



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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PLANNING COMMISSION STAFF REPORT

TO: Kittitas County Planning Commission
FROM: Mackenzie Moynihan, Staff Planner
DATE: May 19, 2008 for May 27, 2008 Public Hearing
SUBJECT: Firkins Rezone (Z-08-01) and Firkins Preliminary Plat (P-08-02)

I. BACKGROUND INFORMATION

Proposal: Firkins Rezone (Z-08-01) and Firkins Preliminary Plat (P-08-02)

The Firkins Rezone is an application for a rezone from Ag-20 to Ag-3, followed by the Firkins Preliminary Plat (P-08-02) to subdivide approximately 15.03 acres into 5-lots. The applications were submitted by Cam Sherwood, authorized agent for Charles Firkins, landowner.

Location: The subject property is located east of the City of Ellensburg, north of Vantage Highway, east of Wilson Creek Road on Game Farm Road, Ellensburg, WA 98926, and is located in a portion of section 29, T18N, R19E, WM, in Kittitas County. Map numbers 18-19-29040-0008 and 18-19-29040-0009.

Environmental Health: The applicant proposed individual wells and septic systems for this project. The applicant will be allowed to share the existing well located on Lot 1 between lots 1 and 2. Lots 3, 4, and 5 shall be served by a Group B water system and shall be approved by Kittitas County Environmental Health. All wells shall be metered and records documenting water usage both at the well head and on each individual lot must be maintained and made available for public inspection. Individual septic systems are allowed.

Transportation: The proposed access to the plat shall be via two easements off of Game Farm Road. An existing gravel road easement on the west end of the property shall be used to access lots 1 and 2. A 40 foot access and utility easement on the east end of the property shall be created and used to serve lots 3, 4 and 5.

Land Use and Site Characteristics: The proposed development site is located within a rural area zoned Agriculture-20, within agricultural and natural resource areas. The subject property is bordered entirely by Ag-20 zoning. To the west and south there is Ag-3 zoning located within the general vicinity.

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

DARRYL PIERCY, DIRECTOR

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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.

Comprehensive Plan – Rural Lands

8.5(A) General Goals, Policies and Objectives

The following GPO's apply to all Rural Lands or uses on those lands:

GPO 8.5: Kittitas County recognizes and agrees with the need for continued diversity in densities and uses on Rural Lands.

GPO 8.9: Projects or developments which result in the significant conservation of rural lands or rural character will be encouraged.

GPO 8.11: Existing and traditional uses should be protected and supported while allowing as much as possible for diversity, progress, experimentation, development and choice in keeping with the retention of Rural Lands.

GPO 8.12: Descriptions of rural character included in the Comprehensive Plan shall not be used as a criteria in the evaluation of an individual project application.

GPO 8.13: Methods other than large lot zoning to reduce densities and prevent sprawl should be investigated.

Zoning Code: The subject zoning is currently Agriculture-20. The purpose and intent of this zone is to provide an area wherein farming, ranching and rural lifestyles are dominant characteristics. The intent of this zoning is to preserve fertile farmland from encroachment by nonagricultural land uses; and protect the rights and traditions of those engaged in agriculture.

Some permitted uses in this zone include one family or two family dwellings, parks and playgrounds, schools, libraries, single family homes not including mobile homes or trailer houses, duplexes and residential accessory buildings, etc.

Some conditional uses in this zone include dairying and stock raising, hospitals, museums, public utility substations, riding academies, churches and day care facilities.

The proposed zoning designation is Agriculture-3. The purpose and intent of this zone is to provide for 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.

Some permitted uses in this zone include one family or two family dwellings, parks and playgrounds, schools, libraries, single family homes not including mobile homes or trailer houses, duplexes and residential accessory buildings, etc.

Some conditional uses include dairying and stock raising, hospitals, museums, public utility substations, riding academies, churches, day care facilities, golf courses, etc.

