



KITITITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITITITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

STAFF REPORT

Proposed Development Agreement for Palomino Fields Subdivision

TO: Kittitas County Board of County Commissioners
FROM: Kittitas County Community Development Services Staff
DATE: May 17, 2016, Open Public Hearing

I. GENERAL INFORMATION

Description and History: A preliminary plat for Palomino Fields submitted by Cle Elum Pines West, LLC & Cle Elum Pines East, LLC was approved by the Kittitas County Board of County Commissioners on November 18, 2008 for the creation of 120 lots on a 120.8 acre area of land. The proposal presented today does not include any changes or modifications to the approved plat, and all lines and conditions of the approved plat will remain if this proposed development agreement is approved.

The DA proposal is to provide an agreement to allow the filing and approval of the final plat in phases. The map accompanying this report indicates the phasing that is being proposed. The phasing will permit capital facility improvement only for areas included in each phase, rather than having all capital facilities within the entire project completed at once. The first phase consists of completing the property and serving street locations closest and most parallel to Reecer Creek Road, the road providing the main entrance to the plat at Bowers, and providing the emergency entrance/exit road at Bender. The first phase of the plat is shown in red on the accompanying map listed as Amended Exhibit G. Four additional phases of completed lots and capital facilities are planned at the conclusion of the first phase. Each phase will not receive final approval until a street connects with the first phase main street.

All five phases are proposed to be completed within five (5) years as outlined within the proposed Development Agreement, and "that the term of the agreement shall be automatically extended for the effective life of any required permit or approval... so long as a complete application for such permit or approval has been received prior to the expiration date of this Agreement."

Pocket parks are proposed within the Development Agreement as approved through Resolution 2008-160 which leaves the spaces open in perpetuity. No maintenance agreement between potential lot owners is proposed in Section 9 of the Development Agreement. It is indicated in Sections 11.4 and 11.5 that the project will meet private road standards and will review and issue a grading permit which means that the plat will be brought to current road standards and meet the clearing ordinance. All other elements of the development will meet the conditions of Resolution 2008-160 and conditions of the MDNS of the Palomino Fields preliminary plat.

Location: This approved plat is located north of Dry Creek Road and west of Reecer Creek Road between Bender and Bowers Roads comprising a portion of the West ½ of Section 27, Township 18 N., Range 18 E., W.M. in Kittitas County, bearing Assessor's map numbers 18-18-27020-00001, 0002, 0003, 0015, 0016 and 0017.

II. SITE INFORMATION

Total Property Size:	120.8 acres
Number of Lots:	120 lots have been approved through preliminary plat; no new lots are being proposed through the Development Agreement
Domestic Water:	The project will be served by a Group A system owned by the applicant
Sewage Disposal:	Private Septic Systems
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District 2 - KVHR
Irrigation District:	Cascade and Ellensburg Water

Site Characteristics:

North: Primarily agriculture with a mix of residential development

South: Primarily agriculture with a mix of residential development and the John Wayne Trail, and just west of the Ellensburg Urban Growth Area

East: Mix of vacant land and potentially high density residential

West: Primarily agriculture

Access: The site is accessed from Reecer Creek Road at Bowers Road. An emergency entrance/exit is located at Reecer and Bender Road intersection.

Zoning and Development Standards: The subject property is located adjacent to the City of Ellensburg's Urban Growth Area and has an Agriculture 5 zoning designation, requiring lots to be a minimum of five acres. However, the plat was approved in 2008 when it was zoned Urban Residential requiring a minimum of 7,200 square feet for a single family residence, and, therefore, the plat is vested to those lot sizes.

III. ADMINISTRATIVE REVIEW

Notice of Application: A Development Agreement application was submitted to Kittitas County Community Development Services department on October 6, 2015. After additional information was provided, this application was deemed complete on November 2, 2015. The Notice of Application for the Development Agreement was issued on March 29, 2016. 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 April 28, 2016.

