

**KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES**

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

MEMORANDUM**TO:**

WA State Dept. Ecology SEPA Registrar
 WA State Dept. Ecology, Yakima
 WA State Dept. Fish & Wildlife, Ellensburg
 WA State Dept. of Transportation- Yakima
 WA State Dept. of Community, Trade, and Economic
 Development*
 Yakama Nation
 Yakama Nation - Department of Natural Resources
 Kittitas Co. Board of Commissioners
 Kittitas Co. Life Safety- Fire Marshal

Kittitas Co. Environmental Health
 Kittitas Co. Fire District No. 7
 City of Ellensburg Fire
 Kittitas Co. Public Works
 Kittitas Co. Solid Waste
 Kittitas Co. Sheriff's Office
 Cle Elum- Roslyn School District
 Adjacent Property Owners
 Applicant

FROM:

Joanna Valencia, Staff Planner ✓

DATE:

September 8, 2006

SUBJECT:

Notice of Action: SEPA MDNS for the Ranch on Swauk Creek Rezone (Z-06-27) and Preliminary Plat (P-06-27)

Application for the following: 1. Ranch on Swauk Creek Rezone, Z-06-27, from Forest&Range-20, Agriculture-5 and Agriculture-3 to Planned Unit Development (PUD) and 2. Ranch on Swauk Creek Preliminary Plat Phase I Division 1, P-06-27, which is a 14-lot subdivision. Proponent: Chad Bala of the Terra Design Group, authorized agent for Ranch on Swauk Creek LLC and Cle Elum Pines LCC, landowners. The subject property is approximately a total of 487.43 acres and is located west of US HWY 97, and south of Ranch and Burke Roads of sections 27, 28, 33, 34 all within T 20N., R 17E., W.M. in Kittitas County. Parcel numbers 20-17-28000-0007, -0006, -0001, -0004, -0003, -0002, -0005, 20-17-33000-0001, -0002, -0023, -0025, -0019, -0024, -0036, 20-17-28030-0010, -0011, 20-17-27030-0005, -0007, -0002, -0009, -0006, -0003, and 20-17-34000-0002, -0006.

A copy of the submitted environmental checklist and related application materials for this proposal were previously mailed to you for review on August 1, 2006 as part of a Notice of Application. If you did not receive any of these documents, or require additional information, please contact our office.

Enclosed please find a Notice of Action/Public Hearing and Mitigated Determination of Non-Significance (MDNS) for the referenced proposal. These documents do not constitute approval of this application, but rather a threshold determination that the proposed project would not have a significant adverse environmental impact.

Any action to set aside, enjoin, review, or otherwise challenge such administrative SEPA action on the grounds of noncompliance with the provisions of chapter 43.21RCW shall be commenced on or before **September 25, 2006 at 5:00 p.m.** to the Kittitas County Board of Commissioners, Rm. 108, County Courthouse, Ellensburg, WA. 98926.

An open record hearing is scheduled before the Kittitas County Planning Commission on September 26, 2006 at 6:30 p.m. in the Commissioner's Auditorium, Kittitas County Courthouse. Anyone with an interest in this matter is urged to attend said hearing where testimony will be taken. Written comments will be received and documents may be viewed at the CDS office prior to the hearing. Interested persons are encouraged to verify prior to attending.

If you have any questions please do not hesitate to contact us at (509) 962-7506.

Please retain all enclosed materials.



DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

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SEPA MITIGATED DETERMINATION OF NONSIGNIFICANCE

File: The Ranch on Swauk Creek Rezone (Z-06-27) and Preliminary Plat (P-06-27)

Description: 1. Ranch on Swauk Creek Rezone, Z-06-27, from Forest&Range-20, Agriculture-5 and Agriculture-3 to Planned Unit Development (PUD) for approximately 487.30 acres and 2. Ranch on Swauk Creek Preliminary Plat Phase I Division I, P-06-27, which is a 14-lot subdivision.

Proponent: Ranch on Swauk Creek, LLC and Cle Elum Pines East LLC, landowners
PO Box 808
Cle Elum, WA 98922

Chad Bala, TerraDesignWorks, agent	Jeff Slothower, agent
PO Box 462	PO Box 1088
Roslyn, WA 98941	Ellensburg, WA 98941

Location: Located west of US HWY 97, and south of Ranch and Burke Roads of sections 27, 28, 33, 34 all within T 20N., R 17E., W.M. in Kittitas County. Parcel numbers 20-17-28000-0007, -0006, -0001, -0004, -0003, -0002, -0005, 20-17-33000-0001, -0008, -0023, -0025, -0019, -0024, -0026, 20-17-28030-0010, -0011, 20-17-27030-0005, -0007, -0002, -0009, -0006, -0003, and 20-17-34000-0002, -0006.

Lead Agency: Kittitas County Community Development Services

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. The lead agency for this proposal has also determined that certain mitigation measures are necessary in order to issue a Determination of Non-Significance for this proposal. Failure to comply with the mitigation measures identified hereafter will result in the issuance of a Determination of Significance (DS) for this project. These mitigation measures include the following:

I. Transportation

- A. Access to US-97 for these properties will be via the Burke and Bettas Road intersections. No direct access to US-97 will be allowed.
- B. A Traffic Impact Analysis shall be completed prior to Phase II of the development and shall be submitted, reviewed and approved by appropriate regulating agencies. The scope of the analysis shall include, but shall not be limited to US97/SR970, US97/Burke Road, and US 97/Bettas Road intersections. Mitigations to offset any identified impacts shall be provided for in the traffic study/analysis.
- C. The traveled 60-foot access right of way off of Ranch Road will be surfaced and maintained with crushed rock to minimize dust migration to neighboring properties.

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II. Light and Glare

- A. Any proposed lighting should be shaded and directed down towards the site, and away from US-97.

