BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON

PRELIMINARY PLAT APPROVAL
CURRIER CREEK ESTATES DIVISION 3 & 4 PLAT (LP-10-00001)

RESOLUTION

NO. 2010- 134

WHEREAS, according to Kittitas County Code Chapter 16, relating to the Subdivision of Land, adopted pursuant to RCW 58.17, an open record hearing was held by the Kittitas County Hearing Examiner on October 14, 2010 for the purpose of considering a preliminary plat known as the Currier Creek Estates Division 3 & 4 Plat and described as follows:

> *The division of 24.28 acres into 88 lots, located northeast of Hwy 10, southwest of Dry Creek Road and Reecer Creek Road, within the City of Ellensburg's Urban Growth Area in a portion of Section 27, T18N, R18E, WM, in Kittitas County. Assessor's map numbers: 18-18-27030-0036 and 18-18-27030-0037. Proponent: Steve Lathrop agent for Cascade View Inc property owner.*

WHEREAS, public testimony was heard from those persons present; 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 platting; and,

WHEREAS, the Hearing Examiner recommended approval of said proposed subdivision; and,

WHEREAS, a closed record public meeting was held by the Board of County Commissioners on November 16, 2010 and voted to continued the closed record meeting to December 7, 2010 to consider the Hearing Examiner's recommendation on this matter; and,

WHEREAS, the Kittitas County Board of Commissioners make the following FINDINGS OF FACT and CONCLUSIONS AT LAW concerning said proposed preliminary plat:

1. Steve Lathrop agent for Cascade View Inc property owner, has applied for a preliminary plat to subdivide approximately 24.28 acres into 88 single-family residential lots. The subdivision will be completed in two phases: Phase 3 (13.17 acres) will develop 49 lots, and Phase 4 (11.11 acres) will develop 39 lots. The subject property is zoned Residential. The projects utilities will be served by the City of Ellensburg.

2. The subject property is located northeast of Hwy 10, southwest of Dry Creek Road and Reecer Creek Road, within the City of Ellensburg's Urban Growth Area in a portion of Section 27, T18N, R18E, WM, in Kittitas County. Assessor's map numbers: 18-18-27030-0036 and 18-18-27030-0037.

3. A complete long plat application was submitted to Community Development Services on May 27, 2010. The application was deemed complete on June 28, 2010. The Notice of Application for the preliminary plat application was issued on July 22, 2010. 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. The last day to submit written comments was on August 6, 2010.

4. Community Development Services issued a Mitigated Determination of Non-Significance (MDNS) on September 23, 2010. No appeals were filed.

5. The Hearing Examiner conducted an open record hearing on October 14, 2010 to consider this matter where testimony was heard. On October 21, 2010 the Hearing Examiner issued a recommendation of preliminary plat approval for the Currier Creek Estates Division 3 & 4 Preliminary Plat (LP-10-00001).

6. The Board of County Commissioners conducted a closed record meeting on November 16, 2010 and voted to continue the closed record meeting to December 7, 2010 for the purpose of considering the preliminary plat known as the Currier Creek Estates Division 3 & 4 Preliminary Plat (LP-10-00001). A motion was made and seconded that the preliminary plat be approved subject to modifications to condition #14 in the Hearing Examiner's recommended conditions, the motion carried with a vote of 3-0.

7. The Board of County Commissioners finds that additional conditions **are not** necessary to protect the public's interest.

NOW, THEREFORE BE IT RESOLVED: That the Kittitas County Board of Commissioners hereby grants preliminary plat approval to the Currier Creek Estates Division 3 & 4 Preliminary Plat (LP-10-00001) and adopts the Kittitas County Land Use Hearing Examiner's Recommended Finds of Fact, Conclusions of Law, Decision and Conditions of Approval (See Exhibit A) and the same hereby is, approved with the proposed development configuration (See Exhibit B).

