



## KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

### Vantage Bay Shoreline Substantial Development Permit

File Number SD-18-00002

### FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

#### I. GENERAL INFORMATION

**Requested Action:** The original Vantage Bay Rezone and Preliminary Plat were approved on December 5th, 2006 through authorizing ordinance number 2006-60. The rezone changed the project location from Forest and Range to PUD. The original project proposed two phases of development with phase one including a total of 315 lots on approximately 58.2 acres, and phase two including 17.4 acres reserved for future development.

The current revised proposal reduces the number of residential lots to 144, and adds a clubhouse to be developed as phase 1; and adds a 40 unit hotel, restaurant, winery, and vineyard as phase 2. Pursuant to Ordinance 2006-60, shoreline permitting is required if this project proposal includes any area within shoreline jurisdiction. This proposal is to allow a portion of a community garden and recreation area, which includes a small barn structure and pool, in the shoreline jurisdiction.

**Location:** PTN E1/2 (PTN parcels 1 & 2, B31/P154-155); SEC 30, TWP 17, RGE 23, WM in Kittitas County; Parcel numbers 622933 & 272933.

#### II. SITE INFORMATION

Total Property Size:	57.21 Acres
Number of Lots:	2
Domestic Water:	Private
Sewage Disposal:	Private
Power/Electricity:	N/A
Fire Protection:	Fire District 4
Irrigation District:	N/A

**Site Characteristics:**

**North:** State owned land, DOT

**South:** State owned land, Parks and Rec

**East:** Public owned land, Grant Co PUD

**West:** State owned land, Parks and Rec

**Access:** The site is accessed via Huntzinger Road.

**Zoning and Development Standards:** The subject properties are located on lands with a zoning designation of PUD Overlay and an underlying designation of Forest and Range. As stated above, these properties were rezoned as part of the project's preliminary approval. This permit is a requirement of the PUD preliminary approval, and needed to complete the PUD Final Development Plan for final approval.

#### **Shoreline Master Program**

KCC 17B.07.060 provides the criteria for approving a Shorelines Substantial Development permit:

- “2. Substantial development permits. A substantial development permit shall be granted only when the applicant demonstrates all of the following:
- a. That the proposal is consistent with the policies and procedures in RCW Chapter 90.58 and WAC Chapter 173-27;
  - b. That the proposal is consistent with the policies and procedures of the Master Program; and
  - c. That the proposal has been appropriately conditioned where necessary to assure consistency of the project with the Act and the local Master Program”

### III. ADMINISTRATIVE REVIEW

**Deemed Complete:** A Shorelines Substantial Development permit application was submitted to Kittitas County Community Development Services (CDS) on August 24, 2018. The application was deemed complete on September 7, 2018.

**Notice of Application** A Notice of Application was mailed to all state and local agencies/departments with potential interest in the project as required by KCC 17B.07.070 and KCC 15A.03.060, as well as to adjacent landowners located within five hundred (500) feet of any portion of the boundary of the proposal's tax parcels on September 13, 2018. The comment period for this notice ended on October 15, 2018.

### IV. ENVIRONMENTAL REVIEW

Pursuant to WAC 197-11-600(4)(a) on September 26, 2018 the County adopted the SEPA MDNS issued on August 29, 2006 as part of the Preliminary Approval for the Vantage Bay PUD Rezone. A copy of the threshold determination may be obtained from the County.

### V. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review. The following are a summary of the substantive comments submitted.

September 27, 2018 DAHP – Dennis Wardlaw expressed concern over the close proximity of known archaeological sites to the proposed project, and outlined possible additional environmental review processes.

*Staff Response: A cultural survey was completed as part of the preliminary approval for the PUD and Rezone. This survey can be found as part of the RZ-06-00025 documents. Additionally, this permit has been conditioned to address any resources or artifacts discovered during construction.*

October 1, 2018 WA State Department of Transportation – Paul Gonseth stated that the revised proposal does not affect the comments already submitted by DOT through the original preliminary approval of the project.

*Staff Response: DOT concerns were addressed in the preliminary approval. All original conditions of the PUD/ Rezone still apply to the project.*

October 3, 2018 Yakima Training Center – Robert Bright expressed concern with light pollution from having a large project so close to the installation which could encroach on the mission of the military.

