



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

STAFF REPORT

YAKIMA RIVER REZONE & PRELIMINARY PLAT

TO: Kittitas County Hearing Examiner
FROM: Kittitas County Community Development Services Staff
RE: Yakima River PUD Rezone (Z-07-11) and Short Plat (SP-08-03)
DATE: March 12, 2009 Hearing

I. GENERAL INFORMATION

Requested Action: Terra Design Group and Jeff Slothower, authorized agent for Teanaway Ridge LLC, landowner, have submitted an application for a rezone from Rural-3 to PUD along with a Short Plat to subdivide approximately 86.58 acres into 4-lots. The proposed lot sizes range from 14.08 to 18.68 acres with one 28.37 acre Open Space Tract. The subject property is currently zoned Rural-3. The project is proposed to be served by a Group A Public Water System and community septic areas.

Location: The property is located east of the junction of SR 970 and SR 10, Cle Elum, WA 98922 in Section 04, T19N, R16E, WM in Kittitas County. Map numbers 19-16-04020-0002, and 19-16-04050-0401.

II. SITE INFORMATION

Total Project Size: 86.58 acres
Number of Lots: 4
Domestic Water: Group A Public System
Sewage Disposal: Community septic/drainfields transitioning to a reclaimed water system
Power/Electricity: PUD
Fire Protection: Kittitas County Fire District #7
Irrigation District: N/A

Site Characteristics:

North: Open Space
South: Yakima River
East: Open Space
West: Residential

Access: The proposed project will have access from SR-10 across a private crossing of the BN Railway. The road shall be constructed to meet Kittitas County public Road Standards. All required roadway improvements will be the responsibility of the developer. A second access route is not required.

Zoning and Development Standards: The subject property is currently located within the Rural-3 zoning district. The applicant is proposing a rezone to PUD. The purpose and intent of PUD zoning is to provide for and encourage a harmonious mixture of land uses with greater flexibility in land use controls than is generally permitted by other sections of the zoning code. This includes:

1. To allow greater flexibility and to encourage more innovative design for the development of residential areas that is generally possible under conventional zoning and subdivision regulations.
2. To encourage more economical and efficient use of land, streets and public services.
3. To preserve and create usable open space and other amenities superior to conventional developments.

4. To preserve important natural features of the land, including topography, natural vegetation, and views.
5. To encourage development of a variety of housing types and densities.
6. To encourage energy conservation, including the use of passive solar energy in project design and development to the extent possible.
7. To encourage infill development of areas or site characterized by special features of geography, topography, size, shape or historical legal nonconformity.
8. To permit flexibility of design that will create desirable public and private open space, to vary the type, design and layout of buildings and to utilize the potentials of individual sites and alternative energy services to the extent possible.

Permitted Uses in the PUD Zone include the following:

1. All residential uses, including multifamily structures
2. Manufactured home parks
3. Hotels, motels, condominiums
4. Fractionally-owned units (for PUDs proposed within Urban Growth Areas)
5. Retail businesses
6. Commercial-recreation businesses
7. Restaurants, cafes, taverns, cocktail bars
8. Any other similar uses deemed by the planning commission to be consistent with the purpose and intent of this chapter. Such determination shall be made during review of the development plan required under Section 17.36.030.

III. ADMINISTRATIVE REVIEW

Rezone and Short Plat Application: Applications for a rezone from Rural-3 to PUD and a 4-lot Short Plat were received on June 16, 2007. The applications were deemed complete on July 31, 2007. The application was amended and a new Notice of Application was sent out May 8, 2008. On September 16, 2008 an additional Notice of Application was sent out on September 17, 2008 to include the concept map and a change in the number of rv sites.

Posting of Site: The signed Affidavit of Posting was returned to CDS on April 17, 2008 indicating that the site had been accurately posted with the “Land Use Action” sign as provided by CDS and required per KCC 15A.03.110.

IV. COMPREHENSIVE PLAN

The Kittitas County Comprehensive Plan designates the subject property as Rural. Kittitas County has established the following goals and policies to guide future housing developments. These goals and policies were developed in response to existing housing conditions and identified needs within the county, and support the County Wide Planning Policies:

- GPO 2.49 “Planned Unit Developments, which reserve substantial portions of land as open space or recreation area, are preferred over conventional subdivisions
- GPO 2.5: “ Kittitas County should encourage residential and economic growth that will minimize the costs of providing public utilities and services.”
- GPO 2.94: A consideration for all future development should be the adaptability of a proposal to both public and private utilities such as municipal water and sewer systems.
- GPO 2.95: “Within the UGAs and UGNs, in the absence of urban utilities, a system of subdivision and development should be encouraged which would produce a pattern capable of re-division to a higher density at such time when utilities are available.