III. Water and Septic

- A. All work done on Swauk Creek shall obtain the appropriate permits and be in conformance with the Riparian Management Plan.
- B. The applicant shall develop a Riparian Management Plan for Swauk Creek within 24 months of the final approval of Phase I.
- C. All development shall comply with the Kittitas County Shoreline Master Program.
- D. Per the Kittitas County Shoreline Master Program, a minimum of 100 feet buffer for structures shall be maintained along Swauk Creek. The buffer shall be maintained by the owner or applicable maintenance associations.
- E. A 100 foot structural setback and 200 foot setback per the Kittitas County Shoreline Master Program from the Ordinary High Water Mark of Swauk Creek shall be shown on the final mylars.
- F. The 100 year-floodplain and determined wetlands shall be shown on the final mylars.
- G. Proper signage and CC&R's shall be incorporated on-site to encourage the maintenance of the buffer and natural condition of Swauk Creek.
- H. Stormwater and surface runoff generated by this project must be retained and treated on-site in accordance with regulating agencies' standards.
- I. Stormwater and surface runoff generated by this project shall not be allowed to flow onto WSDOT rights-of-way.
- J. The project shall comply with the requirements of the Department of Ecology Storm Water Manual for Eastern Washington for stormwater generated by this project and shall be collected, retained and disposed of on-site accordingly as approved by DOE.
- K. The project shall comply with Kittitas County Code 17A: Critical Areas and 14.08: Flood Damage Prevention. Pond locations and bridge crossings shall be identified and reviewed pursuant to these codes and shown on final mylars for each phase of development.
- L. Pond locations shall remain outside of Critical Areas
- M. On-site drainage features associated with construction shall be designed such that wetlands are not dewatered or impacted.
- N. The applicant will develop a Group "B" water system for Division one of Phase one of the project. The Group "B" water system's delivery facilities, limited to the piping and valves will be designed to the Group "A" Water System specifications as approved by the Washington State Department of Health for the Group "A" water systems owned and operated by LCU, Inc. This will be done to provide a seamless transition from the Group "B" water system developed for Division one of Phase one to the Group "A" water system that will provide water for future divisions and phases of the development.
- O. A Group "A" water system will be planned and constructed as approved, by the Washington State Department of Health for each future division of each phase of the development prior to final approval for said Division.
- P. The applicant will provide community septic systems for the initial phases of the project. The community septic systems will be designed by a license septic designer and approved by the Kittitas County Environmental Health Department. These community septic systems will be designed for a seamless transition into a Class A Reclaimed Water System Facility to be planned, approved and constructed for future phases of the project.
- Q. A Class A Reclaimed Water Facility will be developed and approved by the WA State Dept. of Ecology and the WA State Dept. of Health. The system shall be constructed when the volume of sewage to be treated reaches a volume that allows for the successful operation of the Class A Reclaimed Water Facility as approved by the Washington State Department Of Health and the Washington State Department of Ecology.
- R. Withdrawals of groundwater on the subject property will be subject to the rules and regulations adopted and administrated by the Washington State Department of Ecology.
- S. Site grading shall comply with Kittitas County Code 14.08.

IV. Noise

- A. All county noise ordinances shall apply to the project.
- B. Construction activities shall comply with KCC 9.45 (Noise). Construction for the project hours shall be 7:30am to sunset.
- C. It shall not be the responsibility of WSDOT to create noise dampening facilities or structures within this development.

V. Land Use and Recreation

- 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 included within their application that are not in conflict with these mitigations shall be conditions of approval and shall be considered as mitigations.
- C. The applicant will place a minimum of 30% of the land, 146 acres, in Open Space for perpetuity and will be designated on the final Mylar.
- D. The use of the open space area will be for passive and active recreational uses as allowed in KCC 16.09 along with the continued existing ranching and farming (agricultural) activities.
- E. 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).
- F. The applicant will complete a wetland and wildlife study. The applicant shall be responsible for implementing the recommendations contained within the studies.
- G. The applicant shall develop CC&Rs for the development addressing roads, water/septic systems, open space, management of Swauk Creek, trail and recreation systems.

VII. Utilities and Services

- A. Mail routes shall be approved by the postmaster. The postmaster shall also approve mailbox locations. Mailbox locations shall not create sight obstructions.
- B. The applicant shall work with the local school district to provide for a safe location and passageway for a school bus stop. This location shall be delineated on the final mylar.
- C. The Group A Water System will abide by the requirements of the KC Fire Marshall for fire flow and placement of fire hydrants.
- D. Portion of parcels within Section 34 that are included within this development shall be requested by the developer to be annexed into Fire District 7 during the development of this proposal.
- E. Location and amount of fire hydrants on-site shall meet local fire jurisdiction requirements.
- F. All parcels located outside of a fire district shall be subject to the International Urban Wildland Interface Code.
- G. There shall be no parking on all access roadways for the project.
- H. All development shall comply with the International Fire Code (IFC) and Appendices.
- I. All private roadways/ shall meet the minimum requirements of a fire department apparatus access road with a minimum width of twenty feet.

This MDNS is issued under WAC 197-11-350. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action's procedural compliance with the provisions of Chapter 197-11 WAC shall be commenced on or before September 25, 2006 @ 5:00 PM.

Responsible
Official:


Joanna Valencia

Title: Staff Planner

Address: Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
(509) 962-7506 FAX 962-7682

Date: September 8, 2006

Pursuant to Chapter 15A.07 KCC, this MDNS may be appealed by submitting specific factual objections in writing with a fee of \$300.00 to the Kittitas County Board of Commissioners, Kittitas County Courthouse Room 110, Ellensburg, WA 98926. Timely appeals must be received no later than September 25, 2006 @ 5:00PM. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.