*Staff Response: Glare/light mitigation was addressed through Ordinance 2006-60.*

October 4, 2018 Kittitas Co. Public Health – Tristen Lamb stated “For project SD-18-00002, all Environmental Public Health comments have been outlined in Ordinance No. 2006-60 for

the Vantage Bay Rezone (Z-06-25) and Preliminary Plat (P-06-26).”

*Staff Response: Public Health concerns were addressed in the preliminary approval. All original conditions of the PUD/ Rezone still apply to the project.*

October 8, 2018 Kittitas Co. Public Works – Mark Cook referenced the preliminary approval documents for the Vantage Bay PUD and Rezone, and encouraged the applicant to review the conditions as they related to stormwater.

*Staff Response: Public Works concerns were addressed in the preliminary approval. All original conditions of the PUD/ Rezone still apply to the project.*

October 8, 2018 WA State Department of Fish and Wildlife – Scott Downes discussed the displacement of priority habitat, wildlife and the need for mitigation.

*Staff Response: As conditioned the proposed development in the shoreline jurisdiction meets all required buffers and setbacks to protect critical areas as required pursuant to the Kittitas County Master Shoreline Program.*

October 10, 2018 Department of Ecology – Gwen Clear requested that an updated wetland delineation be completed as the original was completed more than 5 years ago and missing elements required by the federal wetland delineation manual. DOE also discussed water quality requirements for the development.

*Staff Response: On January 18, 2019 county staff sent a request letter asking the applicant to provide and updated wetland delineation per comments provided by DOE. On May 20, 2019 staff received an updated wetland delineation and site plan. These materials were transmitted to DOE on June 13, 2019.*

October 15, 2018 Grant County PUD – Sheryl Dotson expressed concern over public access to PUD owned property and maintaining existing recreational activities.

*Staff Response: Comments have been transmitted to the applicant, and added to the record.*

October 15, 2018 Yakima Training Center – William Cantral noted a security concern of having residential development in close proximity to the Yakima Training Center along with notation of military traffic on Huntzinger Road.

*Staff Response: Comments have been transmitted to the applicant, and added to the record. The PUD/Rezone was previously approved on December 5, 2006. This shoreline permit does not further increase residential development beyond what has already been approved.*

## **VI. PROJECT ANALYSIS**

In review of this proposal the Kittitas County Shorelines Master Program, the Goals, Policies and Objectives (GPO) of the Comprehensive Plan, Kittitas County Code, public and agency comments, any identified environmental concerns, and state and federal requirements were considered. Identified below is planning staff’s analysis and consistency review for the subject application.

### **Consistency with the Kittitas County Shoreline Master Program:**

In compliance with the Shorelines Management Act, Kittitas County has adopted Title 17B Shorelines. KCC 17B.07.060 requires that the applicant must demonstrate:

- a. That the proposal is consistent with the policies and procedures in RCW Chapter 90.58 and WAC Chapter 173-27;

*Staff Response: The proposal is consistent with both RCW 90.58 and WAC 173-27. The project as conditioned meets the requirements of the local shoreline program which was developed in accordance with state shoreline regulations.*

- b. That the proposal is consistent with the policies and procedures of the Master Program;

*Staff Response: The Kittitas County Shoreline Master Program Chapter 3 outlines goals and objectives of the program. The proposed project meets the intent of the SMP pursuant to the goals and objectives, and the appropriate permit process procedures have been followed.*

- c. That the proposal has been appropriately conditioned where necessary to assure consistency of the project with the Act and the local Master Program.

*Staff Response: This project has been reviewed and conditioned to ensure that it meets the intent and standards of the Shoreline Management Act and Kittitas County Shoreline Master Program.*

The Following Goals and Objectives of the Shoreline Master Program are applicable:

*SMP Goals*

*3.1(A)(2) Protect the ecological functions and values of the shoreline areas to ensure no net loss.*

*3.1(A)(3) Protect fragile natural areas and resources*

*3.2(A)(1) Consider the use and development of shorelines and adjacent land areas for public and private land uses in relation to the natural environment.*

*3.3(A)(2) Support uses that contribute to the region's economy while maintaining the qualities and functions of the shoreline, flood prone areas and channel migration zones.*

