

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

ORDINANCE NO. 2008- 14

**GRAHAM REZONE (Z-08-02)
AND GRAHAM FAMILY SHORT PLAT (SP-08-02)
IN THE MATTER OF AMENDING THE KITTITAS COUNTY ZONING ATLAS
FOR A PORTION OF SECTION 04 OF TOWNSHIP 19 N., RANGE 16 E., FROM
FOREST AND RANGE TO RURAL-3**

WHEREAS, according to Kittitas County Code Chapter 17, relating to the zoning of land, adopted pursuant to RCW 58.17, a closed record hearing was held by the Kittitas County Board of Commissioners on July 1, 2008 for the purpose of considering a rezone from Forest & Range to Rural-3 known as the Graham Rezone and described as follows:

Project related rezone of approximately 12.19 acres from Forest and Range to Rural-3 (File No. Z-08-02) with the accompanying Graham Family Short Plat (SP-08-02) to divide the 12.19 acres into 4-lots. Proponent: Richard Graham, landowner. Location south of Interstate-90, off Lower Peoh Point Road, Cle Elum, WA 98922, within a portion of Section 04, T19N, R16E, WM, in Kittitas County. Map number 19-16-04030-0013.

WHEREAS, testimony was taken from those persons present who wished to be heard; and,

WHEREAS, due notice of the hearing had been given as required by law, and the necessary inquiry has been made into the public interest to be served by such change of zone; and,

WHEREAS, the Planning Commission recommended denial of said proposed rezone in a 3-1 decision; and,

WHEREAS, the following FINDINGS OF FACT have been made concerning said proposed rezone:

1. The Board of County Commissioners finds that Richard Graham, landowner, submitted complete applications to Community Development Services for a rezone from Forest & Range to Rural-3 along with a Short Plat to divide approximately 12.19 acres into 4-lots.
2. The Board of County Commissioners finds that the proposed development is located south of Interstate-90, off Lower Peoh Point Road, Cle Elum, WA 98922, and is located in a portion of Section 04, T19N, R16E, WM, in Kittitas County. Map number 19-16-04030-0013.

3. The Board of County Commissioners finds that the proposed development application included a rezone application from Forest & Range to Rural-3 and a Short Plat to divide approximately 12.19 acres into 4-lots. The lots are all approximately 3.00 acres in size.
4. The Board of County Commissioners finds that 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 19, 2008.
5. The Board of County Commissioners finds that Community Development Services issued a Notice of Application pursuant to KCC 15A.03 on February 22, 2008. Interested jurisdictional agencies and landowners within 500 feet were notified specifically, as required by law. The Legal Notice of Application was published in the Daily Record on February 22, 2008. Said notices solicited comments from jurisdictional agencies and from the general public.
6. The Board of County Commissioners 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 April 25, 2008 under WAC 197-11-350.
7. The Board of County Commissioners finds that all conditions of the SEPA Mitigated Determination of Nonsignificance shall be adhered to by the applicant (See Exhibit B).
8. The Board of County Commissioners finds that a plat note shall be added as follows:

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 shall be used on site.
9. The Board of County Commissioners finds that a plat note shall be added as follows:

The Graham Family Short Plat (SP-08-02) shall be considered as one project and therefore shall be limited to one groundwater withdrawal exemption for all four (4) proposed lots. All wells serving the Graham Family Short Plat (SP-08-02) shall be metered and records documenting water usage shall be kept and made available for public inspection. The cumulative daily withdrawal limit of all wells combined shall not exceed the 5,000 gallon per day exemption set forth by the Department of Ecology.
10. The Board of County Commissioners finds that 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.

