



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

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Office (509) 962-7506

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"Building Partnerships – Building Communities"

NOTICE OF DECISION

TO: Applicant
Interested Parties (KCC 15A.06)

FROM: Jeff Watson, Staff Planner

DATE: October 10, 2013

SUBJECT: Notice of Decision: **Zentz Rezone (RZ-13-00001)**

Pursuant to RCW 36.70B.130 and KCC 15A.06, notice is hereby given that the Kittitas County Board of County Commissioners approved the Zentz Rezone on October 1, 2013. Proponent: Teresa Zentz landowner, applied for a project specific rezone on approximately 10 acres of land that is vested to Agriculture 3 zoning. The project is located 4 miles northwest of Ellensburg at 430 Klocke Road, in a portion of Section 20, T18N, R18E, WM in Kittitas County, bearing Assessor's map number 18-18-20020-0004.

A copy of the Kittitas County Board of Commissioners Ordinance 2013-009 is attached. Related file documents may be examined at Kittitas County Community Development Services, 411 N. Ruby, Ellensburg, WA 98926. (509) 962-7506.

Issuance of this land use decision may be appealed by parties with standing, by filing a land use petition in Superior Court, and serving said petition on all required parties pursuant to RCW 36.70C and KCC 15A.08, within twenty-one days. The deadline for filing an appeal of this rezone is **October 22, 2013**.

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

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

ORDINANCE NO. 2013-009

**ZENTZ REZONE (RZ-13-00001) IN THE MATTER OF AMENDING THE KITTITAS
COUNTY ZONING ATLAS FROM AGRICULTURE 3 TO AGRICULTURE 5**

WHEREAS, according to Kittitas County Code Titles 15A & 17, relating to rezones, adopted pursuant to RCW 36.70B & 36.70 respectively, an open record hearing was held by the Kittitas County Hearing Examiner on August 15, 2013 for the purpose of considering a zone change consisting of approximately 10 acres from Agriculture 3 to Agriculture 5 described as follows:

That portion of the southwest quarter of the northwest quarter of Section 20, T18N, R18E, WM in Kittitas County. Assessor's map number: 18-18-20020-0004. Proponent: Teresa Zentz landowner.

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 change of zoning and platting; and,

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

WHEREAS, a closed record public meeting was held by the Board of County Commissioners on September 17, 2013 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 rezone:

1. Teresa Zentz, landowner, has submitted an application for a rezone from Agriculture 3 to Agriculture 5 on March 27, 2013.
2. The property is located approximately 4 miles northwest of Ellensburg at 430 Klocke Road, in a portion of Section 20, T18N, R18E, WM in Kittitas County, bearing Assessor's map number 18-18-20020-0004.
3. The Kittitas County Comprehensive Plan's Land Use Element designated the subject property as Rural and the Zoning as Agriculture 3 on the date that the application was submitted.

4. Community Development Services issued a Notice of Application pursuant to KCC 15A.03 on April 19, 2013.
5. Community Development Services issued a Determination of Non-Significance (DNS) on July 30, 2013. No appeals were filed.
6. On August 15, 2013, the Kittitas County Hearing Examiner conducted an open record hearing where testimony was heard. On August 29, 2013 the Hearing Examiner submitted his Recommended Findings of Fact, Conclusions of Law, and Conditions of Approval of the Zentz Rezone.
7. The Board of County Commissioners conducted a closed record hearing on September 17, 2013 for the purpose of considering the Zentz Rezone (RZ-13-00001).
8. The Board of County Commissioners after review of the record and deliberation finds that the “down-zone” as proposed by the Zentz Rezone is outside of the scope of consideration in, and the legislative intent of KCC 17.13 Transfer of Development Rights, and as such removes the Hearings Examiner recommended condition of approval four (4) as a requirement for approval of the rezone.
9. The Board of County Commissioners after review of the record and deliberation finds that because the Zentz Rezone was submitted concurrently with a Short Plat application, it may be considered under the provisions of KCC 17.98.020(5) Amendments (to the zoning map).
10. The Board of County Commissioners after review of the record and deliberation closed the hearing and a motion was made and seconded that the proposed Zentz Rezone (RZ-13-00001) be approved. The motion carried with a vote of 2 to 0. Commissioner Obie O’Brien, Chairman, was absent.
11. The Board of County Commissioners finds that additional conditions are necessary to protect the public’s interest.
 - a. The approval of this Rezone is contingent upon the administrative approval of the Short Plat submitted with this Project Rezone. In the event that the Short Plat is not approved, or for whatever reason not executed and recorded within the timeframes as provisioned in KCC 16.32.090 and RCW 58.17.140, the zoning designation for the parcel under consideration shall remain Agriculture 20 as passed in Ordinance 2013-001 by the Board of County Commissioners on February 11, 2013.