- GPO 3.1 Provide a sufficient number of housing units for future populations in rural areas of Kittitas County.
- GPO 3.6 Provide for future populations while protecting individual property rights.
- GPO 3.17 Provide a sufficient number of housing units for future populations while maintaining the rural character of Kittitas County.
- GPO 3.18 Provide sufficient housing units while maintaining environmental quality.
- GPO 8.5 Kittitas County recognizes and agrees with the need for continued diversity in densities and uses on Rural Lands.
- GPO 8.46 Residential development in rural lands must be in areas that can support adequate private water and sewer systems.

V. REZONE CRITERIA

The applicant must demonstrate that the following criteria are met

- A. The proposed amendment is compatible with the comprehensive plan.
- B. The proposed amendment bears a substantial relation to the public health, safety or welfare.
- C. The proposed amendment has merit and value for Kittitas County or a sub-area of the county.
- D. The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property.
- E. The subject property is suitable for development in general conformance with zoning standards for the proposed zone.
- F. The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property.
- G. The proposed change in use of the subject property shall not adversely impact irrigation water deliveries to other properties.

The applicant responds to the above criteria with the following:

- A. The proposed amendment is compatible with the comprehensive plan.
This rezone is consistent with the Rural lands (Chapter 8) of the Kittitas County Comprehensive plan, which allows for a variety of rural densities.

The property is within the land use designation of “Rural Lands” as described in Chapter 8 of the comprehensive plan. The proposed rezone meets the general policies and objectives of the rural designation of the Kittitas County Comprehensive plan, specifically

- *GPO 8.13 dealing with rural sprawl caused by large lot zoning.*
- *GPO 8.5, 8.9, 8.11, & 8.13. The rezone also complies with non-resource agricultural land and rural residential policies.*
- *GPO 8.30 and 8.46, 8.47, 8.49, 8.50, 8.51, 8.53, 8.56, 8.60.*

GPO 3.14 Designate high density residential land use zones such as PUD’s, cluster development, and MPR’s outside of Urban Growth Areas & Urban Growth Nodes.

According to RCW 36.70A.030(16): Rural Development refers to development outside of the urban

growth area and outside agricultural, forest and mineral resource lands designated pursuant to RCW 36.70A.170. The property being rezoned is not designated as a resource land. RCW 36.70A.030(16) states, "Rural development can consist of a variety of uses and residential densities, including clustered residential development.

The Growth Management Act listed Planned Unit Developments as one of the innovative planning methods to conserve property in the county. This creative technique of blending different types of residential units with recreational facilities and other uses gives the County a step up on the conservation of resource and other land types.

The Kittitas Comprehensive Plan is guided by the Kittitas County County Wide Planning Policies that specifically refers to the Planned Unit Development and provides guidelines for its use within the Kittitas Comprehensive Plan. This proposal is compatible with not only the Kittitas County Comprehensive Plan but also with the Kittitas County County Wide Planning Policies.

B. The proposed amendment bears a substantial relation to the public health, safety or welfare.

Though this application is only required to show a substantial relationship to one of the above, this project bears a substantial relationship to each as follows:

In regards to the Public Health; the county has adopted the High Population Projections as provided by the Washington State Office of Financial Management to guide growth in the county for the next twenty years. These projections provide for substantial growth in the county outside of the cities, the UGA's and the UGN's.

One of the main concerns in regards to Public Health in the county, expressed by Kittitas County Citizens, the Department of Ecology, the County, and Upper County Cities, is the continued development of unmonitored, untested and uncontrolled exempt wells. Every new exempt well that is drilled increases the possibility of aquifer pollution, reduction of the usable aquifer, and possibly interfere with existing water rights. This proposal will use an existing Group A water system, which will be improved. The improvements will be submitted to DOH and DOE for approval. The entire proposed project will be placed within and served by a Group "A" water system that will meet the Department of Health's requirements and will be approved by the Department of Health and Department of Ecology. The applicant will apply to the Department of Health to change the Group A designation from a Transient Water System to a Small Non Expanding Water System designation.

Another of the main concerns regarding Public Health in the county is the continued growth in the rural areas of the county where there is an increasing use of individual septic systems, which could pollute the aquifer and/or surface waters of the Upper Yakima River Basin. This has been expressed by Kittitas County Citizens, County Government, Washington State Department of Health, Washington State Department of Ecology, and the Upper County Cities. An additional benefit to the Public Health is that this project provides a reduction of individual septic systems constructed throughout the county.

