Water System  
Sewage Disposal: Individual  
Power/Electricity: Puget Power  
Fire Protection: Fire District 7 (Cle Elum)  
Irrigation District: N/A

Site Characteristics: The site is heavily forested with areas of wetlands, steep slope, creeks and Bonneville Power Administration power lines that are located relatively in the middle of the property. The area is comprised of Category I, II, and III Wetlands, tributary streams of the Yakima River (Big and Little Creek), Kittitas Reclamation District canal is located on the easement to access the property. None of the proposed buildings area is located within identified shorelines or wetlands on the subject property regulated by the 1975 SMP.

#### Surrounding Property:

North: undeveloped/residential/agriculture

South: undeveloped/ Forest Service owned

East: Residential/Recreation

West: undeveloped/ Forest Service and Cascade Land Conservancy owned

### III. ADMINISTRATIVE REVIEW

Shoreline Application with associated site plan: Application for a substantial development permit for the use of the property for the Planned Unit Development was received on July 16, 2015. The application was deemed complete on August 13, 2015. A Notice of Application was issued on October 12, 2015. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners within 500 feet and other interested parties. Notice of this hearing was published in the Daily Record on January 23 and January 30, 2017.

Posting of Site: The signed Affidavit of Posting was returned to CDS on September 30, 2015 indicating that the site had been accurately posted with the "Land Use Action" sign as provided by CDS and required per KCC 15A.03.110.

### IV. SHORELINE MASTER PROGRAM GOALS

The only goal existing in the 1975 Shoreline Management Program relevant to any land use residential development is as follows:

Kittitas County is characterized by four major shoreline uses: (1) irrigated agriculture; (2) range; (3) forest and wild lands; (4) recreational use. A continuation of such uses should be encouraged.

***Response. The proposal provides for primary or recreational residential use. As a planned unit development and development clustered, the proposal will allow preservation of large, open space and wild lands, and protect the shorelines since no development will occur upon lands subject to the 1975 master program.***

Alternative uses may occur which are compatible with the specific environments of this Act, provided that they are compatible to the physical characteristics of any particular site. These concepts are intended to promote a pattern of shoreline uses which will minimize conflict, preserve a high quality environment, and leave open the greatest number of options for future generations of shoreline users.

***Response. The proposal is compatible to the area. Other single family residential activities exist to the south of the project in densities either equal to, or exceeding residential densities proposed within this project. Keeping development from regulated shorelines areas will protect existing natural, surface water flows and wetland environment.***

### V. SHORELINE DEVELOPMENT CRITERIA

The approved Big Creek Trails is a residential planned unit development. Because the project property boundaries lie within shoreline water designations, approval of a substantial development permit is required even though no buildings are proposed within the designated shoreline area. Within the relevant 1975 Shoreline Master Program, Section 4, residential development has the following criteria:

- a) Residential subdivisions should be designed :
  - So as to adequately protect and/or to improve the area's aesthetic qualities and characteristics of the water and shoreline areas

***The project has all lots located in just over 50 acres of the property, leaving a large amount of open space and buffer between construction and regulated water areas. No buildings will be constructed within the shorelines or wetlands areas.***

- At a level of density of site coverage and of occupancy compatible with the physical capabilities of the shoreline and water.  
*Proposed cluster of residential development limits the amount of site coverage and is designed to maintain the shoreline and surface water functions on the site.*
- Planned Unit Developments which reserve substantial portions of land as open space or recreation area are preferred over conventional subdivisions.  
*The project is designed and approved as a Planned Unit Development assuring preservation of a large amount of open space.*
- Provide pedestrian access to the shorelines within the development and minimize the impact of vehicular use and parking on the normal aesthetic qualities of the shoreline area.  
*Trails exist throughout the approved project, thereby permitting access to water and designated open spaces throughout the property by potential, as well as existing residents.*

## V. ENVIRONMENTAL REVIEW

Per WAC 197-11-600 allows the use of existing environmental documents when the documents have “previously been prepared in order to evaluate proposed actions, alternatives, or environmental impacts.” The Mitigated Determination of Non-Significance (MDNS) for the project was issued on June 17, 2016 and is considered an “environmental document.” It has been adopted by reference in environmental impact analysis of the substantial development permit application. No further environmental determination is necessary, and previous threshold determination on the subject property is adopted per WAC 197-11-600 as the environmental document. Based upon review of the approved rezone application materials, including an environmental checklist, this MDNS is appropriate for the proposed substantial development permit.

## VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. No comments have been received.

## VII. PROJECT ANALYSIS

The Big Creek Trails Planned Unit Development was heard before the Hearing Examiner on July 14, 2016 and made recommendation for approval to the Board of County Commissioners on July 28, 2016. Recommendation for approval from staff and the Hearing Examiner was placed before the Board at closed record hearing on September 12, 2016 and ordinance approving the Planned Unit Development was passed on December 6, 2016. One of the conditions within the approved Ordinance included:

- k. Construction upon the PUD and final PUD approval will be contingent upon the applicant receiving approval of a substantial development permit, SD-15-00002, from the County with review from the State Shorelines Hearings Board. No structures will occur within 200 feet of any shoreline of the State as indicated by the applicant.

While the impacts from the entire development were evaluated by staff, including impacts upon Big Creek and Little Creek shorelines, the application filed was not referenced in the formal hearing either in testimony or upon formal record or report. Therefore, staff recommended this as condition of approval to the Board of County Commissioners to provide adequate closure to the project hearing.

In review of the SMP application, staff finds that the project as approved meets the goals and regulations of the

1975 Shoreline Management Program to which it is vested.

### **VIII. RECOMMENDATION**

As conditioned below, the application is not detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with the Kittitas County Code and the Kittitas County 1975 Shorelines Master Program. Staff recommends approval of the Big Creek Trails Shorelines Substantial Development Permit (SD-15-00002) and associated site plan, subject to the following conditions:

1. The project and all development within the project area shall meet all other conditions of the rezone for Big Creek Trails Planned Unit Development, RZ-15-00001, approved by the Board of County Commissioners on December 6, 2016.
2. The proponent or subsequent land owner(s) may not develop any appurtenance(s), as defined within the Kittitas County Code Chapter 17B for “single family residence,” within shoreline management boundaries as identified by official maps without first obtaining approval for such appurtenances from Kittitas County. Such development may require amendment to the Big Creek Trails PUD as approved which would be subject to the Kittitas County 2016 SMP and KCC 17B.