DATED this 21st day of December, 2010 at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Mark McClain, Chairman

Paul Jewell, Vice Chairman

Alan A. Crankovich, Commissioner

ATTEST:
CLERK OF THE BOARD

Julie A. Kjorsvik

APPROVED AS TO FORM:

Greg Zempel WSBA #19125

Exhibit "A"

KITTITAS COUNTY
LAND USE HEARING EXAMINER

IN THE MATTER OF	)	**RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND CONDITIONS OF APPROVAL**
	)	
LP-10-02	)	
Currier Creek Estates Division 3 & 4	)	
Preliminary Plat	)	

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on October 14, 2010, the Hearing Examiner having taken evidence hereby submits the following Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. RECOMMENDED FINDINGS OF FACT

1. Steve Lathrop agent for Cascade View Inc property owner, has applied for a preliminary plat to subdivide approximately 24.28 acres into 88 single-family residential lots. The subdivision will be completed in two phases: Phase 3 (13.17 acres) will develop 49 lots, and Phase 4 (11.11 acres) will develop 39 lots. The subject property is zoned Residential. The projects utilities will be served by the City of Ellensburg. (Staff report)

2. The applicant is Cascade View, Inc., 620 SE Everett Mall Way, Suite 360, Everett, WA. Contact persons are Larry O. Hillis and F. Steven Lathrop. (Application materials)

3. Currier Creek Estates (P-03-08) received preliminary plat approval on February 17, 2004 under Resolution 2004-20. The original application was for a 209 lot subdivision, and was revised to 207 lots. The first phase of 55 lots were approved and recorded on June 21, 2005. Phase 2 consisting of 62 lots was approved and recorded on July 19, 2006. The plat expired on February 17, 2009, prior to the County adopting a plat extension process. This application is for 88 lots, Phases 3 and 4. (Staff report)

4. The subject property is located northeast of Hwy 10, southwest of Dry Creek Road and Reecer Creek Road, within the City of Ellensburg's Urban Growth Area in a portion of Section 27, T18N, R18E, WM, in Kittitas County. Assessor's map numbers: 18-18-27030-0036 and 18-18-27030-0037. (Staff report)

5. Site Information:

Total Project Size:	24.28 acres
Number of Lots:	88
Zoning district	Residential
Domestic Water:	City of Ellensburg
Sewage Disposal:	City of Ellensburg
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District #2 Kittitas County Fire & Rescue
Irrigation District:	Ellensburg Water

(Staff report)

6. Surrounding Property:
North: Residential
South: Residential
East: Residential
West: Agriculture
(Staff report)

7. The Comprehensive Plan designation is Urban. (Staff report)

8. The subject property is zoned Residential, which allows for 7200 square foot lots when connected to municipal water and sewer systems (KCC 17.18.030). (Staff report)

9. A complete long plat application was submitted to Community Development Services on May 27, 2010. The application was deemed complete on June 28, 2010. The Notice of Application for the preliminary plat application was issued on July 22, 2010. 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. The last day to submit written comments was on August 6, 2010. (Staff report)

10. In accordance with Kittitas County code 15A.030.110, this project was accurately posted with the "Land Use Action" sign as provided by Community Development Services. The Affidavit of Posting was signed by the applicant and returned to the planner and is included as part of the record. (Staff report)

11. Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on September 23, 2010. The appeal period ended on October 7, 2010 at 5:00 p.m. No appeals were filed. (Staff report)

12. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The proposed subdivision will be adequately served by urban levels of service. The lots will be served by City of Ellensburg. Staff has conducted and an administrative critical area review in accordance with KCC 17A and found Currier Creek, a Class 2 stream in the western border of this development, as well as wetland. (Staff report)

13. This proposal is consistent with the Kittitas County Subdivision Code Chapter 16.12 for Preliminary Plats. (Staff report)

14. All roads are required to meet all City of Ellensburg Development Standards as outlined in the September 13, 2010 memorandum issued by the Department of Public Works. As conditioned, the proposal is consistent with the provisions of KCC Title 12. (Staff report)

15. The following agencies provided comments during the comment period LP-10- These comments have been included as conditions of approval to address these agency concerns. (Staff report)

16. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval. (Hearing Examiner finding based on the record)

17. The entire Planning Staff file was admitted into the record at the public hearing. (Public hearing record)

18. The Kittitas County Community Development Services recommended approval of this permit, subject to the recommended conditions of approval. (Public hearing record)

19. Public hearing after due legal notice was held on October 14, 2010. Appearing and testifying on behalf of the applicant was Steve Lathrop. Mr. Lathrop testified that he was an agent authorized to appear and speak on behalf of the applicant. He stated that basically this plat replaces a plat that had been previously approved but that had expired. He stated that all of the proposed conditions of approval were acceptable with the exception of Condition of Approval No. 35. He agreed with the comment in Exhibit 16 that eliminated the need for Condition of Approval No. 35. He further stated that the entire project is outside of the 100-year floodplain. (Open record public hearing testimony)

