



# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

## PLANNING COMMISSION STAFF REPORT

**TO:** Kittitas County Planning Commission  
**FROM:** Trudie Pettit, Staff Planner *TP*  
**DATE:** May 20, 2008 for May 27, 2008 Public Hearing  
**SUBJECT:** Sunset Farms Preliminary Plat (P-07-60)

### I. BACKGROUND INFORMATION

**Proposal:** The Sunset Farms Preliminary Plat is an application for the division of two parcels totaling approximately 20 acres into a total of 6 lots ranging in size from 3.24 acres to 3.74 acres, submitted by Terry Ostergaard, authorized agent for Gene Lamoureux, landowner.

**Location:** The subject property is located east of the City of Kittitas, south of Vantage Highway and north of Sunset Road, Ellensburg, WA 98926, and is located in a portion of Sections 02 and 03, T17N, R20E, WM, in Kittitas County. Assessor's map numbers 17-20-03000-0002 and 17-20-02000-0009.

**Environmental Health:** A Group 'B' water system and on-site individual septic systems are proposed.

**Transportation:** The proposed access to the plat will be single or shared driveways off of Vantage Highway which has been approved by the Department of Public Works.

### II. POLICY AND REGULATORY REQUIREMENTS

**Comprehensive Plan:** The Comprehensive Plan's Land Use Element designates the subject parcel as Rural. Lands that can support residential development, but also farming, mining and forestry generally characterize such areas. Consequently, particular precaution must be taken to minimize conflict between new residential developments and natural resource activities. The economy of our rural community has traditionally been based on natural resource activities and Kittitas County encourages and supports their continuation in Rural Lands.

**Zoning Code:** The subject zoning is Agriculture-3 (Ag-3). The purpose and intent of this zone is to provide an area where various agricultural activities and low density residential developments co-exist compatibly. Ag-3 zones are predominately agricultural-oriented lands and it is not the intent of this section to impose further restrictions on continued agricultural activities therein.

**Lot Size Required:** The minimum residential lot size shall be three acres in the Agriculture-3 zone. The overall density of any residential development shall not exceed one dwelling for each three acres,

except as provided for in Kittitas County Code 16.09, Performance Based Cluster Platting. The minimum average lot width shall be two hundred fifty feet.

**Yard Requirements:** There shall be a minimum front yard of twenty-five feet. Side yard shall be a minimum of five feet. On corner lots the side yard shall be a minimum of fifteen feet on the side abutting the street. There shall be a rear yard with a minimum depth of twenty-five feet to the main building.

No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure or the remainder of the lot with less than the minimum lot, yard or setback requirements of this district.

**Critical Areas:** An administrative site analysis was completed by Community Development Services in compliance with Title 17A. No critical areas are associated with this proposed subdivision.

### III. ADMINISTRATIVE REVIEW

**Notice of Application:** The preliminary plat application was submitted to Community Development Services on December 13, 2007 and deemed complete on March 12, 2008. A Notice of Application was issued on March 25, 2008. This notice was published in the official county paper of record on March 25, 2008 and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties.

**Affidavit of Posting:** This site was accurately posted with the "Land Use Action" sign as provided by Community Development Services and as required by KCC 15A.03.110. This signed Affidavit of Posting was returned to Community Development Services on March 18, 2008.

**Written Testimony:** Comments were received from the Kittitas Reclamation District, Kittitas Valley Fire & Rescue, Washington State Department of Ecology, Kittitas County Environmental Health and Kittitas County Department of Public Works. The above reference comments outline specific conditions the plat will be required to meet if this application is recommended for approval.

**State Environmental Policy Act:** Review under the State Environmental Policy Act was required for this project and the completed SEPA Checklist and application materials were mailed to interested parties and required jurisdictions on March 25, 2008. On May 1, 2008, Community Development Services issued a Mitigated Determination of Nonsignificance (MDNS) for this project. The MDNS was issued with the following mitigation measures:

#### I. Transportation

- A. 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 memorandum.
- B. Addresses of all new residences shall be clearly visible from both directions at the county road.
- C. The applicant shall provide a safe location and passageway for a school bus stop.
- D. Mail routes and/or boxes shall be approved by the local postmaster. Mailbox locations shall not create sight obstructions.



## II. Water

- 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.
- B. Stormwater and surface runoff generated from this project shall be retained and treated onsite and shall not be allowed to flow into County road right-of-ways.
- C. Withdrawals of groundwater on the subject property are subject to the rules and regulations adopted and administered by the Washington State Department of Ecology; this includes the use of water for irrigation. Legally obtained water must be used on-site.
- D. The applicant shall develop one "Group B" water system from the existing well located on lot 6, to serve all six lots of the Sunset Farms Plat (P-07-60). The "Group B" water system shall be designed by a licensed engineer and approved by Kittitas County Environmental Health.
- E. The required "Group B" water system shall either be in place prior to final plat approval or be legally bonded for the cost of construction by the applicant prior to final plat approval. The applicant shall complete a Group B Workbook application which includes drilling a well/wells and design of the well house/structure, pump tanks and storage tanks. Approval shall include the drilling of the well along with demonstration that adequate water supply exists to support the proposed plat.
- F. The "Group B" water system cannot be used for irrigation purposes.
- G. Flow meters shall be installed both at the well head and on each individual lot of the "Group B" water system. Records documenting water usage both at the well head and each individual lot must be maintained and available for public inspection by a Satellite Management Agency (SMA).
- H. The Sunset Farms Plat (P-07-60) shall be considered as one project and therefore shall be limited to one groundwater withdrawal exemption for all 6 proposed lots combined. The cumulative groundwater withdrawal of all lots combined shall not exceed the 5,000 gallon per day exemption limit set forth by the Department of Ecology.
- I. 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.