This project will be served by individual and community septic system(s) which will be designed by a licensed designer or registered engineer and installed by a certified contractor. In the future, a Class A Reclaimed Water facility may be planned and submitted for approval to both the Department of Health and the Department of Ecology. It is planned that this property will initially be served by individual and community drain fields until the daily sewage flows meet the minimum flow that is required to operate a Class A Reclaimed Water facility as approved by the appropriate state agencies. This Class A Reclaimed Water facility will be constructed to meet the requirements of the Washington State Department of Health

and Department of Ecology. It is not known at this time if this facility will be needed or when it would be operational. This facility will take effluent from the project and treat it to a level that meets or exceeds Class "A" reclaimed water, the highest standard recognized by Department of Health and Department of Ecology and allow that water to be put to beneficial use. Class "A" reclaimed water is suitable for many beneficial uses, including but not limited to irrigation of food and non-food crops, landscape irrigation, impoundments for landscape and recreational uses, construction water, and fire fighting/protection. The standards for Class "A" reclaimed water established by Department of Health and Department of Ecology require treatment and dis-infection to a level that is far above what conventional wastewater treatment facilities are required to provide. The standards also require automated alarms, redundancy of treatment units, emergency storage, and stringent operator training and certification to meet reliability criteria. Approval of this PUD application will allow the redirection of a portion of the projected population growth from other rural areas of the county served by individual septic systems to an area that treats wastewater to these high standards. This provides increased benefit to Public Health that will in and of itself meet the requirements of this section.

This project provides at least two Public Safety benefits.

- 1. The planned Group A Water System will and is required to provide fire protection to its service area and as this system is expanded to serve the entire proposal and the residences constructed within its boundaries. Approval of this application will allow the redirection of a portion of the projected population growth from other rural areas of the county, which has no fire suppression storage, no ability to deliver fire fighting water, and no fire hydrants to an area that could provide fire hydrants with adequate fire flows.*
- 2. In addition, this proposal will provide safe year round access for health and personal safety emergencies on paved and well-maintained private roads. Under Kittitas County Road Standards, the roads for this proposal must meet, and will be constructed to a higher standard and provide greater public safety than is typically found in other rural areas of the county. These improved roads not only reduce the risks to individual users but also reduce the risks to the community at large. This is because county resources such as police, fire, and ambulance are able to serve these residences more efficiently than the same number of residential units spread out over a larger area of three to twenty acre tracts in other rural portions of the county located on roads that do not meet the same higher standards than the roads that will serve this project*

There is a higher potential for a fire to get out of hand in an area without adequate water supplies and fire hydrants or without paved year round and easy access than there is in an area that meets or exceeds the State and County requirements for fire flows and road access. Either of these components of the project by themselves meets the criteria for providing Public Safety benefits and combined, provide a standard that cannot be achieved in many other areas of the rural county.

The Public Welfare of the county will also be benefited by approval of this proposal. As stated above, the County has adopted the high population projections as provided by the Washington State Office of Financial Management. These projections provide for substantial growth in the county outside of the Cities, UGA's, and UGN's. The county, through its adoption of the Kittitas County Comprehensive Plan, has provided for growth within the Rural Lands of the county. The county with the adoption of the current population projections has determined that 18.5% of the population growth shall take place within these Rural Lands. This project will provide residential units within the Rural Lands with sophisticated water and sewer systems and a minimum of 40 acres of the land will be designated as open space, which will be used in the same manner that open space is used in the Kittitas County Code 16.09. In addition, this project provides for recreational opportunities within the boundaries of the project for its residents thereby reducing the pressures on the Federal, State, County and City's recreational facilities.

The provided recreational opportunities and recreational facilities will be privately funded, reducing public funding of recreational facilities and recreational opportunities.

Another benefit to the Public Welfare is that the applicant will designate a minimum of 40 acres of open space that will preserve portions of the Yakima River riparian and floodplain areas. Subsequent benefits include critical areas buffering or protection measures; wildlife protection corridors; pedestrian trail systems; open space; and recreational opportunities.

As the population in western Washington continues to grow, the use of the Upper Kittitas County as a recreation area continues to grow at a rapid pace. There has been no additional camping space developed in the Upper areas of Kittitas County in a number of years. The development of the camping areas provided in this proposal that will be served by a Group A Water and County and/or State approved sewer treatment will direct a portion of the growing camping population to an area that is planned to and meets public health requirements far beyond the continued use of public and private lands that are being occupied by campers without adequate public health facilities.

