



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

"Building Partnerships – Building Communities"

BULL RANCH LONG PLAT (LP-21-00001) FINDINGS OF FACT, DECISION, AND CONDITIONS OF APPROVAL

I. GENERAL INFORMATION

Requested Action: Steven Lathrop, registered agent for Lathrop Development Co, Inc., landowner, submitted an application for a one hundred and thirty-eight (138) single-family residential lot plat that includes seven (7) access tracts and associated utility infrastructure, on 1 parcel totaling 45.02 acres of land that is zoned Residential within the Urban Growth Area (UGA).

Location: The project area is located directly east of the City of Ellensburg along Kittitas Highway and Bull Rd. It includes one parcel owned by Lathrop Development Co, Inc. The subject property is parcel 298633, in the western half of the northeast quarter of Section 12, Township 17, Range 18, bearing Assessor's Map number 17-18-12010-0006.

II. SITE INFORMATION

Total Project Size:	45.02 acres
Number of Lots:	138, minimum lot size 7200 square feet
Domestic Water:	City of Ellensburg
Sewage Disposal:	City of Ellensburg
Fire Protection:	Kittitas Valley Fire & Rescue (Fire District 2)
Irrigation District:	Ellensburg Water Company

Site Characteristics:

North: Primarily residential
South: Primarily undeveloped farmland
East: Primarily undeveloped farmland
West: Primarily residential

Access: Primary access to the site will be via South Bull Road on the west and Kittitas Highway on the north.

Zoning and Development Standards: The subject property is located in Residential zoning within an Urban Growth Area. The purpose and intent of the Residential zone is to provide for and protect areas for homesite development designed to meet contemporary building and living standards where public water and sewer systems are provided. The purpose and intent of the Urban Growth areas is to provide for areas that are suitable and desirable for urban densities as determined by the sponsoring city's ability to provide urban services, and to allow for alternative methods of development that allows for infill and development at urban levels.

Preliminary Plats: The plat drawing submitted with the current application was reviewed under the current version of KCC 16.12 Preliminary Plats.

III. ADMINISTRATIVE REVIEW

Deemed Complete: A Long Plat Application and SEPA Checklist were submitted to Kittitas County Community Development Services on March 23, 2021. The application was deemed complete on March 30, 2021.

Notice of Application: The site was posted pursuant to KCC 15A.03.110 on March 31, 2021. Two posting sites were established near two primary access routes. A Notice of Application was mailed to all state and local agencies/departments with potential interest in the project as required by KCC 15A.03.060, as well as to adjacent landowners located within five hundred (500) feet of any portion of the boundary of the proposal's contiguous tax parcels on April 6, 2021 and noticed in the local county paper of record on April 6, 2021 and April 13, 2021. The comment period for this notice ended on April 21, 2021.

IV. COMPREHENSIVE PLAN

The Kittitas County Comprehensive Plan designates the proposal site as an “Urban Growth Area”. Kittitas County has established the following goals and policies to guide activities that are designated in these lands. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

LU-G2: Promote the development of large-scale, high-intensity urban land uses within the UGA where there is supporting infrastructure.

Staff Consistency Statement:

The project proposal will establish 138 residential lots, where there is currently only one lot. Existing city services are sufficient to support this growth.

LU-G4: Maintain a flexible balance of land uses which will protect, preserve, and enhance the rural character, historical forest lands, agricultural industries, mineral lands, and high-quality environment.

Staff Consistency Statement:

The proposed project is establishing open space areas that will protect Lyle Creek and its associated buffer.

LU-P7: Promote infill development of vacant or under-utilized properties.

Staff Consistency Statement:

The proposed project will replace long un-used farmland with 138 residential lots, which will help to expand housing availability in Kittitas County.

LU-P47: Encourage and accommodate future expansion of utilities and roadways in a logical manner for new development in urban growth areas. Expansion of utilities and roadways shall not be made exclusively to accommodate new development outside of urban growth areas.

Staff Consistency Statement:

The proposed project will utilize utilities and roadways already established by the City of Ellensburg. The proposed project will also add seven (7) new access tracts to support the newly established residences and their occupants.

CDS staff reviewed the project for consistency with the Kittitas County Comprehensive Plan as described above. CDS finds the proposed development consistent with the Goals and Policies of the Kittitas County Comprehensive Plan.