IV. ENVIRONMENTAL REVIEW

The checklist used to evaluate the Palomino Fields preliminary plat is accepted as the basis to make environmental evaluation of the proposed Development Agreement. Based upon review of the submitted environmental checklist and the subsequent environmental Mitigated Determination of Non-Significant threshold determination made on the Palomino Fields preliminary plat, a Determination of Non-Significance (DNS) was issued on April 28, 2016. The appeal period ended on May 12, 2016 at 5:00 p.m. No appeals were filed.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments have been included as Exhibits in the Commissioners' packet.

Public Comments:

Five (5) comments from the public and agencies were received regarding this proposal and can be reviewed on

file.

VII. RECOMMENDATION

As conditioned below, staff finds that the application is not detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 12, Title 14.04, Title 17.40, Title 17.60A, & Title 17A of the Kittitas County Code and the Kittitas County Comprehensive Plan. Staff recommends approval of the proposed Development Agreement for final platting, subject to the following findings of fact and conditions:

Staff Findings of Fact

1. A Development Agreement application was submitted to Kittitas County Community Development Services department on October 6, 2015. After additional information was provided, this application was deemed complete on November 2, 2015. This proposal is to phase an approved preliminary plat into five separate phases which will not affect the total environmental impact of the plat.
2. The Notice of Application for the Development Agreement was issued on March 29, 2016. 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 April 28, 2016. No comments were received.
3. There are no changes to the plat within the Development Agreement proposal that was proposed and approved in 2008.
4. The site is located adjacent the Ellensburg Urban Growth Boundary which has generated concern from the City officials and employees as indicated in comments received. It is not currently zoned to allow for such development intensity but was approved when the property was zoned to allow for a greater density than is now permitted.
5. The subject property is zoned "Agriculture 5," which allows single family housing and has no prohibition of Development Agreement activity.
6. Correspondence following the Notice of Application was received during the 30-day comment period for the development agreement application. Four comments were received. Three of the comments relate to the project as originally proposed. One comment received is from Washington State Department of Fish and Wildlife regarding the potential impact of the phasing impact, and request is made that certain conditions of the plat be implemented during the first phase of the plat.
7. Based upon review of the submitted application materials including an environmental checklist prepared for the approved Palomino Fields preliminary plat, and because the phasing proposal does not impact the approved plat, a Determination of Non-significance (DNS) threshold determination was issued on April 28, 2016. The appeal period ended on May 12, 2016 at 5:00 p.m. No appeals were filed.

Staff Conclusions:

1. The development agreement does not interfere with achievement of the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan and Kittitas County regulations.
2. This proposal is consistent with applicable federal and state laws and regulations.

3. The proposed development agreement will not change any conditions of the approved plat and only proposes to complete the subdivision process in five (5) phases over five (5) years.
4. Public use and interest will be served by approval of this proposal since flood impacts can be monitored through each phase and maintenance of the storm water standards will be met for each phase.
5. As conditioned, the proposal is consistent with Kittitas County Code including Title 17 Zoning, Title 17A Critical Areas, Title 14.04 Building Code, and Title 12 Roads and Bridges.

Based upon these conclusions and findings of fact, staff makes recommendation to approve the development agreement.

Recommended Conditions of Approval:

1. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
2. Development shall occur in conformance with the phasing conditions outlined within the signed development agreement. Any significant alterations outside of minor line adjustments or minor road location in order to meet the conditions normally associated with the plat approved through Resolution 2008-160 are not permitted without an amendment to the plat. Any adjustments to the approved development agreement requires a separate public hearing for approval of such amendments.
3. All current and future landowners must comply with the International Fire Code.
4. All development, design and construction shall comply with all Kittitas County Codes and the International Fire and Building Codes.
5. The four wetlands referred to in the 2008 Hearing Examiner's findings along with wetland buffers will be clearly identified on the final plat map of the first phase to ensure their protection.
6. The riparian management plan that incorporates signage for Currier Creek referenced in the Hearings Examiner's findings will be completed within the first phase of the project.
7. All drainage features for stormwater and flood water will be planned and installed before each phase receives final plat approval.
8. All stream crossings (roads and trails) in each phase will require HPAs from WDFW and shall be obtained for each applicable phase.
9. Plans for open parks within the 100 foot buffer for Currier Creek shall be provided for review to WDFW in each applicable phase.
10. The plat shall meet all conditions of Kittitas County Code Chapter 13 and shall contain notes required by Department of Health.