Again, as stated above to meet this criteria, "The proposed amendment bears a substantial relation to the public health, safety or welfare" only one substantial relation needs to be shown and this proposal clearly provides benefits to all three elements; the public health, safety and welfare of the county.

C. *The proposed amendment has merit and value for Kittitas County or a sub-area of the county. The proposed rezone of the property provides merit and value to Kittitas County, as it will add to and increase the tax base while minimizing the impacts to its operational costs. The Planned Unit Development will provide private roads, private utilities and private recreational opportunities for its residents as it increases the tax base for the county.*

A recent small study of a developed Planned Unit Development in the upper Kittitas County showed that the development produced in excess of \$500,000 over and above the expenses that the county paid out to maintain the development. In addition, the study found that the development created over \$222,000 in tax revenue for the local and state schools within a 6yr period (Attachment F).

As Kittitas County has adopted the High Population Projections as provided by the Washington State Office of Financial Management to guide growth in the county for the next twenty years. It can be predicted, based on these population projections that a large portion of this population growth as well as most of the growth of the second home market will be occurring in the Rural Lands of the county. There is merit and value of directing this growth to a location that can provide the services that will substantially reduce the impact to the environment through state of the art utility systems. This is done as stated above by providing for a Group A water system and a Class A Reclaimed Water facility as well as providing for large opens spaces and buffers between the existing population and the anticipated growth in the population. By situating a portion of the anticipated growth in this area with these services, open spaces, and buffers; increased merit and value for Kittitas County occurs.

In the upper portions of Kittitas County there has been a rapid increase in the development of second and third homes. This growth is not taken into account in the Washington State Office of Financial Management population projections. When the building permits for the upper county are tracked and compared to the growth, or lack thereof, of children in the school district it becomes clear that much, if not most, of the building construction is related to second and third homes. A portion of this development is specifically designed to serve the second and third resident home market. By targeting this market, this development will cluster additional homes and residents for this population segment into areas that are served by a Group A water system and County and or State approved community septic

systems thereby reducing the impact and rural sprawl of the upper county.

This rezone to a Planned Unit Development will limit rural sprawl, which is a goal under the Kittitas County Comprehensive Plan GPO 8.13, which states "Methods other than large lot zoning to reduce densities and prevent sprawl should be investigated." As provided for as a goal in the Kittitas County Comprehensive plan this proposal limits rural sprawl therefore providing merit and value to Kittitas County.

As the population in western Washington continues to grow the use of the Upper Kittitas County as a recreation area continues to grow at a rapid pace. There has been no additional camping space developed in the Upper areas of Kittitas County in a number of years. The development of the camping areas provided in this proposal that will be served by a Group A Water and County and/or State approved sewer treatment will direct a portion of the growing camping population to an area that is planned to and meets public health requirements far beyond the continued use of public and private lands that are being occupied by campers without adequate public health facilities. This development will also lessen the impact to Kittitas County in regards to the need to develop county sponsored camping areas. The County does not have any plans in the future to provide facilities for this growing use therefore the development of these camping sites and the associated recreational facilities will provide both merit and value to the county by lessening the impact of the continued growth in these areas.

It is clear that providing an increased tax base, privately funded roads, privately funded recreation facilities, privately funded utilities that provide for fire protection, environmental enhanced sewage treatment, and limiting rural sprawl this proposal provides value to Kittitas County.

D. The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property.

Though a proposal need only meet one of the criteria above; this proposal meets all three criteria contained in the above statement as demonstrated by the following:

As the City of Cle Elum grows eastward there has been more development along the Yakima River and parcels that have traditionally been farmed in the area have been subdivided. Most of these parcels of land have been further subdivided into residential parcels.

The land located to the south of the property across the Yakima River has changed from farming into lands that have been sold to multiple individuals and subdivided into multiple parcels.

The lands to the west and the east of this proposed project are such lands as described above. These adjacent lands have been sold and have been converted for residential use.

This proposal is appropriate for reasonable development of the property. This proposed project, by using the Planned Unit Development zoning option, will bring this land into conformance with the adjacent land uses to the west and the east and reduce the chance that activities on the property that are allowed under the Rural – 3 zone, which will not be allowed under the Planned Unit Development:

*Mining and associated activities;
Quarry mining, sand and gravel excavation, and rock crushing operations;
Gas and oil exploration and production;
Mini-warehouses;
Motor trail clubs (snowmobiles, bikes, etc.)*

The above uses will not be allowed in this Planned Unit Development.

