

KITITAS COUNTY DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

TO: Mackenzie Moynihan, Community Development Services
FROM: Christina Wollman, Planner II *aw*
DATE: June 9, 2008
SUBJECT: JCTRS Rezone Z-08-06 and Plat LP-08-13



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 shall be conditions of preliminary approval:

1. Right of Way: The right of way width and centerline of Wilson Creek Road shall be shown on the plat.
2. Tax Lot Number: The tax lot number listed in the Treasurers Approval Box is incorrect. The correct map number is 19-19-31051-0004. Parcel number 17624.
3. 60' Easement: The 60' easement and driveway location across the north boundary of the subject property shall be shown on the plat to accurately depict current conditions.
4. Plat Notes: Plat note #6 shall be removed from the plat, and the extra % symbols shall be removed from plat note #9.
5. Private Road Certification: Private roads serving any of the lots within this development shall be inspected and certified by a licensed professional engineer for conformance with current Kittitas County Road Standards, 9/6/05 edition. Kittitas County Public Works shall require this road certification to be completed prior to the issuance of a building permit for any of the structures within the proposed plat.
6. Private Road Improvements: Access from Wilson Creek Road to the cul-de-sac shall be constructed to meet or exceed the conditions of a Low-Density Private Road. See Kittitas County Road Standards, 9/6/05 edition.

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- a. Access easements shall be a minimum of 60' wide. The roadway shall have a minimum width of 20', with 1' shoulders, for a total width of 22'.
 - b. Minimum centerline radius will be 60'.
 - c. The surface requirement is for a minimum gravel surface depth of 6".
 - d. Maximum grade is 12%.
 - e. Stopping site distance, reference AASHTO.
 - f. Entering site distance, reference AASHTO.
 - g. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
 - h. Any further subdivision or lots to be served by proposed access may result in further access requirements.
 - i. All roads located within this development or roads that provide access to this development shall be constructed to current county road standards unless any other maintenance agreements, forest service road easements or state easements require higher road standards. The higher of the road standards shall apply.
 - j. All easements shall provide for AASHTO radius at the intersection of county road.
 - k. A paved apron shall be constructed at the intersection of the proposed private intersection and the county road right of way.
7. Cul-de-Sac: A cul-de-sac turn-around having an outside right-of-way easement diameter of at least 110 feet shall be constructed at the closed end of all dead-end roads serving 3 or more lots. The driving surface shall be at least 96 feet in diameter. Cul-de-sacs must also conform to the requirements specified by the 2006 International Fire Code. Contact the Fire Marshal regarding any additional cul-de-sac requirements.
8. Joint-Use Driveway: A 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.

Single-Use Driveway: A single-use access shall serve no more than one lot. See Kittitas County Road Standards, 9/6/05 edition.

- a. The roadway shall be a minimum of 8' wide with gravel surface.
- b. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.

- c. Any further subdivision or lots to be served by proposed access may result in further access requirements.
9. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
10. Lot Closure: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
11. 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.
12. 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 911 address.
13. Fire Protection: Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.
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.

Current Kittitas County Road Standards, as adopted 9/6/05.

Chapter 12 – PRIVATE ROADS

12.12.010 General

Private roads shall meet the following conditions:

1. Private roads shall meet the minimum access requirements of the International Fire Code as adopted by the County, and
2. Shall be designed and constructed in conformance with AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400) 2001, as now exists or hereafter amended, and
3. Shall be inspected and certified by a licensed professional engineer for conformance with the above referenced standards. In the alternative, an applicant may request the private roadway to be inspected and subject to the approval of the Public Works Director. If certification by the public Works Director/County Engineer is desired, submission of road plans and necessary testing documentation that confirms compliance with Kittitas County Road Standards is required, and services will be performed on a reimbursable basis, and

4. Permanently established by an easement recorded with the Kittitas County Auditor or right-of-way, providing legal access to each affected lot, dwelling unit, or business, and
5. Will not result in land locking of existing or proposed parcels, and
6. Maintained by the developer or legally responsible owner or homeowners' association or other legal entity made up of all benefited property owners, under the provisions of an acceptable and recorded "Private Road Maintenance Agreement", and
7. Clearly described on the face of the plat, short plat, or other development authorization and clearly signed at street location as a private street or road, for the maintenance of which Kittitas County is not responsible and a disclosure statement of the same is filed with the County Auditor, and
8. The following note shall be placed on the face of the plat, short plat, or other development authorization:

"Kittitas County will not accept private roads for maintenance as public streets or roads until such streets or roads are brought into conformance with current County Road Standards. This requirement will include the hard surface paving of any street or road surfaced originally with gravel."

Please let me know if you have any questions or need further information.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

RECEIVED
JUN 05 2008
KITITAS COUNTY
CDS

June 4, 2008

Mackenzie Moynihan
Kittitas County Community Development
411 N. Ruby St., Suite 2
Ellensburg, WA 98926

Dear Ms. Moynihan:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the rezone of approximately 76.78 acres from AG-20 to AG-5 and long plat of 14 lots, proposed by JCTRS, LLC [RZ 08-06, LP 08-13]. We have reviewed the documents and have the following comments.

Water Resources

Any ground water withdrawals in excess of 5,000 gallons per day or for the irrigation of more than ½ acre of lawn or noncommercial garden will require a permit from the Department of Ecology.

