

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

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"Building Partnerships – Building Communities"

NOTICE OF DECISION SEPA ACTION AND PUBLIC HEARING

To: Interested County Departments & Agencies with jurisdiction
Adjacent Property Owners
Applicant

From: Dan Valoff, Staff Planner

Date: September 23, 2010

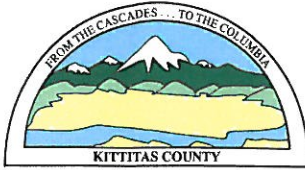
Subject: Forest Ridge Performance Based Cluster Plat (File No.: LP-08-00014)

Please find the attached Mitigated Determination of Nonsignificance (MDNS) for the above referenced project. A Notice of Application for the submitted application was mailed on July 30, 2009.

NOTICE IS HEREBY given that pursuant to 43.21(C) RCW, Kittitas County Community Development Services did on September 23, 2010 make a Mitigated Determination of Non-Significance (MDNS) for Iron Snowshoe, LLC for a preliminary plat application to subdivide approximately 479 acres into 171 single-family residential lots, with an average lot size of 1.67 acres. The subject property is zoned Rural-5. The project is proposed as a Performance Based Cluster Plat. Final plat approval and building permits will be required. The subject property is comprised of twelve tax parcels, located northeast of the City of Cle Elum off of the extension of Columbia Street in Section 24, T.20N, R.15E, W.M.; Kittitas County parcel map numbers 20-15-24000-0001, -0003, -0004, -0007, -0015, -0016, -0017, -0018, -0019, -0020, -0021, and -0022. The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926. Staff Planner: Dan Valoff.

Any action to set aside, enjoin, review, or otherwise challenge such administrative SEPA action on the grounds of noncompliance with the provisions of chapter 43.21RCW shall be commenced on or before October 7, 2010 at 5:00 p.m. to the Kittitas County Board of Commissioners, Rm. 108, County Courthouse, Ellensburg, WA 98926. Appeals of SEPA threshold determinations shall be consolidated with appeals of final permit approval, according to 15A.04.020, Chapter [43.21C RCW](#) and Chapter [15.04 KCC](#) (such as a decision to require particular mitigation measures or to deny a proposal). A single simultaneous hearing before one hearing body will consider the agency decision on a proposal and any environmental determinations made, with the exception of the appeal, if any, of a threshold determination of significance.

NOTICE IS HEREBY given that a hearing on said application before the Kittitas County Hearing Examiner has been scheduled for **October 28, 2010 at 6:00 p.m.** in the Kittitas County Courthouse Auditorium, Ellensburg, WA. 98926. Anyone with an interest in this matter is urged to attend said hearing where testimony will be taken. Written comments will be received and documents may be viewed at the above address prior to the hearing. Interested persons are encouraged to verify prior to attending.



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State Environmental Policy Act

MITIGATED DETERMINATION OF NONSIGNIFICANCE

Description: Landowner Iron Snowshoe LLC has submitted a Preliminary Plat application to subdivide approximately 479 acres into 171 single-family residential lots, with an average lot size of 1.67 acres. The subject property is zoned Rural-5. The project is proposed as a Performance Based Cluster Plat. Final plat approval and building permits will be required.

Proponent: Iron Snowshoe, LLC

Location: The subject property is comprised of twelve tax parcels, located northeast of the City of Cle Elum off of the extension of Columbia Street in Section 24, T.20N, R.15E, W.M.; Kittitas County parcel map numbers 20-15-24000-0001, -0003, -0004, -0007, -0015, -0016, -0017, -0018, -0019, -0020, -0021, and -0022.

Lead Agency: Kittitas County Community Development Services

The lead agency for this proposal has determined that the proposal will 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) and WAC 197-11. This decision was made after review of a SEPA environmental checklist and other information on file with the lead agency, after considering voluntary mitigation measures which the lead agency or the applicant will implement as part of the proposal, and after considering mitigation measures required by existing laws and regulations that will be implemented by the applicant as part of the Kittitas County permit process. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal. This information is available to the public on request.

Based on the project specific analysis, 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. The mitigation measures are listed below. Also note the following:

- A. This finding is based on review of the Long Plat Application submitted April 24, 2008 and the Application Supplement submitted December 29, 2009. The application includes a SEPA Environmental Checklist dated April 2008, a revised SEPA Environmental Checklist dated December 2009, correspondence with the applicant regarding voluntary mitigation measures, and the following reports or studies: *Downstream Analysis* (August 2009); a letter from Sapphire Skies to the Department of Public Health detailing water usage and status of water rights transfer (October, 2009); *Transportation Impact Analysis* (November, 2009); *Forest Ridge Streams and Wildlife Habitat Study* (December, 2009); *Forest Ridge Existing Conditions Kittitas County Critical Areas Report* (December, 2009); *Preliminary Storm Drainage Report* (December, 2009); and *Forest Ridge Geological Hazard Assessment* (August, 2010).