In addition to the above changed circumstances, there is a need for additional property in the proposed zone as this proposed zone will allow the creation of open space, which will provide for continued recreational opportunities throughout the property.

The proposed zone is appropriate for reasonable development of the subject property because, as stated above, this proposed zone will allow the creation of open space, which will provide for the continued recreational activities on the southern portion of the property. In addition, this zone will allow the use of a Group A Water System and possibly a Class A Reclaimed Water system, which is an environmental benefit to its residents and the county as a whole. The adjacent properties, on the north, east, and west sides of this proposal have been, over the years changed into residential and recreational lands. The terrain of this property lends itself to being residential in nature.

Other changes that have also affected the property:

The Kittitas County Comprehensive plan was created in 1972, amended in 1996, amended again in 1997 to include Rural Lands, which this land is designated, and then in 2006 the comprehensive plan went through the required 10-year update process.

As this proposal is only required to meet one of the above criteria and as shown meets and exceeds all of the requirements of this section.

An additional change in circumstances is that the Cle Elum area and more specifically the Yakima River Corridor, has become a major area for the development of second and third homes. In this area of the upper portions of Kittitas County there has been a rapid increase in the development of second and third homes. This is very prevalent in the Yakima River Corridor. This growth is not taken into account in the Washington State Office of Financial Management population projections. When the building permits for the upper county are tracked and compared to the growth, or lack thereof, of children in the school district it becomes clear that much, if not most, of the building construction is related to second and third homes. Over the last few years, this type of second and third home building growth has changed the type of residents that are now starting to dominate the Upper Kittitas County building and development activity.

Further, this amendment is appropriate because of a need for additional property in the proposed zone as follows:

This zone provides the needed tools to create the flexibility for the proponent of this development to designate open space along the riparian shoreline of The Yakima River and allows for the concentration of condo units and/or RV sites, which will allow for wildlife and habitat connectivity throughout this property.

The property has a conditional use permit that provides for camping sites and in fact there are camping sites developed on the property that are served by power and water. This proposal will enhance the existing use of the property. The camping facilities are set off of the road and away from other uses of land so the property has been and continues to be an appropriate place for this type of development.

As stated above “The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property.” There is only a need to meet one of the criteria listed to meet this requirement. It is clear by the above information that the proposed amendment meets or exceeds each one of these sections requirements.

E. The subject property is suitable for development in general conformance with zoning standards for the proposed zone.

The proposed PUD zone is the best planning tool that is available at this time, which will allow for the creation of open space and the preservation of riparian areas associated with the Yakima River along with preserving wildlife corridors coinciding with the state and local laws.

By designating this property as a Planned Unit Development the uses that are allowed within this zone also create the flexibility to achieve the goals of Kittitas County Comprehensive Plan and GMA 36.70A by allowing innovative development techniques to occur, such as the Planned Unit Development (PUD). The PUD allows you to maximize your land use capabilities for efficiencies of utilities, densities, housing structures, open space areas and preservation of land therefore creating a more appealing and livable community.

The most efficient way to develop this property is through the Planned Unit Development zone as it provides a method for the applicant to place a large amount of the property in to open space, to create trails, ponds, and preserve much of the natural environment for the existing wildlife. Other developments, as allowed by the current zone, would provide for more fencing of the habitat area, introduction of grazing animals to the natural environment, and remove this portion of the Yakima River Corridor from recreational uses.

F. The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property.

The proposed rezone is consistent with and characteristic of the existing development in the immediate vicinity of the subject properties. The proposed zone change will enhance the surrounding properties by maintaining the view-shed of the area and reducing the possibility of residential development in floodplain areas associated with the Yakima River.

Further, this proposed project, by using the Planned Unit Development zoning option, will bring this land into conformance with the adjacent land uses to the west and the east and reduce the chance that activities on the property that are allowed by the Forest and Range zone will be materially detrimental to the adjacent properties. The following uses are allowed in the Rural-3 zone, which will not be allowed under the Planned Unit Development:

*Mining and associated activities;
Quarry mining, sand and gravel excavation, and rock crushing operations;
Gas and oil exploration and production;
Mini-warehouses;
Motor trail clubs (snowmobiles, bikes, etc.)*

The above uses will not be allowed in this Planned Unit Development thereby protecting the adjacent properties and the properties in the immediate vicinity from the above activities.

To the west and east of this proposed PUD zone lays lands that are continuously being subdivided into smaller parcels with the use of multiple exempt wells and septic systems.