V. ENVIRONMENTAL REVIEW

A critical areas review of the parcel was conducted by CDS staff. There is a Type 9 Stream that has been identified as Lyle Creek in the northwestern portion of the site. The stream has a 50’ buffer that no development is proposed within.

Kittitas County CDS issued an MDNS for this project on May 20, 2021 (See Index #38) after utilizing the optional DNS process. The SEPA MDNS includes conditions that Lyle Creek and its 50' buffer will be denoted on all final surveys, and that the applicant will work with WDFW to protect fish and habitat migration along Lyle Creek. The MDNS also includes a condition that if any development leads to inadvertent discovery of cultural or archaeological material, work will immediately be stopped, and the proper authorities shall be contacted.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal and have been notified of the Public Hearing. Public comments were received and are included in the record (Index #s 23, 24, 29, 30). The City of Ellensburg Public Works & Utilities, Department of Health – Office of Drinking Water, Kittitas County Community Development Services – Building, City of Ellensburg Public Works, Department of Archaeology & Historic Preservation, Department of Ecology, Kittitas County Public Works, and the Washington Department of Fish & Wildlife all submitted timely comments (Index #s 20-22, 25-28, 31).

In addition to these agency comments the following individuals submitted comment during the comment period: Valerie Robinson, Robyn Arango, Chad Bala, and Liz Ritzenhaler.

Below are summaries of the substantive agency comments submitted. For full context and details please see Index #s 20-22, 25-28, 31

City of Ellensburg Public Works & Utilities: The City of Ellensburg Public Works and Utilities Department commented that the proposed development will need to extend the existing 4” gas main on Bull Road throughout the development, provide service stubs to each lot, and loop the main into the existing 6” main on the north side of Kittitas Highway. This will include road crossing, traffic control, and roadway/sidewalk restoration.

Certain service stubs will require 10’ access and utility easements that shall be recorded on the final plat.

City gas crews will install gas main and service stubs in developer provided trenches. The applicant is to provide the trench, smooth sand bedding, and backfill at the specified depth and required utility separation as indicated on materials provided by City of Ellensburg Public Works and Utilities.

Applicant response: “Concur with comments which will be addressed in construction drawings and final plat engineering.”

Staff response: CDS Staff has conditioned this proposal to include collaboration between the applicant and the City of Ellensburg for utility design and installation.

Department of Health – Office of Drinking Water: The Department of Health – Office of Drinking Water provided comment that the City of Ellensburg’s water system has sufficient capacity to serve the proposed additional connections, however, the City may consider reviewing the local impact for both water demands and generated sewage for the respective systems.

Applicant response: “Subject property is within the City of Ellensburg urban growth area and adequate sewer and water capacity to serve project confirmed.”

Staff response: CDS staff provided comment to the applicant.

Kittitas County Community Development Services – Building Department: Kittitas County Building Department commented that all new structures are required to be permitted and built to the current Kittitas County adopted building codes at the time of construction.

Applicant Response: *“Concur with comments.”*

Staff response: CDS Staff provided comment to the applicant and conditioned the proposal to ensure all structures are permitted and built to current Kittitas County adopted building codes at time of construction.

City of Ellensburg – Public Works: City of Ellensburg Public Works provided comments outlining the requirements for potable water, fire hydrants, sewer mains, roadway and access, and stormwater discharge. They also provided comments concerning utilities, easements, irrigation, addressing and road naming.

Applicant Response: *“Water: Concur with comments which will be addressed in construction drawings and final plat engineering. Sewer: Concur with comments which will be addressed in construction drawings and final plat engineering. Roadway and access: Concur with comments which will be addressed in construction drawings and final plat engineering. Storm water: Concur with comments regarding conveyance for existing roadside ditches, separation from groundwater, and stormwater modeling requirements. The SWPPP, TESC, and O&M documents will be provided as requested and an NPDES permit will be obtained from DOE.”*

Staff response: CDS Staff has conditioned this proposal to include collaboration between the applicant and the City of Ellensburg for utility design and installation.

Department of Archaeology and Historic Preservation: Department of Archaeology and Historic Preservation (DAHP) commented that due to the proximity to Lyle Creek and the potential for encountering cultural resources, they are recommending a professional archaeological survey of the project area as well as consultation with the concerned Tribes’ cultural committees regarding cultural resource issues.