*3.4(A)(1) Develop and maintain a network of safe, convenient and diversified access opportunities for the public to enjoy the physical and aesthetic qualities of the shorelines of Kittitas County.*

*Staff Response: This project has been reviewed and conditioned to ensure that it meets the intent of the SMP Goals identified above. The project contributes to the region economy through the proposed recreational, residential, and commercial uses while protects existing shoreline function and fragile areas through the use of buffers and identified trails.*

*SMP Objectives*

*3.2(B)(1) Give shoreline use preference to single-family residential uses, ports, shoreline recreational uses, and water-dependent commercial or industrial developments that are consistent with preservation of shoreline ecological functions and processes.*

*3.2(B)(4) Locate, design, and manage shoreline uses to prevent a net loss of shoreline ecological functions and processes over time. Where adverse impacts are unavoidable, require mitigation to ensure no net loss of shoreline ecological functions.*

3.2(B)(5) Ensure proposed residential developments are compatible with or enhance the aesthetic quality of the shoreline area.

3.4(B)(2) Encourage incorporation of shoreline access into private and public shoreline use and development proposals. Allow private access developed for residential development to be limited to owners within that development.

*Staff Response: As proposed, the project fulfills these Objectives. As described in the application this project is a residential development with inclusion of recreational and commercial uses outside of the shoreline jurisdiction. Adequate construction buffers have been established to ensure no net loss of shoreline function and maintain the existing aesthetic appeal. The project provides new access through the development in the form of trails to allow for continued use of neighboring public lands for recreational use.*

### **Consistency with the Comprehensive Plan:**

In the intervening time since the submittal of the permit application for the proposed tower, an update to the Kittitas County Comprehensive Plan was adopted. Numbers identifying corresponding Goals and Policies in the updated Plan are shown in parentheses.

Chapter 2 section 5 of the Kittitas County Comprehensive Plan states that “the 2016 Kittitas County Shoreline Master Program goals and policies are adopted by reference into this comprehensive plan.

*Staff Consistency Statement: As conditioned, this project meets and conforms to the Shoreline Master Program. Therefor staff finds this project consistent with the comprehensive plan. See “Consistency with the Shoreline Master Program” above.*

GPO 8.14C (NE-P4) Development shall be located distances from streams, rivers, lakes, wetlands, critical areas determined necessary and as outlined within existing Shorelines Management Program, the Critical Areas Ordinance and other adopted resource ordinances in order to protect ground and surface waters.

*Staff Consistency Statement: The proposed project has been mitigated during the preliminary approval process to protect all associated resources and critical areas. Furthermore it meets the requirements of the Shoreline Master Program and KCC Title 17B.*

### **Consistency with KCC 15, Environmental Policy:**

Pursuant to WAC 197-11-600(4)(a) the County has adopted the SEPA MDNS issued on August 29, 2006 as part of the Preliminary Approval for the Vantage Bay PUD Rezone. A copy of the threshold determination may be obtained from the County.

### **Consistency with the provisions of KCC 17A, Critical Areas:**

An administrative critical area site analysis was completed by staff in compliance with Title 17A: Critical Areas. The site falls within the Shorelines of the State under the Rural Conservancy designation. In order to address concerns related to Critical Areas, the applicant has applied for a Shorelines Substantial Development Permit.

Based upon the critical areas analysis and report, the proposed use is consistent and in compliance with the Critical Areas Ordinance (and code) of Kittitas County (KCC 17A).

### **Consistency with the provision of KCC 17.15, Allowed Uses:**

As stated above, these properties were rezoned as part of the project's preliminary approval. This permit is a requirement of the PUD preliminary approval, and needed to complete the PUD Final Development Plan for final approval. Therefor is consistent with KCC 17.15.

**Consistency with the provision of KCC Title 12, Roads and Bridges:**

As described above in section I, the project was reviewed through the PUD/rezone preliminary approval process in 2006. As approved, it was and remains consistent with the provisions of KCC Title 12.

**Consistency with the Kittitas County Flood Damage Prevention:**

The proposed project is not subject to flood requirements as no portion of the project is in any flood zones.

**Consistency with the provisions of KCC Title 20, Fire and Life Safety:**

As described above in section I, the project was reviewed through the PUD/rezone preliminary approval process in 2006. As approved, it was and remains consistent with the provisions of KCC Title 20.