Directly to the north the property is bordered by a railroad corridor and Highway 10. On the northwest

side the property is bordered by a small body of water. The development of the property on the northerly side will be buffered by the inclusion of a vegetation buffer. To the west the property is owned by the State of Washington and is being left in its natural state. The open space that this project will dedicate will provide connectivity to this property for wild life. The development to the south is bordered by the Yakima River that splits in this area and creates an island. All of this property is being dedicated to open space. This will protect and enhance the riparian corridor of the Yakima River. Most of the eastern boundary of the property will be dedicated to open space and will remain in its natural state. Approximately 400 feet of the northeastern property line borders a private parcel of land that is undeveloped at this time.

The proposed uses for this land are similar in nature to the uses that have existed on this land in the past. The land was used as a campground and for housing for recreational purposes. This development will demolish the existing buildings that have fallen into disrepair and replace them with 86 condo units or expand on the existing RV sites already in place by developing additional RV sites . If 86 condo units are developed they are not expected to be occupied on a full-time basis, rather it is anticipated that they will be used as a vacation destination.

This development will have less visual, and usage impact on the lands that are adjacent to it than it has in the past.

G. The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties.

There are no irrigators that will be impacted by this project.

V. ENVIRONMENTAL REVIEW

Based on review of the submitted application materials and correspondence received during the comment period Kittitas County issued a Mitigated Determination of Nonsignificance (MDNS) on December 24, 2008 in accordance with WAC 197-11-355 (Optional DNS process). The last day to appeal the SEPA determination was January 9, 2008. There were no appeals filed.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included as Exhibits in the Hearing Examiner packet.

Public comments were submitted on this proposal and have been included as exhibits in the Hearing Examiner packet.

VII. PROJECT ANALYSIS

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

Comprehensive Plan Consistency:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The proposed subdivision will be adequately served by rural levels of service. The proposed subdivision also is consistent with GPO 8.5 in allowing a variety of densities in the rural areas of the County.

Consistency with the provisions of KCC 16.32: Short Plat Subdivision Code:

This proposal is consistent with the Kittitas County Subdivision Code for Short Plats.

Consistency with the provisions of KCC Title 12: Roads and Bridges:

The Kittitas County Department of Public Works has identified that the project shall be served by a single private road, having a 60’ wide easement and 20’ wide road surface, beginning at Tipton Road and ending in a cul-de-sac. The road is required to meet all Kittitas County Road Standards as outlined in the memorandum issued by the Department of Public Works prior to issuance of a building permit. As conditioned, the proposal is consistent with the provisions of KCC Title 12.

Agency Comments:

The following agencies provided comments during the comment period: Kittitas County Public Health, Kittitas County Public Works, Department of Archaeology and Preservation, Department of Ecology, Department of Transportation, Department of Natural Resources. These comments have been included as conditions of approval to address these agency concerns.

Public Comments:

Public Comments were received from adjacent landowners and the issues raised therein were included as conditions of the SEPA MDNS.

VIII. RECOMMENDATION

As conditioned below, the application does not appear to be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 12 and Title 16.12 of the Kittitas County Code and the Kittitas County Comprehensive Plan. Staff recommends approval of the Yakima River PUD Rezone (Z-07-11) and Short Plat (08-03) subject to the following findings of fact and conditions:

Suggested Findings of Fact

1. Terra Design Group and Jeff Slothower, authorized agent for Teanaway Ridge LLC, landowner, have submitted an application for a rezone from Rural-3 to PUD along with a Short Plat to subdivide approximately 86.58 acres into 4-lots. The proposed lot sizes range from 14.08 to 18.68 acres with one 28.37 acre Open Space Tract..
2. The project is proposed to be served by a Group A Public Water System and community septic areas transitioning to a reclaimed water system.
3. The property is east of the junction of SR 970 and SR 10, Cle Elum, WA 98922 in Section 04, T19N, R16E, WM in Kittitas County. Map numbers 19-16-04020-0002, and 19-16-04050-0401.
4. Site Information:

Total Project Size:	86.58 acres
Number of Lots:	4
Existing zoning district	Rural-3
Proposed zoning district	Planned Unit Development
Domestic Water:	Group A Public System
Sewage Disposal:	Community Septic transitioning to a reclaimed water system
Power/Electricity:	PUD
Fire Protection:	Kittitas County Fire District #7
Irrigation District:	N/A