Applicant response: *“The subject property was a farmstead and has been intensively farmed and irrigated for over 130 years with various and numerous ground disturbing activities taking place from time to time all across its scope. The required buffer adjacent to Lyle Creek will be maintained. A cultural resource survey will be contracted. The contract will include services for consultation with the Yakama Nation, the Confederated Tribes of the Colville Reservation, and the Snoqualmie Tribe. Results will be registered within the DAHP project tracking system. Following the results of the contracted background research and surface survey we will seek guidance on plans for shovel probing, and/or archaeological monitoring of roadways and utility trenches. An inadvertent discoveries agreement will be developed following DAHP guidelines and a paper copy will be carried onsite during construction activities.”*

Staff response: CDS Staff has provided this comment to the applicant and conditioned this proposal to ensure that if ground disturbing or other activities related to the proposed project 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 Department of Archaeology and Historic Preservation (DAHP).

Department of Ecology: The Department of Ecology (DOE) provided comments outlining NPDES Construction Stormwater Permit requirements and thresholds. DOE also outlined requirements surrounding the withdrawal of ground water as well as dam safety.

Applicant response: *“Water quality: No storm water is proposed to be discharged off-site either during construction of development or thereafter. However, an NPDES construction permit will be applied for. Water resources: The subject property has surface water irrigation rights which will be utilized initially for dust control. Municipal water will be available shortly after development activities commence. No other uses of surface or ground water is anticipated. Dam Safety: No water, including storm water retention, will require the impoundment of water sufficient to require a dam safety construction permit.”*

The proposed development will have small infiltration ponds (less than 0.5 acre-feet each) for overflow conditions from the roadside swales. The small infiltration ponds will be significantly smaller than the thresholds that trigger dam safety which are 10 acre-feet of volume and over 6 feet berm.

Staff response: CDS staff provided the comments to the applicant and conditioned the proposal to include obtaining a NPDES permit and submitting plans to DOE to determine if a DAM Safety construction permit will be necessary.

Kittitas County Public Works: Kittitas County Public Works (KCPW) provided comments addressing private and public road standards, driveways, utility easements, UGA design criteria, lot closures, access permits, addressing, fire protection and mailbox placement. Additionally, KCPW requested the survey be resubmitted with a surveyor stamp. KCPW also outlined engineering requirements and noted that grading should not alter the existing flow of any waters.

Applicant Response: *“The proposed roadways will be public and no private roads are proposed.”*

Staff response: CDS staff provided comments to the applicant and conditioned the proposal to ensure the applicant obtains all necessary permits through Public Works and complies with current road standards. Additionally, the applicant shall address survey and engineering changes noted in the Public Works comment letter for final plat approval.

Washington Department of Fish & Wildlife: The Washington Department of Fish & Wildlife (WDFW) provided the following recommendations: all critical area buffers shall be marked on parcel maps and in the field, the buffer for Lyle creek should be planted with a variety of native plants to help provide some functions associated with the riparian ecosystem, and the fish habitat and migration along Lyle Creek shall be protected. WDFW also recommended that a wetland delineation be conducted.

Applicant Response: *“Critical areas will be protected and maintained as required under KCC 17 A.03 and other applicable laws and regulations. Open space areas will be converted from historical agricultural and overgrown vegetation to a more natural and low maintenance landscape. The assistance of WDFW is welcomed in this regard. The subject property has no rights to divert or use water from Lyle Creek and no interest or rights in or over the present diversion structure or the Lyle Creek water course. The comments submitted should be directed to the appropriate rights holders. Historic and current uses of the subject property are exempt activities under the county critical areas ordinance. The applicant will comply with KCC 17 A.03 as it may apply to the project.”*

Staff response: CDS Staff provided comments to the applicant and conditioned the proposal to ensure the applicant notates the Lyle Creek buffer on the final survey and works with WDFW to protect fish habitat and migration. CDS did not require a wetland delineation as recommended by WDFW due to the fact that neither Kittitas County GIS or DNR GIS indicated any wetlands on the property.

Below are summaries of the public comments submitted. For full context and details please see Index #s 23, 24, 29, 30

Valerie Robinson: Ms. Robinson asked to be notified of the Public Hearing for this project.

Applicant response: *“Concur that notices of the public hearing should be provided as provided by law.”*

Robin Arango: Ms. Arango expressed hope that a certain tree by Lyle Creek will remain in place. She also asked the applicant to consider adding green space or riparian buffer that will provide the local wildlife a chance to remain a part of the landscape.