**VII. FINDINGS OF FACT**

1. This proposal is to allow a portion of a community garden and recreation area which includes a small barn structure and pool in the shoreline jurisdiction. The original Vantage Bay Rezone and Preliminary Plat were approved on December 5th, 2006 through authorizing ordinance number 2006-60. This permit is required as a condition of the preliminary approval pursuant to ordinance 2006-60.
2. The proposed site is located approximately 25 miles East of the City of Ellensburg, located at PTN E1/2 (PTN parcels 1 & 2, B31/P154-155); SEC 30, TWP 17, RGE 23, WM in Kittitas County; Parcel numbers 622933 & 272933.

3. Site Information:

Total Property Size:	57.21 Acres
Number of Lots:	2
Domestic Water:	Private
Sewage Disposal:	Private
Power/Electricity:	N/A
Fire Protection:	Fire District 4
Irrigation District:	N/A

4. Site Characteristics:

North:	State owned land, DOT
South:	State owned land, Parks and Rec
East:	Public owned land, Grant Co PUD
West:	State owned land, Parks and Rec
Access:	The site is accessed via Huntzinger Road

5. The subject properties are located on lands with a zoning designation of PUD Overlay and an underlying designation of Forest and Range.
6. A Shorelines Substantial Development permit application was submitted to Kittitas County Community

Development Services (CDS) on August 24, 2018. The application was deemed complete on September 7, 2018.

7. A Notice of Application was mailed to all state and local agencies/departments with potential interest in the project as required by KCC 17B.07.070 and KCC 15A.03.060, as well as to adjacent landowners located within five hundred (500) feet of any portion of the boundary of the proposal's tax parcels on September 13, 2018. The comment period for this notice ended on October 15, 2018.
8. Pursuant to WAC 197-11-600(4)(a) on September 26, 2018 the County adopted the SEPA MDNS issued on August 29, 2006 as part of the Preliminary Approval for the Vantage Bay PUD Rezone.
9. The following agencies provided comments during the comment period: DAHP, WA State Department of Transportation, Yakima Training Center, Kittitas Co. Public Health, Kittitas Co. Public Works, WA State Department of Fish and Wildlife, Department of Ecology, Grant County PUD.
10. No Public Comments were received.
11. The proposal is consistent with the provisions of KCC 17B, Shoreline Master Program as conditioned.
12. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan.
13. The proposal is consistent with the provisions of KCC 15, Environmental Policy.
14. The proposal is consistent with the provisions of KCC 17A, Critical Areas.
15. The proposal is consistent with the provision of KCC 17.15, Allowed Uses.
16. The proposal is consistent with the provisions of KCC Title 12, Roads and Bridges as conditioned.
17. The proposal is consistent with the provisions of Kittitas County Flood Damage Prevention as conditioned.
18. The proposal is consistent with KCC 20, Fire Life and Safety.

### **VIII. CONCLUSIONS**

1. As conditioned, the proposal meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. The proposal meets the criteria outlined in KCC 17B Shorelines.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 12 Roads and Bridges, Title 17 Zoning, and Title 17A Critical Areas.

### **IX. DECISION & CONDITIONS OF APPROVAL**

From these conclusions and findings, the proposed Shorelines Substantial Development Permit is **approved** with the following conditions:

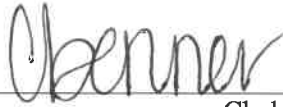
1. Development shall occur in substantial conformance with the updated plan and Critical Area materials dated May 20, 2019 on file with Kittitas County Community Development Services. Any alterations to this site

plan shall be reviewed by Kittitas County prior to construction to ensure it still meets the requirements of all applicable regulations.

2. Environmental and statutory review shall be required for all future development, construction, and improvements; the applicant is responsible for compliance with all applicable local, state, and federal rules, codes, and regulations, and must obtain all appropriate permits and approvals. Failure to do so may result in the revocation of the shorelines substantial development permit.
3. Should ground disturbing or other activities related to the proposed conditional use permit result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State Department of Archaeology and Historic Preservation (DAHP). Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

**This decision can be appealed to the Shorelines Hearings Board within 21 days of the date of filing with the Washington State Department of Ecology pursuant to RCW 90.58.180.**

**Responsible Staff**



Chelsea Benner  
Planner 1

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**Date:**

July 17, 2019