Required Findings for Rezone: Pursuant to KCC 17.98.020(E), a petition requesting a change on the zoning map from one zone to another must demonstrate that the following criteria are met:

- 1. The proposed amendment is compatible with the comprehensive plan.*
- 2. The proposed amendment bears a substantial relation to the public health, safety or welfare.*
- 3. The proposed amendment has merit and value for Kittitas County or a sub-area of the county.*
- 4. 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.*

5. *The subject property is suitable for development in general conformance with zoning standards for the proposed zone.*
6. *The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property.*
7. *The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties.*

Critical Areas: An administrative site analysis was completed by Community Development Services in compliance with Title 17A. There are no regulated critical areas within the subject property.

III. ADMINISTRATIVE REVIEW

Affidavit of Posting: The site was accurately posted with the “Land Use Action” sign as provided by Community Development Services and as required by KCC 15A.03.110. The signed Affidavit of Posting was returned to Community Development Services on February 1, 2008.

Notice of Application: A complete application was submitted to Community Development Services on January 11, 2008. A Notice of Application was issued on February 6, 2008. This notice was published in the official county paper of record on February 6, 2008 and was mailed to jurisdictional government agencies, adjacent property owners within 500 feet and other interested parties.

Written Testimony: Comments were received from the Washington State Department of Ecology, Kittitas County Environmental Health, Kittitas County Department of Public Works, and the Washington State Department of Community, Trade and Economic Development (CTED) and other interested parties of record.

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 February 6, 2008. On April 21, 2008, Community Development Services issued a Mitigated Determination of Nonsignificance (MDNS) for this project. On April 28, 2008 the MDNS was reissued to reflect a change in the usage of the existing well. The reissued MDNS contained 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. There shall be only two access points off of Game Farm Road to serve the proposed subdivision. The two allowed accesses are those shown on the preliminary drawings. One access easement shall serve lots 3, 4 and 5 and end in a cul-de-sac. Lots 4 and 5 shall be accessed from a joint use driveway beginning at said cul-de-sac.
- c. Lot 3 shall not be allowed direct access solely to and from Game Farm Road, but rather shall use the proposed easement as shown on the preliminary drawings.

II. Air

- a. If the applicant plans to burn trees or debris from the property, the applicant shall obtain a burn permit from the Department of Ecology. Only natural, unprocessed vegetation may be burned in an outdoor fire. It is the applicant’s responsibility to contact the Department of Ecology regarding this permit.

- b. Washington Administrative Code (WAC) 173-400-040 requires that reasonable precautions be taken to prevent dust from leaving the project site. Additionally, dust is prohibited from interfering unreasonably with the use and enjoyment of the property, causing health impacts or damaging property or business. As a result, the applicant shall be responsible for creating a site-specific Fugitive Dust Control Plan (FDCP) before starting this project. The plan shall be followed throughout the duration of any activity and construction of the project.

III. 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 the 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. Withdrawals of groundwater on the subject property are subject to the rules and regulations adopted and administrated by the Washington State Department of Ecology; this includes the use of water for irrigation. Legally obtained water must be used on-site.
- c. The existing well located on lot one (1) of the Firkins Plat (P-08-02) shall be used as a shared well between lot one (1) and lot two (2) of the plat.
- d. A water user's agreement shall be created and signed to serve lot one (1) and lot two (2) for the purpose of designating water to both lots and sharing in the expenses of the maintenance of the well. The applicant shall contact Kittitas County Environmental Health regarding this requirement.
- e. A plat note shall be added as follows:

The existing well located on Lot 1 of the Firkins Plat (P-08-02) shall be a shared well between lot one (1) and lot two (2) of the plat and shall enter into a water user's agreement for the purpose of designating water to both lots and sharing the expenses of the maintenance of the well.

- f. The applicant shall develop a "Group B" water system to serve lots three (3), four (4) and five (5) of the Firkins Plat (P-08-02). The "Group B" water system will be designed by a licensed engineer and approved by Kittitas County Environmental Health.
- g. 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.
- h. The "Group B" water system cannot be used for irrigation purposes.
- i. Flow meters must 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 on each individual lot must be maintained and available for public inspection.

- j. A plat note shall be added as follows:

Lot 3, Lot 4 and Lot 5 of the Firkins Plat (P-08-02) shall be served by a "Group B" water system, designed by a licensed engineer and approved by Kittitas County Environmental Health.