Applicant response: *“The project will include a mixture of single and two-story homes as permitted by County code with buffer and unimproved areas remaining along the steeper slopes and Lyle Creek. There are no plans to remove the tree that she mentions, which is located within the Lyle Creek buffer.”*

Chad Bala: Mr. Bala provided comments regarding the possibility of a joint access road. Additionally, he requested that if any of the irrigation structures on the applicant’s property are altered, that he be made aware so he can continue to irrigate his property. Lastly, Mr. Bala has concerns of possible unintended consequences Stormwater pond 2 will have on his property. Mr. Bala commented that he is in support of the project and willing to work with the applicant regarding his concerns.

Applicant response: *“Access: Concur and are currently working directly with them to discuss options Irrigation: The irrigation structure on the subject property which diverts water from Lyle Creek and serves this adjacent property will not be changed or affected. The open ditch running from this structure will also remain in its present location for about the upper two thirds of its length and then will be put into an underground pipe to the adjacent property. The location of the pipe will be somewhat different from the location of the ditch but its discharge point onto the adjacent land will be substantially the same. The adjacent landowner will be provided plans to review and approve. Stormwater: The two proposed stormwater ponds are proposed for infiltration, in an overflow condition for the roadside swales. While the roadside swales have been designed to infiltrate based on the geotechnical information developed for the project, it was considered a safety best management practice to have additional infiltration storage in the two ponds. The infiltration ponds have been placed at natural low areas of the site, where infiltration is feasible, as recommended by the geotechnical engineer. The locations and elevations for the ponds allow for at least 3 feet separation to existing seasonal high groundwater. The infiltration ponds will be further detailed on the construction plans and designed to ensure that there are no impacts to downstream properties.”*

Liz Ritzenthaler: “Ms. Ritzenthaler questioned whether this project would add sidewalks to the eastern portion of Bull Rd. She also expressed support of Ms. Arango’s comment, and also hopes the specific tree remains in place. Ms. Ritzenthaler suggested community-oriented open space, such as a playground may be less impactful to the riparian buffer. Finally, Ms. Ritzenthaler had questions about Bull Road becoming a more trafficked arterial road, keeping the water alongside of the road daylighted, and connecting the segmented section of Umptanum Road.

Applicant response: *“The half street improvement on the east side of Bull Road will be done to city standards with respect to sidewalks. A traffic study will be provided. The project will not affect Lyle Creek. The balance of the comments are addressed elsewhere in this response.”*

CDS has reviewed all of the comments submitted and conditioned this Staff Report to address many of the concerns noted.

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 subdivision is adequately served by Kittitas County and City of Ellensburg services. The lots are served by the City of Ellensburg water system. The proposal is a large-scale, high-intensity urban land use that is within the UGA and there is supporting infrastructure as noted in LU-G2. The proposal also supports infill of otherwise underutilized land as noted in LU-P7.

Consistency with the provision of KCC 17 Zoning:

The proposal is consistent with the provisions of KCC 17.11. The lots approved are each a minimum of 7200 feet and meet the minimum density requirement of 4 lots per acre which is consistent with Residential Zoning within an Urban Growth Area. The density calculation subtracted roadway, critical area buffers and lands used for development purposes pursuant to KCC 17.11.050. CDS reviewed the project for consistency with KCC 17.11 and found that it was consistent.

Consistency with the provisions of KCC 17A Critical Areas:

This proposal is consistent with the Kittitas County Critical Areas Code. There is a Type 9 Stream that has been identified as Lyle Creek in the northwestern portion of the site. The stream has a proposed 50’ buffer in the application materials which is consistent with Title 17A buffer requirements. The SEPA MDNS was conditioned to protect the creek and its buffer. CDS staff finds the project, as conditioned, consistent with KCC 17A Critical Areas.

Consistency with the provisions of KCC 16.12: Preliminary Plat Subdivision Code:

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

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

All roads are required to meet all Kittitas County Road Standards.

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, Title 13, Title 16.12, Title 17A, Title 17.11, Title 17.16R and Title 20 of the Kittitas County Code, and the Kittitas County Comprehensive Plan. Staff recommends approval of the Bull Ranch Preliminary Plat, subject to the following findings of fact, conclusions, and conditions:

Suggested Findings of Fact

1. Steven Lathrop, registered agent for Lathrop Development Co, Inc., landowner, submitted an application for a one hundred and thirty-eight (138) single-family residential lot plat that includes seven (7) access tracts and associated utility infrastructure, on 1 parcel totaling 45.02 acres of land that is zoned Residential within the Urban Growth Area (UGA).