## III. Light and Aesthetics

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

## IV. Noise

- A. Construction activities shall comply with KCC 9.45 (Noise). Development and construction practices for this project shall only occur between the hours of 7:00 am to 7:00 pm to minimize the effect of construction noise on nearby residential properties.

#### IV. SUGGESTED FINDINGS OF FACT

THE FOLLOWING GENERAL FINDINGS HAVE BEEN PREPARED BY THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT STAFF FOR CONSIDERATION BY THE PLANNING COMMISSION IN RENDERING ITS RECOMMENDATION ON THIS MATTER. THESE FINDINGS MAY BE USED TO REASONABLY SUPPORT A RECOMMENDATION IN FAVOR OF OR AGAINST THIS PROPOSAL, HOWEVER ADDITIONAL FINDINGS MAY ALSO BE NECESSARY.

1. The Planning Commission finds that Terry Ostergaard, authorized agent for Gene Lamoureux, landowner, submitted a preliminary plat application to Community Development Services on December 13, 2007 and said application was deemed complete on March 12, 2008.
2. The Planning Commission finds that said development application included a preliminary plat (Sunset Farms Plat P-07-60) depicting the division of approximately 20 acres into 6 lots. The lots range in size from 3.24 acres to 3.74 acres in size.
3. The Planning Commission finds that said development is located east of the City of Kittitas, south of Vantage Highway and north of Sunset Road, Ellensburg, WA 98926, and located in a portion of Sections 02 and 03, T17N, R20E, WM, in Kittitas County. Assessor's map numbers 17-20-03000-0002 and 17-20-02000-0009.
4. The Planning Commission finds that the project site was accurately posted with the "Land Use Action" sign as distributed by Community Development Services and as a requirement of Kittitas County Code 15A.03.110. The signed Affidavit of Posting was returned to Community Development Services on March 18, 2008.
5. The Planning Commission finds that Community Development Services issued a Notice of Application pursuant to KCC 15A.03 on March 25, 2008. Interested jurisdictional agencies and landowners within 500 feet of the subject property were notified as required by law. The Legal Notice of Application was published in the official County newspaper of record, the Daily Record, on March 25, 2008 and Northern Kittitas County Tribune on March 27, 2008. Said notices solicited comments from jurisdictional agencies and no comments from the general public.
6. The Planning Commission finds that review under the State Environmental Policy Act (SEPA) was required for this project. Based on review of comments received, a Mitigated Determination of Nonsignificance was issued on May 1, 2008 under WAC 197-11-350.
7. The Planning Commission finds that all future development shall comply with the mitigations set forth in the SEPA Mitigated Determination of Non-Significance (MDNS), issued on May 1, 2008.
8. The Planning Commission finds that the applicant shall develop one "Group B" water system from the existing well located on lot 6, to serve all six lots of the Sunset Farms Plat (P-07-60). The "Group B" water system shall be designed by a licensed engineer and approved by Kittitas County Environmental Health.
9. The Planning Commission finds that the required "Group B" water system shall either be in place prior to final plat approval or be legally bonded for the cost of construction by the applicant prior to final plat approval. The applicant shall complete a Group B Workbook application which includes drilling a well/wells and design of the well house/structure, pump tanks and storage tanks. Approval shall include the drilling of the well along with demonstration that adequate water supply exists to support the proposed plat.



10. The Planning Commission finds that the final plat drawing/map shall be in accordance with Kittitas County Code Title 16 subdivision procedures and minimum requirements.
11. The Planning Commission finds that the following plat notes shall be on the final mylars:
- All current and future landowners must comply with the International Fire Code (IFC) and all of its appendices.
  - One “Group B” water system shall be developed from the existing well located on lot 6, to serve all six lots of the Sunset Farms Plat (P-07-60). The “Group B” water system shall be designed by a licensed engineer and approved by Kittitas County Environmental Health.
  - The Sunset Farms Plat (P-07-60) shall be considered as one project and therefore shall be limited to one groundwater withdrawal exemption for all six lots combined. The cumulative groundwater withdrawal of all lots combined shall not exceed the 5,000 gallon per day exemption limit set forth by the Department of Ecology.
  - Flow meters shall be installed both at the well head and on each individual lot of the “Group B” water system. Records documenting water usage both at the well head and each individual lot must be maintained and available for public inspection by a Satellite Management Agency (SMA).
  - The subject property is within or near existing agricultural or other natural resource areas on which a variety of activities may occur that are not compatible with residential development for certain periods of varying duration. Agricultural or other natural resource activities performance in accordance with county, state and federal laws are not subject to legal action as public nuisances. Kittitas County has adopted the right to farm provisions contained in Section 17.74 of the Kittitas County Zoning Code.
  - Per RCW 17.10.140, landowners are responsible for controlling and preventing the spread of noxious weeds. Accordingly, the Kittitas County Noxious Weed Board recommends immediate reseedling of areas disturbed by development to preclude the proliferation of noxious weeds.
  - 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.
12. The Planning Commission finds that an open record hearing was held on May 27, 2008 and that testimony was taken from those persons present who wished to be heard. The Planning Commission also finds that due notice of the public hearing was given as required by law, and the necessary inquiry was made into the public interest to be served by this proposed subdivision.
13. The Planning Commission finds that additional conditions **are/are not** necessary to protect the public’s interest.