- B. Issuance of this threshold determination does not constitute approval of the proposal for construction. This proposal will require review and approval by Kittitas County (Building Permit and associated permits/approvals) and will be reviewed for compliance with all applicable Kittitas County codes which regulate development activities, including but not limited to the Zoning Code, Uniform Fire and Building Codes, Road Standards, Surface Water Design Manual, and the Sensitive Areas Regulations. This proposal will also require approvals by other agencies as described in the SEPA Environmental Checklist. These approvals and requirements are not inclusive, as some approvals and code requirements can only be confirmed and/or reviewed upon submittal of construction permits.
- C. Voluntary mitigation measures which the applicant will implement as part of the proposal are listed in the SEPA Environmental Checklist and include the following:
- Homes shall not be allowed to use wood burning stoves.
 - Impervious surface area will be minimized to the extent practical, with less than 11% of the project site being impervious. Native vegetation will be retained to the maximum extent feasible.
 - CCRs will be adopted to preserve native vegetation, wildlife areas, and recreational uses.
 - Construction will be limited to 7am-7pm during the summer, and 8am-6pm during the winter.
 - The applicant will work with a professional landscaper to design the site in such a way that the natural setting is preserved. Design standards will help maximize aesthetic suitability and the likelihood that the community blends within the surrounding environment.
 - Through CCRs, residents will be required to comply with Dark Skies standards. Lighting in common areas will also comply with Dark Skies standards.
 - The applicant proposes to create several pedestrian/bicycle/multi-modal trails.
 - The applicant may construct a recreational/community center that will provide opportunities for active and passive recreation.

These mitigation measures are in addition to requirements that will be implemented through Kittitas County code compliance permit review. Prior to construction permit issuance, these voluntary mitigation measures will be incorporated as conditions of development.

The following SEPA mitigation conditions shall also apply based on the project specific analysis:

Geohazards and Landslide Areas

1. Additional Analysis: Prior to site construction, the applicant shall conduct additional geotechnical analysis to better understand the site conditions and projected impacts of the proposed development on the identified landslide area. Results of this additional analysis may result in changes to the plat layout, including changes to the number of lots, location of internal access roads, location of septic drain fields, location of stormwater facilities, open space calculations, and other site elements. The analysis shall include, at a minimum, the following activities:
 - a. Obtain 2-foot contour interval topographic data for the entire landslide area to permit a more detailed examination of geomorphological features. This topographical data shall be used in further delineation of areas on the landslide area requiring additional study, in identification of landslide features, and will improve input for refining and confirming results of the stability analysis. If new topographic data reveals areas warranting additional study, these areas shall be examined, in addition to those areas identified in

Figure 4 of the *Forest Ridge Geological Hazard Assessment* (August 19, 2010), shown below.