NOW, THEREFORE BE IT RESOLVED: That the Kittitas County Board of Commissioners hereby grants approval of the **Zentz Rezone (RZ-13-00001)** and adopts the

Kittitas County Land Use Hearing Examiner's Recommended Finds of Fact, Conclusions of Law, Decision and Conditions of Approval (Exhibit A) as modified in 8 and 11a above.

DATED this 1 ~~11~~ day of October, 2013 at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Obie O'Brien
Obie O'Brien, Chairman

Paul Jewell
Paul Jewell, Vice Chairman

Gary Berndt
Gary Berndt, Commissioner



Julie A Kjorsvik
Julie A Kjorsvik

APPROVED AS TO FORM:

Greg Zempel WSBA #19125



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"Building Partnerships – Building Communities"

NOTICE OF DECISION

TO: Applicant
Interested Parties (KCC 15A.06)

FROM: Jeff Watson, Staff Planner

DATE: October 10, 2013

SUBJECT: Notice of Decision: **Zentz Short Plat (SP-13-00003)**

Pursuant to RCW 36.70B.130 and KCC 15A.06, notice is hereby given that Kittitas County Community Development Services approved the Zentz Short Plat on October 10, 2013. Proponent: Teresa Zentz landowner, applied for a two lot short plat on approximately 10 acres of land that is vested to Agriculture 3 zoning. The project is located 4 miles northwest of Ellensburg at 430 Klocke Road, in a portion of Section 20, T18N, R18E, WM in Kittitas County, bearing Assessor's map number 18-18-20020-0004.

A copy of the conditional approval is attached. Related file documents may be examined at Kittitas County Community Development Services, 411 N. Ruby, Ellensburg, WA 98926. (509) 962-7506.

Issuance of this land use decision may be appealed by parties with standing, by filing a land use petition with the Board of County Commissioners within ten (10) working days of this decision. The deadline for filing an appeal of this short plat is **October 25, 2013 at 5:00 p.m.**

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



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"Building Partnerships – Building Communities"

October 10, 2013

Teresa Zentz
430 Klocke Road
Ellensburg WA 98926

Subject: Zentz Short Plat, SP-13-00003

Dear Ms. Zentz,

The Kittitas County Community Development Services Department has determined that the Zentz Short Plat (SP-13-00003) is a complete application and hereby grants *conditional preliminary approval* subject to the following conditions:

- 1) Both sheets of the final mylars shall reflect short plat number SP-13-00003 and an accurate legal description shall be shown on the face of the final plat.
- 2) Full year's taxes must be paid on all tax parcel numbers per requirement of the Kittitas County Treasurer's Office.
- 3) The following plat notes shall be recorded on the final mylar drawings:
 - a) All development must comply with International Fire Code.
 - b) The subject property is within or near designated natural resource land of long-term commercial significance on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited 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)
 - c) The approval of this division of land includes no guarantee that there is a legal right to withdraw groundwater within the land division. The approval of this division of land provides no guarantee that use of water under the ground water exemption (RCW 90.44.050) for this plat or any portion thereof will not be subject to curtailment by the Department of Ecology or a court of law.
 - d) Kittitas County will not accept private roads for maintenance as public streets or roads until such streets or roads are brought into conformance with current County Road Standards. This requirement will include the hard surface paving of any street or road surfaced originally with gravel.
 - e) Prospective purchasers of lots are urged to make inquiries at the Kittitas County Department of Public Works regarding road and access development requirements and permits.
- 4) Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply industrial purposes or for the irrigation of up to one-half acre of lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.
- 5) A statement regarding the contemplated sewage disposal, water supply, and drainage improvements for the proposed subdivision shall be reflected on the final mylars.
- 6) Activities such as road widening, stump pulling and clearing, grading and fill work and utility placements may require an NPDES Construction Stormwater Permit issued by the Department of Ecology prior to start of construction. This permit requires the preparation of a Stormwater Pollution