20. Exhibits 1 through 14 set forth in the staff report were admitted into the record. In addition, Exhibit 15 (October 7, 2010, letter from Larry Burrough to Steve Lathrop and Dan Valoff) was admitted into the record. (Open record public hearing)

21. Exhibit 16, an email dated October 14, 2010, from Kirk Holmes, Kittitas County Public Works Director, to Dan Valoff was admitted into the record. (Open record public hearing)

22. No member of the public testified at the hearing. However, after the record was closed, there were members of the public who attended the hearing who said that they had questions about the project that they wanted to ask. At the time the members of the public stated that they had questions, the record had closed and the applicant's representative had left the hearing room. The Hearing Examiner stated that the record had been closed and encouraged those with questions to contact Staff or the applicant's representative to have their questions answered. They were also told that there is a procedure that they can follow to ask that the record be reopened. (Hearing Examiner finding based on the record)

23. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located. (Hearing Examiner finding based on the record)

24. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval. (Hearing Examiner finding based on the record)

25. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities. (Hearing Examiner finding based on the record)

26. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference. (Hearing Examiner finding based on the record)

II. RECOMMENDED CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this recommended decision.

2. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.

3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.

4. Public use and interest will be served by approval of this proposal.

5. As conditioned, the proposal is consistent with Kittitas County Code Title 16 Subdivision, Title 17 Zoning, Title 17A Critical Areas, Title 15 Environmental, and Title 12 Roads and Bridges.

6. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Kittitas County Code and Comprehensive Plan.

7. As conditioned, the proposal does conform to the standards specified in Kittitas County Code.

8. As conditioned, the use will comply with all required performance standards as specified in Kittitas County Code.

9. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Kittitas County Code or the Comprehensive Plan.

10. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.

11. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. RECOMMENDED DECISION

Based on the above Recommended Findings of Fact and Recommended Conclusions of Law, the Hearing Examiner hereby recommends that Application LP-10-02, Currier Creek Estates Division 3 & 4 Preliminary Plat, be **APPROVED** subject to the following Recommended Conditions of Approval.

IV. RECOMMENDED CONDITIONS OF APPROVAL

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.

2. The project shall proceed in substantial conformance with the plans and application materials on file dated June 18, 2009 except as amended by the conditions herein.

3. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.

4. All current and future landowners must comply with the International Fire Code.

5. It is the responsibility of the applicant to contact the Kittitas County Assessor's and Treasurer's offices to confirm all taxes are current prior to final plat approval.

Platting Standards and Zoning Code:

6. Certificate of Title: A certificate of title of the property proposed to be platted shall be submitted with the final plat.

7. Lot Closures: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.

8. Conditions, Covenants, and Restrictions: Prior to final plat approval, a copy of the proposed final Conditions, Covenants, and Restrictions shall be submitted to Community Development Services.

9. Final mylars shall be submitted in accordance to KCC 16.20: Final Plats. All applicable survey data and dedications shall be reflected pursuant to KCC 16.24: Survey Data-Dedications.

10. Both sheets shall reflect the Plat number: LP-10-00002.

Transportation and Infrastructure:

11. Roads, Stormwater, and Utilities: All plans for this project have been approved by the City of Ellensburg. The most current version of City of Ellensburg Development Standards shall apply within the limits of the preliminary plat approval, as required by the City.

12. Construction Timing: Construction of all roads, stormwater, and utilities shall be completed prior to final approval or bonded for as allowed by KCC 12.01.050.

13. Construction Inspection: The City and/or County Departments of Public Works will inspect the road, stormwater and utility construction following the requirements of the City's Development Standards and KCC 12.09, beginning with a Pre-Construction Conference.

14. Road Ownership: Application may be made to Kittitas County to take the roads within Divisions 3 & 4 onto the County's road system after they are constructed and approved by the County Engineer and the City Engineer. A bond worth 10% of the construction cost will be required with the application. Formal acceptance of the roads will take place through a separate board action in accordance with KCC 12.01.170. The following roads are those within Division 3 & 4:

    Creeksedge Way, MP .248 – MP .572, from Middlecrest Drive to Clearview Drive
    Sunnyview Lane, MP 0.00 – MP .314, from Peakview Drive to Creeksedge Way
    Middlecrest Drive, MP 0.00 – MP .083, from Peakview Drive to Sunnyview Lane

15. Curb, Gutter, and Sidewalk: Prior to final approval, curb, gutter and sidewalk shall be completed and approved by the County and City Engineers.