- k. A plat note shall be added as follows:

All wells for this plat shall be metered, including the shared well located on Lot 1, so as not to exceed the single groundwater withdrawal exemption of 5,000 gallons per day as set forth by the Department of Ecology. Water use data should be recorded by the property owner of the well on a monthly basis and Department of Ecology personnel shall have access at reasonable times to the records of water use.

- l. A plat note shall be added as follows:

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.

- m. 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.

IV. Irrigation Services

- a. The applicant shall submit a water distribution plan to the Kittitas Reclamation District outlining water conveyances and provisions for distribution for each proposed lot in the subdivision.
- b. Irrigation delivery shall not be impaired at any time to the surrounding farming practices and all costs associated with any potential relocation of irrigation delivery routes shall be the burden of the developer and not that of the surrounding landowners.

V. Light and Aesthetics

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

VI. Noise

- a. Development and construction practices for this project shall only occur between the hours of 7:00am to 7:00pm to minimize the effect of construction noise on nearby residential properties.

VII. Public Safety

- a. Addresses of all new residences shall be clearly visible from both directions at the county road.

- b. The applicant shall consult with the local school district to determine the safest location for a school bus stop and said location shall be depicted on the final mylars.

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. Cam Sherwood, authorized agent for Charles Firkins, landowner, submitted complete applications to Community Development Services for a rezone from Ag-20 to Ag-3 along with a Preliminary Plat to subdivide approximately 15.03 acres into 5-lots.
2. The proposed development is located east of the City of Ellensburg, north of Vantage Highway, east of Wilson Creek Road on Game Farm Road, Ellensburg, WA 98926, and is located in a portion of Section 29, T18N, R19E, WM, in Kittitas County. Map numbers 18-19-29040-0008 and 18-19-29040-0009.
3. The proposed development application included a rezone application from Agriculture-20 to Agriculture-3 and a Preliminary Plat to subdivide approximately 15.03 acres into 5-lots. The lots are all approximately 3.00 acres in size.
4. The site was accurately posted with the "Land Use Action" sign as provided by Community Development Services and as required by KCC 15A.03.110. The signed Affidavit of Posting was returned to Community Development Services on February 1, 2008.
5. Community Development Services issued a Notice of Application pursuant to KCC 15A.03 on February 6, 2008. Interested jurisdictional agencies and landowners within 500 feet of the subject property were notified specifically, as required by law. The Legal Notice of Application was published in the Daily Record on February 6, 2008. Said notices solicited comments from jurisdictional agencies and from the general public.
6. 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 April 21, 2008 under WAC 197-11-350 and reissued on April 28, 2008 to reflect a change in the use of the existing well located on Lot 1 of the subject property.
7. All conditions of the SEPA Mitigated Determination of Non-significance (reissue) shall be adhered to by the applicant.
8. A plat note shall be added as follows:

The existing well located on Lot 1 of the Firkins Plat (P-08-02) shall be a shared well between lot one (1) and lot two (2) of the plat and shall enter into a water user's agreement for the purpose of designating water to both lots and sharing the expenses of the maintenance of the well.
9. A plate note shall be added as follows:

Lot 3, Lot 4 and Lot 5 of the Firkins Plat (P-08-02) shall be served by a "Group B" water system, designed by a licensed engineer and approved by Kittitas County Environmental Health.

10. A plat note shall be added as follows:

All wells for this plat shall be metered, including the shared well located on Lot 1, so as not to exceed the single groundwater withdrawal exemption of 5,000 gallons per day as set forth by the Department of Ecology. Water use data should be recorded by the property owner of the well on a monthly basis and Department of Ecology personnel shall have access at reasonable times to the records of water use.

11. A plat note shall be added as follows:

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.

12. An open record hearing was held on May 27, 2008 and testimony was taken from those persons present who wished to be heard. Due notice of this public hearing was given as required by law, and the necessary inquiry was made into the public interest to be served by this proposed project.
13. The proposed rezone is consistent with the underlying Comprehensive Plan designation of Rural.
14. The proposed rezone does/does not meet all seven criteria of Kittitas County Code 17.98.020(E) as outlined below:

- 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 changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties.*

15. Additional conditions **are/are not** necessary to protect the public's interest.