5. Site Characteristics: The site is relatively flat on the northern portion of the property sloping down to the Yakima River. The site is a former church camp with structures that will be removed. There is a related flood plain and floodway on the site.
6. Surrounding Property:
 - North: Burlington Northern Railway and SR-10
 - South: Yakima River
 - East: Open Space
 - West: Residential
7. The Comprehensive Plan designation is Rural.
8. The subject property is zoned Rural-3, which allows for a 3 acre minimum lot size.
9. Applications for a rezone from Rural-3 to PUD and a 14-lot Preliminary Plat were received on August 6, 2008. The applications were deemed complete on July 13, 2007..
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 on April 17, 2008.
11. The Notice of Application for a rezone from Rural-3 to PUD and a 4-lot Short Plat were received on June 16, 2007. The applications were deemed complete on July 31, 2007. The application was amended and a new Notice of Application was sent out May 8, 2008. On September 16, 2008 an additional Notice of Application was sent out on September 17, 2008 to include the concept map and a change in the number of rv sites.
12. Kittitas County issued a Mitigated Determination of Nonsignificance (MDNS) on December 24, 2008 in accordance with WAC 197-11-355 (Optional DNS process). There were no appeals filed.
13. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The proposed subdivision will be adequately served by rural levels of service. The lots will be served by a Group A Public System. Staff has conducted and an administrative critical area review in accordance with KCC 17A and found that there is a flood plain and flood way related to the Yakima River. The applicant has submitted a critical areas report to delineate the flood way and flood plain.
14. This proposal is consistent with the Kittitas County Subdivision Code Chapter 16.32 for Short Plats.
15. The Kittitas County Department of Public Works has conditioned the project and the conditions are included at Attachment “A”. As conditioned, the proposal is consistent with the provisions of KCC Title 12.
16. The following agencies provided comments during the comment period: Kittitas County Public Health, Kittitas County Public Works, Department of Archaeology and Preservation, Department of Ecology, Department of Transportation, Department of Natural Resources. These comments have been included as conditions of approval to address the agency concerns.
17. Surrounding landowners submitted comments during the comment period and these comments have been included as an exhibit in the Hearing Examiner packet and were considered in making the SEPA threshold determination.

Suggested Conclusions:

1. As conditioned, the development 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. Public use and interest will be served by approval of this proposal.
4. 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.

Suggested Conditions of Approval:

1. The project shall proceed in substantial conformance with the plans and application materials which were deemed complete on July 13, 2007 except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. All current and future landowners must comply with the International Fire Code and its Appendices.
4. 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.
5. Based on the comments received during the public comment period and other information submitted with this project permit application, a SEPA Mitigated Determination of Nonsignificance (MDNS) was issued by Community Development Services on December 24, 2008. The following are the mitigations contained within the MDNS and shall be conditions of approval:

I. Transportation

The applicant shall be responsible for meeting or exceeding all conditions and requirements set forth by the Department of Public Works, as listed in the attached

II. Water & Septic

- A. 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 regarding this requirement.
- B. Prior to any grading, clearing or construction, erosion control measures shall be in place and shall be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. The erosion control sediment plan shall be a part of the Stormwater Prevention Plan, as referenced in item A.
- C. The applicant will develop a Group A Water System for the project. The Group A Water System shall be designed by a licensed engineer and approved by the Washington State Department of Health. The Group A water system shall be approved prior to final plat approval. The Group A water system may be built in phases as provided for in the approved

Group A Comprehensive Water System Plan as required by DOH, pursuant to WAC 246. Demonstration of adequate water rights in relation to development of a Group A Water System shall be completed prior to final approval. Except for the existing exempt well that currently serves the property no other exempt wells shall be developed to service the project.