11. The Board of County Commissioners finds that the proposed rezone is consistent with the underlying Comprehensive Plan designation of Rural.
12. The Board of County Commissioners finds that the proposed requested zone change does meet all seven criteria as listed in KCC 17.98.020 and as follows:
 1. The proposed amendment is compatible with the comprehensive plan.
 - a. *The Board of County Commissioners finds that the Proposed Amendment for rezone from Forest & Range to Rural-3 is compatible with the underlying comprehensive plan designation of Rural.*
 2. The proposed amendment bears a substantial relation to the public health, safety or welfare.
 - a. *The Board of County Commissioners finds that if the rezone is consistent with the county's Comprehensive Plan and implements said Comprehensive Plan, then that is a clear indication that the rezone is in the interest of the public health, safety and welfare.*
 3. The proposed amendment has merit and value for Kittitas County or a sub-area of the county.
 - a. *The Board of County Commissioners finds that the proposed rezone will take the pressure off and preserve the agricultural lands in the area. Further, the Comprehensive Plan states that "The current mix of rural uses and densities has not increased the cost to taxpayers for road and utility improvements, police and fire protection, or the education of school populations beyond the means of the local people to finance such infrastructure."*
 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.
 - a. *The Board of County Commissioners finds that the proposed amendment is appropriate because all of the parcels surrounding the subject property are less than 20 acres in size. For any future development to occur on this property, it will require a rezone.*
 5. The subject property is suitable for development in general conformance with zoning standards for the proposed zone;
 - a. *The Board of County Commissioners finds that both the current zone (Forest & Range) and the proposed zone (Rural-3) are defined as rural lands by the Comprehensive Plan.*
 - b. *The Board of County Commissioners finds that the requested zoning designation is congruous with the underlying comprehensive plan designation and allows similar and compatible uses with those of*

neighboring properties, and so does not constitute "spot zoning."

6. The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property.
 - a. *The Board of County Commissioners finds that full build out of the subject property will result in only 3 new residences. The road system is more than adequate to handle this minor increase in traffic.*
7. The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties.
 - a. *The Board of County Commissioners finds that the subject property is outside of any irrigation district and therefore there will be no impact to irrigation water deliveries.*

NOW, THEREFORE BE IT HEREBY ORDAINED: by the Board of County Commissioners of Kittitas County, Washington, that approval is granted for the Graham Rezone by a vote of 3-0 and associated Graham Family Short Plat with the following conditions:

1. Soil logs need to be scheduled and dug at a mutually convenient time. The developer/owner shall provide soil logs as per Chapter 246-272 WAC or as amended. The information obtained will be recorded and placed in the short plat file for future reference. The information obtained from these soil logs is for plat approval purposes only and does not constitute a site evaluation in conjunction with the issuance of a permit for any specific lot.
2. Proof of potable water must be shown prior to final plat approval.
3. For final approval of an individual well, the submittal of well logs or a hydrogeological report with documentation/evidence to support the claim regarding adequate availability of groundwater for the proposed number of potable water wells is required. This report shall be submitted by a Professional Engineer who practices in the field of hydrology or by a licensed Hydrogeologist.
4. All applicants for subdivision utilizing wells shall have a note placed on the face of the final mylar that states: *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.*
5. The applicant shall be responsible for meeting or exceeding all conditions and requirements set forth by the Department of Public Works.
6. Access to Lot 4: The short plat drawing depicts a proposed access location to lot 4; however, no easement is shown where it crosses lot 1. A minimum 20' wide access and utility easement shall be shown for the

proposed access location to lot 4.

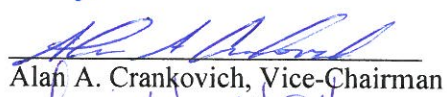
7. Access Easements “Q” and “R” – Joint Use Driveway: Access easements “Q” and “R” shall meet current Kittitas County Road Standards for joint accesses. Each joint-use access shall serve no more than two tax parcels. See Kittitas County Road Standards, 9/6/05 edition.
 - a. Access easements shall be a minimum of 20’ wide. The roadway width shall have a minimum width of 12’.
 - b. The surface requirement is for a minimum gravel surface depth of 6”.
 - c. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
 - d. Any further subdivision or lots to be served by proposed access may result in further access requirements.
8. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
9. Lot Closure: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
10. Access Permit: An approved access permit shall be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right of way.
11. Addressing: Contact the Kittitas County Rural Addressing Coordinator at (509) 962-7523 to obtain addresses prior to obtaining a building permit. A parcel cannot receive a building permit or utilities until such parcel is identified with a 9-1-1 address.
12. Fire Protection: Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.
13. Mailbox Placement: Mailboxes must be approved by the U.S. Postal Service. Mailbox locations are site specific. Contact your local Post Office for location and design standards before beginning construction.
14. Mailbox Placement: The U.S. Postal Service requires that private roads with 6 or more residences install USPS approved Cluster Box Units (CBUs) at a safe location at the mouth of the private road. Contact your local post office for location and additional design requirements before beginning construction.