16. University Way & Reecer Creek Intersection: The developer is required to pay a fair share cost towards the signal project at the intersection of University Way (formerly Cascade Way) and Reecer Creek, as indicated by the August 2003 Currier Creek Estates Traffic Impact Analysis. The analysis indicated the proportionate share should be 12.7% (137 of 1,081 trips). Based on a current cost estimate of $300,000 for installation of a traffic signal, the fair share cost is $38,100. This amount shall be paid to Public Works prior to final approval. See the August 26, 2010 memo from Jan Ollivier for more information.

17. Traffic Turning Volume Study: A traffic turning volume study based on current counts on Old Highway 10 (formerly Dry Creek Connection) and Dry Creek Road shall be performed to determine if turn lanes are required. If the percent of Design Hourly Volume approaches 90% of the trigger point, then turn lanes shall be installed by the applicant. The study shall be completed prior to final approval. If turn lanes are required, all requirements of Kittitas County Road Standards shall apply for construction of a public road.

Water and Sewer

18. The proposed plat will be served by municipal water and sewer provided by City of Ellensburg. Prior to final plat approval the applicant shall submit to the Kittitas County Public Health Department proof that water and sewer service extension has been approved for all new lots.

19. The applicant shall provide the City of Ellensburg a written statement indicating their desired irrigation water supplier prior to final plat approval.

20. Utility Installation: The developer shall be required to dedicate an easement to the City of Ellensburg for any utilities installed prior to final approval within the designated rights of way. The easement shall be required until the rights of way become publicly dedicated.

Stormwater:

21. An NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required if there is a potential for stormwater discharge from a construction site with more than one acre of disturbed ground. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit is a minimum of a 38 day process and may take up to 60 days if the original SEPA does not disclose all proposed activities.

22. This NPDES Construction Stormwater General Permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction.

23. No tail water or irrigation water shall flow into the road right of way of the. Old Highway Ten.

24. A storm water plan must be approved by Kittitas County prior to final plat approval.

Air Quality

25. The proponent should create a site-specific Fugitive Dust Control Plan (FDCP) before starting this project, according to Department of Ecology standards, and then follow the plan for the construction of the project and the duration of activity on property.

26. Washington Administrative Code (WAC) 173-400-040 requires that reasonable precautions be taken to prevent dust from leaving the site. Also, dust is prohibited from interfering unreasonably with the use and enjoyment of property, causing health impacts, or damaging property or business.

Environmental Elements

27. A dust control mitigation plan must be approved by Kittitas County prior to final plat approval.

Noise

28. Construction activities on site shall be conducted only between the hours of 7am – 5pm.

Land and Shoreline Use

29. A buffer along Currier Creek has been established as denoted on the plat map as "Tract A" and it meets or exceeds the minimum buffer requirements for a Class 2 water as defined in KCC 17A. This tract shall be a separate parcel that will be maintained by the property owners and subsequent homeowners association. As denoted on the survey, no lots shall lie within the established buffer and the floodplain of Currier Creek lies solely within said buffer.

30. Any improvements within the 100-year floodplain of Currier Creek may require a flood permit per KCC 17A. A note denoting this requirement will be placed on the title for these lots.

31. No fill or grading for the purposes of roads and utilities will take place within 100 feet of the OHWM of Currier Creek.

Housing

32. Manufactured homes as defined in KCC 17.08.391and Mobile homes as defined in KCC17.08.398 shall not be allowed within the Currier Creek Subdivision.

Aesthetics

33. Per KCC 17.16.050 – No structure shall exceed two and one-half stories, or thirty-five feet, whichever is less in height.

34. Per KCC 17.16.040 – The ground area covered by all buildings, including accessory buildings shall not exceed thirty percent of the lot area.

Light and Glare

35. Street illumination shall be installed within the internal road network and at the intersections of internal roads and county roads in accordance with the City of Ellensburg road standards. Approved down draft lighting shall be used.

Dated this 21st day of October, 2010.