Prevention Plan. It is the applicant's responsibility to contact the Department of Ecology.

- 7) If any structures are constructed within the 100-year floodplain, current location at time of development, base flood elevations must be determined for the entire Zone A within the property boundaries as required by KCC 14.08.220(4).
- 8) The subject parcel is completely under the *Rural* designation of the Shoreline Master Program (SMP). The subdivision as proposed meets the minimum parcel size and dimension requirements for the subject designation. All future development of the site must comply with the provisions of the SMP.
- 9) Lot 1 of the Zentz Short Plat contains a PUBH wetland within its boundaries. The Final mylars shall reflect the location of this wetland and a statement on the plat shall read as follows: "Future development of lots may require a study by a certified wetland biologist to determine wetland classification and for buffer requirements pursuant to KCC Critical Areas Code."
- 10) Withdrawals of groundwater on the subject property are subject to the rules and regulations adopted and administrated by the Washington State Department of Ecology; this includes the use of water for irrigation. Legally obtained water must be used on-site.
- 11) The RCW 90.44.050 permit exemption does not apply where a developer of a residential subdivision proposes multiple wells to serve each lot in the development if in combination the withdrawal will exceed the exemption criteria.
- 12) Chapter 173-150 WAC provides for the protection of existing rights against impairment, i.e. interruption or interference in the availability of water. If water supply in an area becomes limited, use could be curtailed by those with senior water rights.
- 13) All water wells constructed shall be in accordance with the provisions of Chapter 173-160 WAC by a driller licensed in the State of Washington. All wells must be located a minimum of 100 feet from any known, suspected, or potential source of contamination and shall not be located within 1,000 feet of the property boundary of solid waste landfills. A well report must be submitted to the Department of Ecology within thirty days after the completion of a well.
- 14) Prior to receiving final approval for subdivisions in Kittitas County, applicants shall be required to make appropriate provision for potable water supplies per RCW 58.17.110 which includes, but is not limited to, the minimum requirements outlined in the Kittitas County Board of Commissioners Resolution 2012-027.
- 15) Applicants shall submit a well log(s) and four hour draw down test from each proposed parcel within a subdivision, water budget neutrality determination(s) from DOE referencing the relevant subdivision and proposed parcels within the subdivision (if required by Chapter 173-539A WAC), and passing bacteriological and nitrate water quality test from each well. If the proposed subdivision does not have an existing well within the boundaries of each lot, a well must be drilled and the above information shall be provided to KCPHD prior to recommendation by KCPHD for final plat approval. If shared wells are proposed, in addition to the above requirements a copy of a shared well user's agreement shall be recorded at the Kittitas County Auditor's Office for each proposed parcel that proposes to utilize a 2-party shared water system.
- 16) The applicant shall be responsible for meeting or exceeding all conditions and requirements set forth by the Department of Public Works.
- 17) Joint-Use Driveway: A joint-use access shall serve no more than two tax parcels. See Kittitas County Road Standards, 9/6/05 edition.
 - a) Access easements shall be a minimum of 20' wide. The roadway width shall have a minimum width of 12'.
 - b) The surface requirement is for a minimum gravel surface depth of 6".