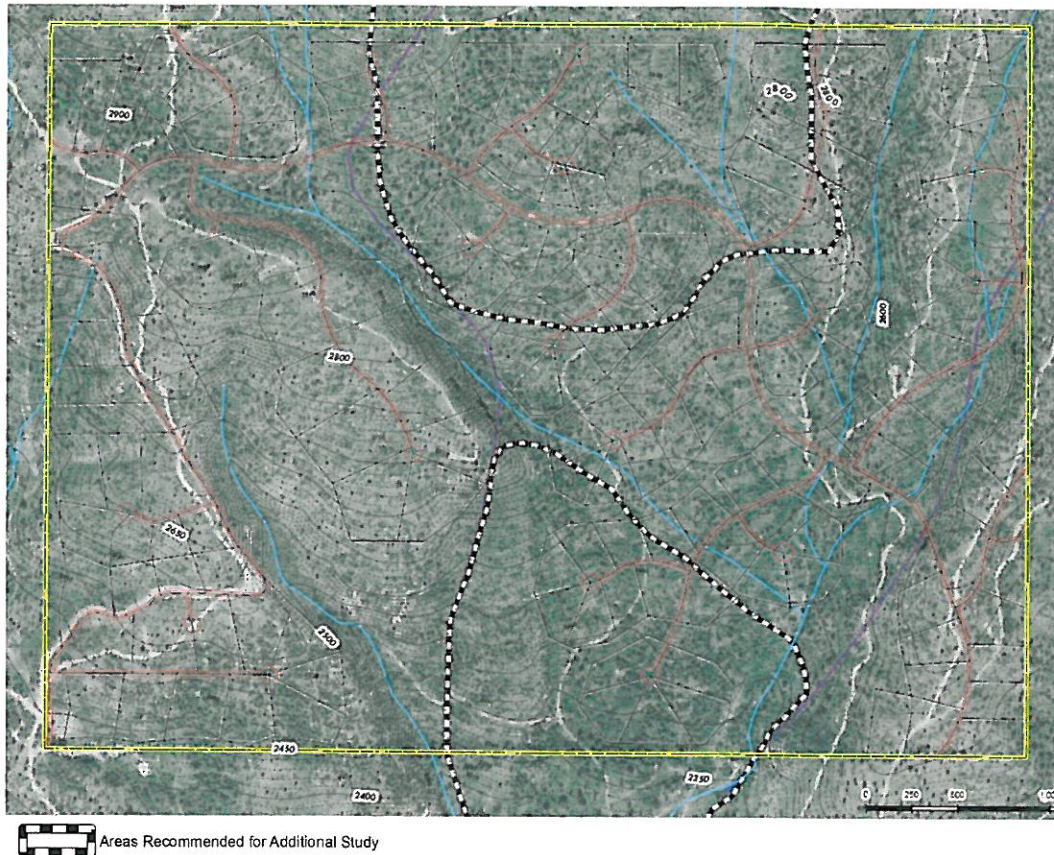


Figure 4 from Forest Ridge Geological Hazard Assessment (August 2010)

- b. Collect subsurface data in the north-central portion of the landslide where there is evidence of more recent slope movement and in the region near the toe of the landslide where stability analysis suggests potential instability under modeled conditions. Subsurface data should consist of a borehole drilling program observed by a qualified geotechnical engineer, in situ testing of soil strength, and sample collection and analysis by a geotechnical laboratory.
 - c. Using results from the two activities above refine the stability modeling for the entire mapped landslide with emphasis on the north-central portion of the landslide, where there is evidence of more recent slope movement, and in the region near the toe of the landslide, where stability analysis suggests potential instability under model conditions.
 - d. A design-level geotechnical study of the site should be completed prior to finalizing final plat development plans. Specific focus should be given to the results from refined slope stability analysis, those areas of the mapped landslide that are potentially sensitive to modification, those areas having steep slopes, and the presence of a mine hazard area mapped by Kittitas County in the southwest corner of the site.
2. Timing of Improvements: This application is subject to the current version of the Kittitas County Road Standards, dated 9/6/05. The following improvements shall be completed prior to final plat approval for each respective phase of development: earth movement, rough grading for

road alignment, installation of any necessary retaining structures, and any required mitigation to address areas of slope failure or instability. Portions of road construction that do not involve earth movement, slope stability, rough grading, or infrastructure, such as finished surfacing and roadside safety barriers, shall be completed prior to issuance of a building permit for any of the structure within this plat. In lieu of the improvements required prior to receiving a building permit, a performance bond or acceptable financial guarantee may be provided as allowed by KCC 12.01.050.

Stormwater

3. Stormwater Manual: On-site stormwater management that conforms to the specifications of the *Stormwater Management Manual for Eastern Washington* (2004) is required of this development. Stormwater systems shall be designed to store stormwater generated by a 24-hour, 25-year storm event. Stormwater system designs shall be prepared and stamped by a civil engineer licensed in the State of Washington. The stormwater system design shall be presented to Public Works and approved by the County Engineer prior to site construction. The stormwater system construction shall be certified by a licensed engineer. The certification shall be included with the road certification and is required prior to the issuance of a building permit. Stormwater plans shall be submitted in accordance with KCC 12.06 and 12.08.
4. Stormwater Management: The following recommendations listed in the *Preliminary Storm Drainage Report* (December 2009) shall be required:
 - a. Be proactive in establishing a maintenance strategy of streams, culverts, & catch basins that convey stormwater on-site.
 - b. Establish a snow removal strategy for private streets that allow the majority of the stormwater systems to still convey stormwater.
 - c. At the time of civil design, perform a backwater analysis on portions of the downstream path to determine ditch and pipe velocities and capacities for the 100-yr. storm event. This analysis will determine if upgrades to the existing downstream system are necessary.
 - d. Stabilize channels and outlets, and protect drain inlets.
 - e. Control on-site flow rates and pollutants per DOE's Stormwater Management Manual for Eastern Washington.
 - f. Maintain Best Management Practices.
5. City of Cle Elum Stormwater: The applicant shall comply with the following stormwater requirements from the City of Cle Elum:
 - a. A Balmer Canyon Drainage Study shall be performed which includes recommendations for upgrades and improvements for the entire length of the drainage, including the portion within the City of Cle Elum, based on a 25-year, 24-hour storm. This study shall be submitted along with the on-site stormwater design for approval by the County Engineer.
 - b. The Balmer Canyon culvert crossing Creekside Road shall be replaced to the specifications recommended by the drainage study, prior to final approval.
6. Grading Plan: A grading plan prepared by an engineer licensed in the state of Washington shall be presented to Public Works prior to site construction. Depending on the amount of fill to be removed from the site, a haul route and road condition analysis may be required prior to approval

of the grading plan. The grading plan shall be submitted in accordance with KCC 12.08, and shall be approved by the County Engineer.