KITTITAS COUNTY HEARING EXAMINER

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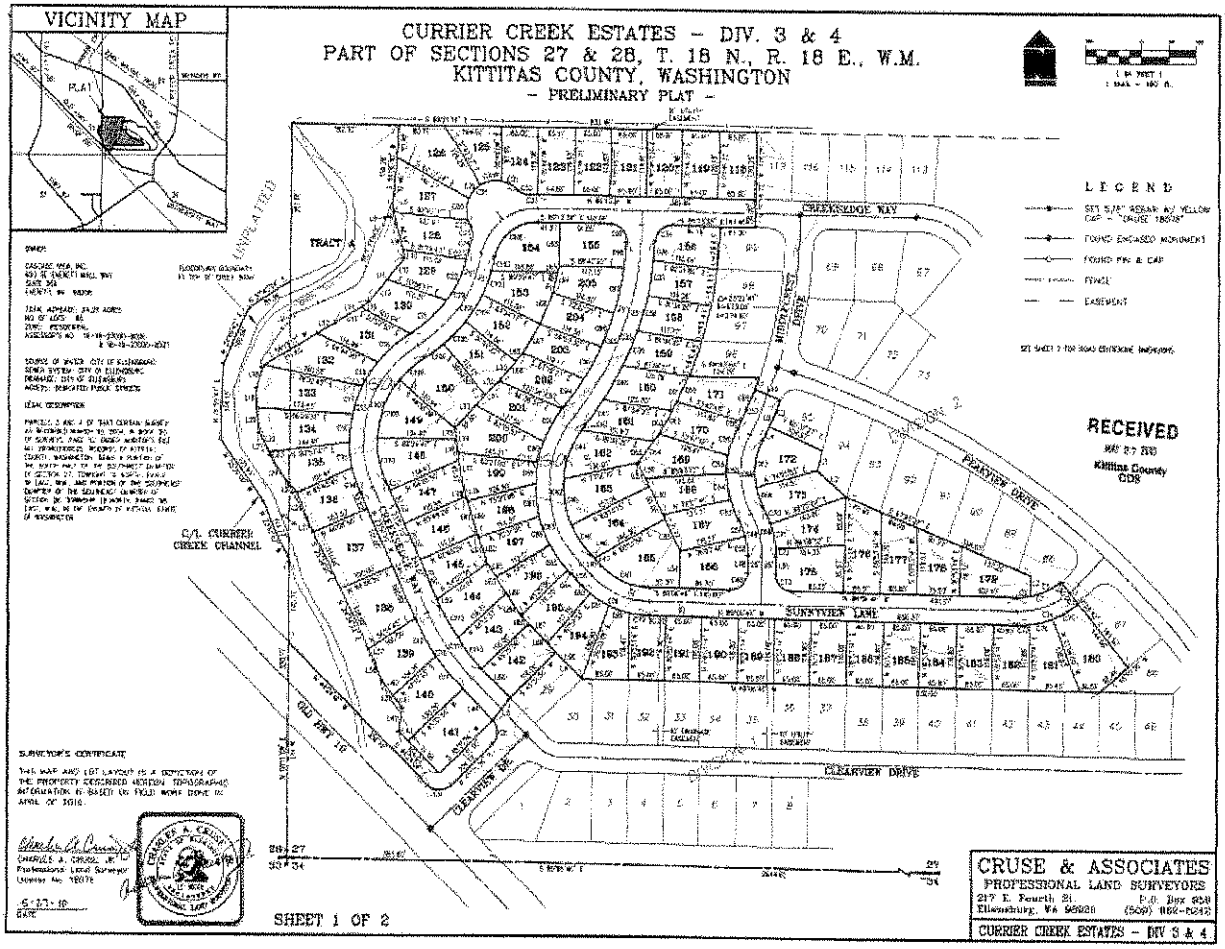
Andrew L. Kottkamp

Exhibit "B"


VICINITY MAP
CURRIER CREEK ESTATES - DIV. 3 & 4
PART OF SECTIONS 27 & 28, T. 18 N., R. 18 E., W.M.
KITTITAS COUNTY, WASHINGTON
- PRELIMINARY PLAT -
LEGEND
RECEIVED
Kittitas County
CDS
CREEKSIDE WAY
SUNNYVIEW LANE
CLEARVIEW DRIVE
C/L CURRIER CREEK CHANNEL
TRACT A
UNPLATTED
SURVEYOR'S CERTIFICATE
SHEET 1 OF 2
CRUSE & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
CURRIER CREEK ESTATES - DIV 3 & 4