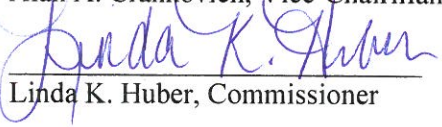
BE IT HEREBY ORDAINED: by the Board of County Commissioners of Kittitas County, Washington, after due deliberation and in the best interest of the public, does hereby approve said zone change of 12.19 acres, from Forest and Range to Rural-3, known as the Graham Rezone, and does hereby authorize the amendment of the Kittitas County Zoning Map as set forth in attached Exhibit A.

ADOPTED this 15th day of July 2008.

BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON


Mark McClain, Chairman


Alan A. Crankovich, Vice-Chairman


Linda K. Huber, Commissioner



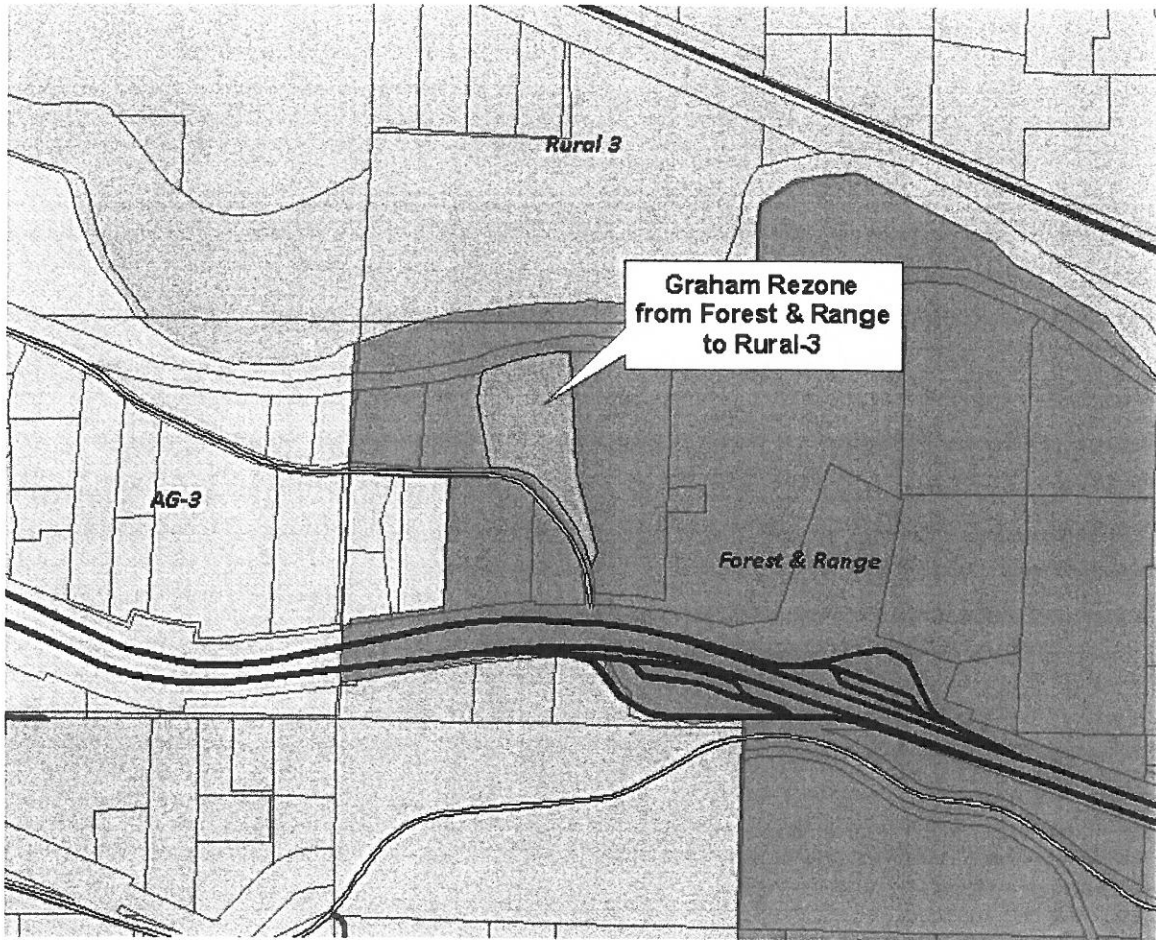
CLERK OF THE BOARD



Julie A. Kjorsvik

APPROVED AS TO FORM:

Greg Zempel, Prosecuting Attorney
WSBA#19125



GRAHAM REZONE (Z-08-02)
EXHIBIT A

EXHIBIT B

SEPA MITIGATED DETERMINATION OF NONSIGNIFICANCE

Project: Graham Rezone (Z-08-02) and Graham Family Short Plat (SP-08-02)

Description: A rezone from Forest & Range to Rural-3 together with a Short Plat to subdivide approximately 12.19 acres of land into four (4) lots.