2. Site Information:

Total Project Size:	45.02 acres
Number of Lots:	138, minimum lot size 7200 square feet
Domestic Water:	City of Ellensburg
Sewage Disposal:	City of Ellensburg
Fire Protection:	Kittitas Valley Fire & Rescue (Fire District 2)
Irrigation District:	Ellensburg Water Company

Site Characteristics:

North:	Primarily residential
South:	Primarily undeveloped farmland
East:	Primarily undeveloped farmland
West:	Primarily residential

Access: Primary access to the site will be via South Bull Road on the west and Kittitas Highway on the north.

3. The Comprehensive Plan Land Use designation is Urban.
4. The subject property is zoned Residential within an Urban Growth Area.
5. A Long Plat Application and SEPA Checklist were submitted to Kittitas County Community Development Services on March 23, 2021. The application was deemed complete on March 30, 2021. The site was posted pursuant to KCC 15A.03.110 on March 31, 2021. Two posting sites were established near two primary access routes. A Notice of Application was mailed to all state and local agencies/departments with potential interest in the project as required by KCC 15A.03.060, as well as to adjacent landowners located within five hundred (500) feet of any portion of the boundary of the proposal's contiguous tax parcels on April 6, 2021 and noticed in the local county paper of record on April 6, 2021 and April 13, 2021. The comment period for this notice ended on April 21, 2021.
6. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The proposed subdivision will be adequately served by City of Ellensburg water and sewage systems. Staff has conducted an administrative critical area review in accordance with KCC 17A and found that although critical areas exist on the parcel, appropriate buffers and mitigations have been recommended to minimize impacts and protect these critical areas.
7. This proposal, as conditioned, is consistent with the Kittitas County Zoning Codes 17.11 and 17.16R.
8. This proposal is consistent with the Kittitas County 16.12 Subdivision Code for Preliminary Plats.
9. This proposal as conditioned, is consistent with the provisions of KCC Title 12: Roads and Bridges.
10. This proposal is consistent with the provisions of KCC 15 Environmental Policy.
11. All roads are required to meet all Kittitas County Road Standards.
12. An MDNS was issued by Kittitas County on CDS on May 20, 2021.

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 on file dated March 23, 2021 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 accesses and roads shall be IFC compliant.
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. Computer sheets shall be submitted with the final plat showing the closure of plat boundaries, blocks, lots or any tract. It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
6. The Final Plat shall contain the name of the Engineer/Surveyor responsible for preparing the documents on all sheets.
7. The proposed development will tie in with the City of Ellensburg's gas main on Bull Road, will provide stubs to each residence, and will loop the connection back into the City's main on the north side of Kittitas Highway.
8. All structures will be permitted and built to the current Kittitas County adopted building codes at the time of construction.
9. The applicant will work with the City of Ellensburg to design and install natural gas lines, water lines, sewer lines, roadway and access, and stormwater runoff and storage. These elements shall be constructed to City of Ellensburg standards.
10. The applicant will obtain a NPDES Construction Stormwater General Permit. A set of construction plans shall be submitted to the Department of Ecology to determine if a Dam Safety construction permit will be necessary.
11. The applicant will obtain all necessary permits through Kittitas County Public Works and will comply with current road standards. Requested survey and engineering changes noted in the Kittitas County Public Works comment letter (dated 4/20/2021) shall be addressed for Final Plat approval.

In addition to the conditions noted above, the following MDNS conditions shall also apply

Critical Areas

1. All final surveys shall include denotation of Lyle Creek and it's 50' buffer.
2. The applicant will work with WDFW to protect fish habitat and migration along Lyle Creek. This may include but is not limited to installation of fish screening and/or replacement of the Bull Road Culvert with a new water crossing structure. Compliance with any associated HPA conditions shall be required. Any encroachment into riparian buffer areas shall be mitigated consistent with WDFW recommendations and consistent with Kittitas County Code 17A.

Cultural Resources

3. Should ground disturbing or other activities related to the proposed subdivision 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 Department of Archaeology and Historic Preservation (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.