



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

SEPA MITIGATED DETERMINATION OF NONSIGNIFICANCE

- File:** Black Horse at Whiskey Creek (*Note name change from: Axtman Rezone (Z-06-18) and Preliminary Plat (P-06-22)*)
- Description:** 1. Black Horse at Whiskey Creek Rezone, Z-06-15, from Agriculture-3 to Planned Unit Development (PUD) and 2. Black Horse at Whiskey Creek Preliminary Plat, P-06-22, which is a 375-lot subdivision
- Proponent:** SSHI, LLC dba D.R. Horton
12931 NE 126th Pl
Kirkland, WA 98034
C/O: Jennifer Steig
- Location:** The subject property is approximately 73.34 acres and is located east of Reecer Creek Drive and north of Bender Rd at 1406 West Bender Rd, Ellensburg, WA 98926 in Section 27, T18N., R18E., W.M. in Kittitas County. Parcel number 18-18-27010-0002.
- 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. Internal roads shall be constructed in accordance with Kittitas County or the City of Ellensburg standards, whichever is more restrictive.
- B. Half street improvements, including sidewalk, full height curb and gutter, asphalt, street lighting, and storm drainage improvements will be required along Bender Road, Reecer Creek Road and Bowers Road frontages of the development. The developer shall install full street improvements, including sidewalk, curb and gutter, asphalt, street lighting, and storm drainage improvements along the interior streets.
- C. Bowers Road and Reecer Creek Road are both identified as arterials on the City's comprehensive plan. The developer will need to dedicate additional right of way on Reecer Creek Road, from approximately the north side of the canal crossing and extending south to Bender Road. Arterial roadways are 48' wide face to face of full height curbs, with 7' sidewalks.

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

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- D. Bender Road is identified as a collector, and also listed on the city bike plan. The existing right of way of Bender is 60' wide. The Bender Road improvements shall be 44' wide face to face of full height curbs, with 6' sidewalks.
- E. All proposed interior roadways will be local access roadways, with 50' wide right of way. Local access roadways are 38' wide face to face of rolled curbs, with 5' sidewalks.
- F. The proposed Lariat Street on the preliminary site plan is proposed as an 80' wide right of way, and the proposed 29th Avenue is proposed as a 60' wide right of way. At time of project civil plans submittal, the developer shall provide a proposed roadway section at these two streets to the city.
- G. The proposed roadway names shown on the preliminary plat map have been reviewed and approved by the City of Ellensburg and the fire department.
- H. The developer shall include on their site plan the 185 foot long right turn lane from Bender Road into the development with appropriate striping. The developer shall include on their site plan the 160 foot long right turn taper from Reecer Creek Road into the development as described in the GTC Traffic Impact Analysis for the development. Improvements shall be built or bonded prior to final approval.
- I. Prior to final plat approval the developer shall pay \$15,000 towards the total estimated current cost for offsite traffic improvements of \$200,000 (a semi-actuated signal at the intersection of Reecer Creek Road and University Way). This amount is 7.5% of the total cost to construct and install the signal to include mast arms, detection loops, and advance warning signs. The County will invest these funds until the signal is constructed in approximately six years in order to keep up with inflation

II. Light and Glare

- A. Any proposed lighting should be shaded and directed down towards the site.
- B. Street lighting shall conform to city street lighting requirements and standards.

III. Water

- A. Any filling of the onsite Category IV wetland will be in accordance with Kittitas County Code 17A: Critical Areas. Design and development of mitigations for the impact of wetlands shall be reviewed and approved prior to disturbance. Development mitigations shall be reviewed by the County, DOE, and other jurisdictional agencies. The mitigation plan shall contain a maintenance plan which demonstrates a physical and legal maintenance of the wetlands by the appropriate Homeowner's Association (HOA) or other entity.
- B. The development shall comply with Cascade Irrigation District and Ellensburg Water requirements, and shall not interfere with irrigation delivery to any downstream users. Prior to final approval, a certificate/letter of approval must be received by CDS from the irrigation entity representative stating that the proposed development meets the irrigation entity requirements (KCC 16.18.030).
- C. The project shall comply with Kittitas County Code 17A: Critical Areas and 14.08: Flood Damage Prevention.
- D. A 100 foot setback from the Ordinary High Water Mark (OHWM) of Whiskey Creek, location of wetlands and the boundary of the 100 year flood plain shall be shown on the final mylar. The allowed uses within the Whiskey Creek buffer shall comply with applicable jurisdictional requirements and the appropriate permits shall be obtained as necessary.
- E. Proper signage shall be incorporated on-site and CC&R restrictions shall be put in place to encourage the maintenance of the buffer to retain the natural condition of Whiskey Creek.
- F. Site grading and development shall be designed as to minimize loss of existing flood storage or flood conveyance capacity, and shall have adequate drainage provided to reduce exposure to flood damage.
- G. The applicants design engineer shall determine groundwater elevations in the vicinity of proposed stormwater treatment and flow control facilities. The water surface elevation shall be utilized in the facility designs and shall be verified when groundwater is at its highest.
- H. Storm water and irrigation conveyance shall be kept separate.
- I. Stormwater and surface runoff generated by this project must be retained and treated on-site in accordance with regulating agencies' standards.
- J. Stormwater shall not be discharged to Whiskey Creek or on-site wetlands without treatment.
- K. The project shall comply with all requirements of the Department of Ecology Storm Water Manual

for Eastern Washington, County and the City of Ellensburg standards for stormwater, whichever is more stringent; and shall be collected, retained and disposed of on-site accordingly.

- L. The developer shall provide for the ongoing maintenance of drainage swales and shall identify long term maintenance in CCRs. A plat note shall be included in the final mylar as follows *As long as the detention tract is privately and not publicly owned, the detention tract shall be maintained by the Homeowner's Associations (HOA), as per the latest Department of Ecology's "Best Management Practices" Manual.*
- M. Erosion control measures must be in place prior to any clearing, grading or construction.
- N. The project shall meet the requirements for a NPDES Construction Storm Water permit.
- O. On-site drainage features associated with construction shall be designed such that off-site adjacent wetlands are not dewatered or impacted.
- P. The project shall comply with the requirements of the Army Corps of Engineers Nationwide Permit.

IV. Noise and Aesthetics

- A. All county noise ordinances shall apply to the project.
- B. Construction activities shall comply with KCC 9.45 (Noise).
- C. Landscaping shall be provided consisting of a mixture of native plantings, and mixed deciduous and conifer trees as reflected in the draft landscaping plan in order to provide a buffer to the surrounding area.

V. Land Use

- 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. 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).

VII. Utilities and Services

- A. As required in the outside utility agreement, the installation of utility, street and other public improvements shall conform to the standards and specifications approved by the City of Ellensburg and such development standards shall use the current City development design requirements as the standard for review of the development.
- B. The project shall be served by City water and sewer services. The applicant shall work with the city to establish the appropriate connections per the City of Ellensburg processes and standards.
- C. All requirements from the local fire jurisdictions shall be incorporated into the project. This project shall comply with International Fire Code (IFC) and Appendices.
- D. "No parking: fire lane" shall be posted within 20 feet of all internal intersections. The signs must comply with IFC Appendix D.
- E. The subject property shall conform to the minimum requirements for fire apparatus access.
- F. Location and amount of fire hydrants on-site shall meet local fire jurisdiction requirements.
- G. Mail routes shall be approved by the postmaster. The postmaster shall also approve mailbox locations. Mailbox locations shall not create sight obstructions.
- H. 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.

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 November 14, 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: October 31, 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 November 14, 2006 @ 5:00PM. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.