- D. The applicant will provide sewage treatment through metered Community Septic Systems or metered Large On-Site Septic Systems pursuant to WAC 246-272B “Large-On-Site Septic System Regulations”. The initial phases of the project will be served a Large On-Site Septic Systems designed by a licensed septic designer and approved by the Kittitas County Environmental Health Department, pursuant to KCC 13 or by the Washington State Department of Health pursuant to WAC 246.
- E. Prior to final approval, identification of community septic areas along with completed site evaluations will be required by the Kittitas County Environmental Health Department
- F. If a Large On-Site Septic System (LOSS) system is pursued, the appropriate approval documents from the Washington State Department of Health will be required prior to final approval by the Kittitas County Environmental Health Department.
- G. Class A Reclaimed Water Facility: Pursuant to WAC 173-240-050 & RCW 90.46, a Class A Reclaimed Water Facility may be developed and approved by the Washington State Department of Health and Washington State Department of Ecology. The system will contain the following trigger points:
 - a. When the effluent volume reaches a monthly average of 8,000 gallons per day the applicant will be required to start the planning process for this facility. No additional building permits will be issued until the Washington State Department of Health or the Washington State Department of Ecology has confirmed that the planning process for the facility has started.
 - b. When the effluent volume reaches a monthly average of 10,000 gallons per day the applicant will be required to have completed the planning process for the facility. In addition the applicant will be required to start creating engineering and construction drawings for the facility. No additional building permits will be issued until the Washington State Department of Health or the Washington State Department of Ecology has confirmed that the planning process for the facility has been completed and that the applicant has started the engineering and construction drawings.
 - c. When the effluent volume reaches a monthly average of 12,000 gallons per day the applicant will be required to have completed the engineering and construction plans for this facility. No additional building permits will be issued until the Washington State Department of Health or the Washington State Department of Ecology has confirmed that the engineering and construction plans for the facility have been completed.
 - d. When the effluent volume reaches a monthly average of 14,000 gallons per day the applicant will be required to have obtained a building permit for the facility and to have started the construction of the facility. No additional building permits will be issued until the Kittitas County Building Department has confirmed that a building permit for the facility has been issued and that construction has started.
 - e. When the effluent volume reaches a monthly average of 14,500 gallons per day the applicant will be required to have completed and have an operational reclaimed

facility. No additional building permits will be issued until the Washington State Department of Health or the Washington State Department of Ecology has confirmed that the facility is operational.

- f. The applicant will record and provide to Community Development Services the recorded meter readings for each Community Septic System or Large On Site Septic System on a quarterly basis.
 - g. The applicant will require all RVs to use a designated RV dumpsite prior to connecting to the community septic system provided for this project. This dumpsite may be provided on-site. If a dumpsite is not provided on-site, RVs will be required to use a designated RV dumpsite located off-site.
- H. Metering shall be required on all residential well connections and metering results shall be recorded in a manner consistent with Kittitas County and Washington State Department of Ecology requirements (Memorandum of Agreement between Kittitas County and Washington State).
- I. 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.
- J. Washington Administrative Code (WAC) 173-150 provides for the protection of existing rights against impairment, i.e. interruption or interference in the availability of water. If the water supply in your area becomes limited your use could be curtailed by those with senior water rights.
- K. Soil logs need to be scheduled and dug at a mutually convenient time. The developer/owner shall provide soil logs as per Chapter 246-272 WAC or as amended. The information obtained will be recorded and placed in the plat file for future reference. The information obtained from these soil logs is for plat approval purposes only and does not constitute a site evaluation in conjunction with the issuance of a permit for any specific lot.
- L. Proof of potable water must be shown prior to final plat approval.
- M. All applicants for subdivision utilizing wells shall have a note placed on the face of the final mylar that states: "Kittitas County relies on its record that a supply of potable water exists. The approval of this division of land includes no guarantee or assurance that there is a legal right to withdraw groundwater within the land division."

III. Historic and Cultural Preservation

- A. Prior to any groundbreaking activity on the subject property, the applicant shall complete an archaeological survey of the subject property due to a high potential for cultural resource sites at the proposed subdivision. Documentation shall be submitted to Community Development Services to be maintained in the project file.

IV. Light and Aesthetics

- A. All outdoor lighting shall be shielded, directed downward and away from SR10 to minimize the effect to nearby residential properties and SR10.

V. Noise

- A. Construction activities shall comply with KCC 9.45 (Noise). Construction hours shall be from 7:00am to 7:00pm.
- B. SR 10 is an existing facility and the proponent will be generating more noise-sensitive land uses. The proponent and future residents should be aware that they are proposing residential/recreational development in an area with traffic noise. They should also expect that traffic noise may continue to grow into the future, and, that SR 10 may need to be expanded to accommodate future traffic growth. It is the developer's responsibility to dampen or deflect any traffic noise for this development.

VI. Land and Shoreline Use

- A. Wetland and Wildlife study will be required, prior to final approval, establishing the appropriate buffers regarding sensitive areas as determined by the consultant.
- B. The existing property contains an approved Conditional Use Permit and associated uses that will continue to run with the land.
- C. If any cutting or removal of timber exceeding the requirements of the WA ST Department of Natural Resources requirements a Forest Practice Application Permit will be required prior to final approval.

VII. Public Safety

- A. The applicant shall consult with the local school district and provide for and depict on the final mylars a safe location for a bus stop.

VIII. Parks and Recreation

- A. 40 acres of property shall be designated on the final mylars as open space. The uses to be allowed within the open space will be those defined in KCC 17.36 and KCC 16.09.

Attachment "A" Public Works Memo