- c) Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
 - d) Any further subdivision or lots to be served by proposed access may result in further access requirements.
- 18) Single-Use Driveway: A single-use access shall serve no more than one lot. See Kittitas County Road Standards, 9/6/05 edition.
- a) The roadway shall be a minimum of 8' wide with gravel surface.
 - b) Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
 - c) Any further subdivision or lots to be served by proposed access may result in further access requirements.
- 19) Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
- 20) Lot Closure: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
- 21) Access Permit: An approved access permit shall be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right of way.
- 22) Addressing: Contact the Kittitas County Rural Addressing Coordinator at (509) 962-7523 to obtain addresses prior to obtaining a building permit. A parcel cannot receive a building permit or utilities until such parcel is identified with a 911 address.
- 23) Mailbox Placement: Mailboxes must be approved by U.S. Postal Service. Mailbox locations are site specific. Contact your local Post Office for location and design standards before beginning construction.
- 24) Addresses of all new residences shall be clearly visible from both directions at the county road.
- 25) The driveway for the new property must comply with Kittitas County Code, i.e. any driveway greater in length than 150' shall be no less than 16 feet in width.
- 26) If the applicant plans to burn trees or debris from the property, the applicant shall obtain a burn permit from the Department of Ecology. Only natural unprocessed vegetation may be burned in an outdoor fire. It is the applicant's responsibility to contact the Department of Ecology regarding this permit.
- 27) Washington Administrative Code (WAC) 173-400-040 requires that reasonable precautions be taken to prevent dust from leaving the project site. Additionally, dust is prohibited from interfering unreasonably with the use and enjoyment of property, causing health impacts or damaging property or business. As a result, the applicant shall be responsible for creating a site-specific Fugitive Dust Control Plan (FDCP) before starting this project. The plan shall be followed throughout the duration of any activity and construction of the project.
- 28) RCW 17.10.140 Landowners are responsible for controlling and preventing the spread of noxious weeds. Accordingly, the Kittitas County Noxious Weed Board recommends immediate reseeding of areas disturbed by development to preclude the proliferation of noxious weeds.
- 29) The subject property is within the boundaries of the Ellensburg Water Company (EWC) Irrigation Entity. The applicant will need to comply with the requirements set forth in the EWC General Guidelines during all phases of development and construction.
- 30) Irrigation delivery shall not be impaired at any time to the surrounding farming practices and all costs associated with any potential relocation of irrigation delivery routes shall be the burden of the developer and not that of the surrounding landowners.
- 31) All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.

- 32) Development and construction practices for this project shall only occur between the hours of 7:00 am to 7:00 pm to minimize the effect of construction noise on nearby residential properties.
- 33) This property is located inside of the Kittitas County Stock Restricted Area, it shall be the responsibility of the property owner to fence in their grazing livestock.
- 34) Should ground disturbing or other activities related to the proposed short plat 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 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.
- 35) The approval of the associated Rezone is contingent upon the administrative approval of this Short Plat. In the event that the Short Plat is not executed and recorded within the timeframes as provisioned in KCC 16.32.090 and RCW 58.17.140, the zoning designation for the parcel under consideration shall remain Agriculture 20 as passed in Ordinance 2013-001 by the Board of County Commissioners on February 11, 2013.
- 36) Please review KCC 16.12 (at http://www.co.kittitas.wa.us/boc/countycode/title16.asp#Chapter_16.12) to insure that all plat drawing requirements met.

Approval of the Zentz Short Plat may be appealed to the Kittitas County Board of Commissioners upon request of any aggrieved party within 10 working days, and shall accordingly be eligible for final administrative approval after October 25, 2013. Administratively approved short plats must be recorded with the County Auditor and shall not be deemed approved until so filed. If you have any questions, please do not hesitate to contact our office.

You may appeal this determination pursuant to KCC 15A.07.010 by submitting specific factual objections and a fee of \$500 to the Kittitas County Board of Commissioners (205 W. 5th, Room 108) by October 25, 2013 at 5:00p.m.

Sincerely,



Jeff Watson
Staff Planner