7. Snow Removal: Prior to final plat approval, the applicant shall submit for review and approval by the County a snow removal plan and proposed locations for snow storage. Snow removal shall be the responsibility of the Homeowners Association. Locations for snow storage shall be located outside of wetland and stream areas and their buffers and shall be shown on the face of the final plat. In addition, the final plat shall include the following note:

Snow removal shall be the responsibility of the Homeowners Association. Snow storage shall be limited to those areas shown on the face of the plat and shall be located outside of wetland and stream areas and their buffers.

Transportation

8. Reevaluation at Final Design: If the final design of the project changes due to the results of additional geotechnical analysis or other reasons, the project shall be reevaluated for road construction requirements. Alterations to these requirements shall be discussed and agreed upon by Public Works and the applicant.
9. City of Cle Elum Transportation: The applicant shall comply with the following construction requirements from the City of Cle Elum:
 - a. Potholes must be repaired on Columbia Avenue from First Street to Fourth Street as required by the City of Cle Elum prior to receiving final plat approval.
 - b. A 2-inch overlay on Columbia Avenue from First Street to Fifth Street or end of existing pavement shall be constructed prior to beginning construction of Phase 5.
10. WSDOT: The *Revised Traffic Impact Analysis* (November 2009) considers the traffic impacts from both the Forest Ridge development and the nearby City Heights development, which is proposed in the City of Cle Elum and is currently under review. Based on this analysis, upon completion of just the Forest Ridge development, the Level of Service (LOS) at the intersection of SR 903 and the SR 903 Spur will be reduced to LOS C (Note: The traffic impact study erroneously refers to the intersection of SR 903 and the SR 903 Spur as the "SR 970/SR 903" intersection). Upon completion of both the Forest Ridge development and the City Heights development, the same intersection will be reduced to either a LOS D or E, depending on the approved development scenario for City Heights. According to Kittitas County Comprehensive Plan GPO 4.26, any LOS below the adopted standard of LOS C in rural areas is unacceptable; therefore, mitigation is required if a LOS below C results. The City Heights project has not yet received approval from the City of Cle Elum, and the traffic impacts of Forest Ridge alone do not cause the intersection in question to fall below LOS C. Because it is uncertain at this time what the actual impact to the SR 903/SR 903 Spur intersection will be, prior to construction of the Forest Ridge Phase 5, the developer shall reevaluate the traffic impacts of the proposed Forest Ridge development on the SR 903/SR 903 Spur intersection. If the analysis concludes that the full build out of this project result in the SR 903/SR 903 Spur intersection operating below a LOS C, then the developer of the Forest Ridge project will be required to contribute a pro rata share of the cost to construct mitigation improvements to the SR 903/SR 903 Spur intersection, as required by WSDOT, to achieve an acceptable LOS.

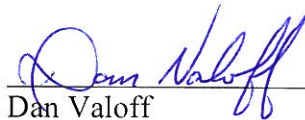
Wildlife and Habitat

11. The *Forest Ridge Streams and Wildlife Habitat Study* (December 2009) states that the Forest Ridge plat has been designed to avoid and minimize impacts to existing waterways and wildlife habitats in the study area, and that "The current design and layout of the proposed developments meet the intent and requirements of the Kittitas County Code, including the provisions for protecting waterways and riparian habitat areas" (p. 10). To ensure identified project areas remain suitable habitat for wildlife, the applicant shall submit to the County an Open Space Management Plan prior to final plat approval. This Plan shall describe the types of recreational uses and improvements allowed in the open space areas, and include a statement from a professional biologist demonstrating that the proposed uses, proposed improvements, and lot layout will avoid and minimize impacts to wildlife habitats. Approved recreational uses, as well as provisions for maintenance of any improvements shall be included in the Homeowners Association CCRs.

Light and Air Impacts

12. The following note shall be placed on the face of the final plat:
All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.
13. The following note shall be placed on the face of the final plat:
The use of wood burning stoves shall be prohibited.

**Responsible
Official:**



Dan Valoff

Title:

Staff Planner

Address:

Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7506 Fax: (509) 962-7682

Date:

September 23, 2010

This Mitigated DNS is issued under WAC 197-11-355 and WAC 197-11-390; the lead agency will not act on this proposal for 10 working days. 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 5:00 pm, October 7, 2010.

Pursuant to Chapter 15A.04.020 KCC, this MDNS may be appealed by submitting specific factual objections in writing with a fee of \$500.00 to the Kittitas County Board of Commissioners, Kittitas County Courthouse Room 110, Ellensburg, WA 98926. Timely appeals must be received within 10 working days, or no later than 5:00 PM, October 7, 2010. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.