Proponent: Richard Graham
PO Box 1026
Cle Elum, WA 98922

Location: The project is located south of Interstate 90, off Lower Peoh Point Road, Cle Elum, WA 98922, and is located in a portion of Section 04, T19N, R16E, WM, in Kittitas County. Map number 19-16-04030-0013.

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:

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

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. A minimum 20' wide access and utility easement shall be shown on the final mylars for the proposed access location to Lot 4 of the Graham Family Short Plat.

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 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 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 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 administrated 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 Graham Family Short Plat (SP-08-02) shall be considered as one project and therefore shall be limited to one groundwater withdrawal exemption for all four (4) proposed lots.
- E. Property owners shall be required to demonstrate compliance with the single project withdrawal limitation of 5,000 gallons to be shared between the four lots.
- F. All wells serving the Graham Family Short Plat (SP-08-02) shall be metered and records documenting water usage shall be kept and made available for public inspection. The cumulative daily withdrawal limit of all wells combined shall not exceed the 5,000 gallon per day exemption set forth by the Department of Ecology.
- G. 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. Light and Aesthetics

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

V. 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.

VI. 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 a safe location for a school bus stop and said location shall be depicted on the final mylars.

VII. SEPA Review

This MDNS is issued under WAC 197-11-350. The lead agency will not act on this proposal for 15 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 within 10 working days (on or before 5:00 PM, Friday, May 9, 2008).

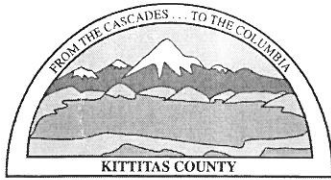
Responsible Official: 
Mackenzie Moynihan

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: April 25, 2008

Pursuant to Chapter 15A.07 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 no later than 5:00 PM, May 9, 2008. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.



KITTITAS COUNTY DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

TO: Mackenzie Moynihan, Community Development Services
FROM: Randy Carbary, Planner II *RC*
DATE: February 26, 2008
SUBJECT: Graham Family Short Plat SP08-02



Our department has reviewed the plat application and has the following comments:

- “Conditional Preliminary Approval”** is recommended based on the information provided. See below for conditions of preliminary approval.
- “Additional Information Requested”**. Prior to continuing the approval process for the submitted development, additional information is requested for analysis.

The following issue shall be resolved prior to final approval:

- Access to Lot 4: The short plat drawing depicts a proposed access location to lot 4; however, no easement is shown where it crosses lot 1. A minimum 20' wide access and utility easement shall be shown for the proposed access location to lot 4.
- Plat Note #7: Plat note #7 does not apply and shall be removed.
- Revised Lot Closures: Our department received a revised short plat application on 2/13/08. Revised lot closures which reflect the new lot dimensions shall be required prior to final approval.

The following shall be conditions of preliminary approval:

- Access Easements “Q” and “R” - Joint-Use Driveway: Access easements “Q” and “R” shall meet current Kittitas County Road Standards for joint-use accesses. Each joint-use access shall serve no more than two tax parcels. See Kittitas County Road Standards, 9/6/05 edition.
 - Access easements shall be a minimum of 20' wide. The roadway width shall have a minimum width of 12'.
 - The surface requirement is for a minimum gravel surface depth of 6”.

- c. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
 - d. Any further subdivision or lots to be served by proposed access may result in further access requirements.
2. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
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 6. Fire Protection: Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.
 7. Mailbox Placement: Mailboxes must be approved by U.S. Postal Service. Mailbox locations are site specific. Contact your local Post Office for location and design standards before beginning construction.
 8. Mailbox Placement: The U.S. Postal Service requires that private roads with 6 or more residences install USPS approved Cluster Box Units (CBUs) at a safe location at the mouth of the private road. Contact your local Post Office for location and additional design requirements before beginning construction.

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