Chapter 173-150 WAC provides for the protection of existing rights against impairment, i.e. interruption or interference in the availability of water. If water supply in your area becomes limited your use could be curtailed by those with senior water rights.

The Attorney General's Opinion, (AGO 1997 No. 6) regarding the status of exempt ground water withdrawals, states that a group of wells drilled by the same person or group of persons, at or about the same time, in the same area, for the same purpose or project should be considered a single withdrawal and would not be exempt from the permitting requirement contained in RCW 90.44.050, if the total amount withdrawn for domestic use exceeds 5,000 gallons per day or if a total of more than .5 acre of lawn and garden are irrigated.

The Attorney General's opinion suggests that caution should be used in finding developments to be exempt from needing a water right permit if the possibility exists that the development of the project will result in the ultimate withdrawal of water in excess of 5,000 gallons per day or the irrigation of more that .5 acre of lawn and garden.



With the Supreme Court's guidance on the limitations of groundwater exemptions, all lots within this proposed subdivision would be covered by a single groundwater exemption provided this development is not part of a larger project.

There is a concern about irrigation with a single groundwater exemption, which only allows up to ½ acres. With the proposed lot size, irrigation could easily be over 0.5 acres. If irrigation water is available through an irrigation district, know that the water purveyor is responsible for ensuring that the proposed use(s) are within the limitations of its water rights. If the proposal's actions are different than the existing water right (source, purpose, the place of use, or period of use), then it is subject to approval from the Department of Ecology pursuant to Sections 90.03.380 RCW and 90.44.100 RCW.

It is important to note that Kittitas County and Washington State Department of Ecology have recently signed a Memorandum of Agreement (MOA). Within the MOA you'll see that Kittitas County will be requiring all new developments to include water meters for each individual residential connection. Assuming the development of a residence per each of the 14 lots proposed, a meter will be required for each of the 14 residences. Metering data must then be submitted to Kittitas County.

The Department of Ecology encourages the development of public water supply systems, whether publicly or privately owned, to provide water to regional areas and developments.

If you have any questions concerning the Water Resources comments, please contact Breean Zimmerman at (509) 454-7647.

Water Quality

Project Greater-Than 1 Acre with Potential to Discharge Off-Site

An NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required if there is a potential for stormwater discharge from a construction site with more than one acre of disturbed ground. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit is a minimum of a 38 day process and may take up to 60 days if the original SEPA does not disclose all proposed activities.

The permit requires that Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading or construction.

Ms. Moynihan
June 4, 2008
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More information on the stormwater program may be found on Ecology's stormwater website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> . Please submit an application or contact Bryan Neet at the Dept. of Ecology, (509) 575-2808, with questions about this permit.

Sincerely,



Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509) 575-2012

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Confederated Tribes and Bands
of the Yakama Nation

RECEIVED

Established by the
Treaty of June 9, 1855

MAY 14 2008

KITTITAS COUNTY
GDS

May 12, 2008

Mackenzie Moynihan
Kittitas County Community Development Services
411 N. Ruby St, Suite 2
Ellensburg, WA 98926

Subject: JCTRS Rezone (RZ-08-06) and Preliminary Plat (LP-08-13)

Dear Mrs. Moynihan,

Thank you for contacting the Yakama Nation Cultural Resource Program regarding the proposed development listed above. This project fall within the ceded lands of the Yakama Nation, defined as the usual and accustomed areas and places utilized by the ancestors of the Yakama People for the gathering of foods, medicines, and ceremonial purposes. These legal rights are outlined in the Treaty of 1855 between the Yakama Nation and the United States government. Just as in the past, these lands and their resources continue to fulfill a central role in the culture of members of the Yakama Nation in the present, and will continue to do so in the future.

The provided project documentation notes a rezone of the subject 76.87 acre property from Agriculture-20 to Agriculture-5 followed by a 14-lot short plat. The property is located northeast of Ellensburg, west of Wilson Creek Road, within a portion of Section 31, T19N, R19E. We have reviewed the proposed rezone and short plat development in terms of its potential for adverse impacts to environmental resources, sacred areas, traditional cultural properties, archaeological properties, and associated cultural issues. A review of the Washington State Department of Archaeology and Historic Preservation (DAHP) cultural site database notes six isolated artifacts associated with Native American use of the area, two historic isolated artifacts, and two historic sites all located between .25 and .7 miles of the subject property. Given the obvious potential for cultural resource sites or isolated artifacts at this locale, we feel that the appropriate action to identify any cultural/archaeological sites present should begin with a professional cultural resources survey and historical documentation of the subject property prior to any ground disturbing activities associated with the development.

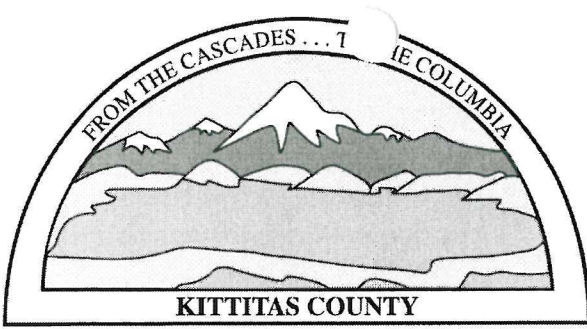
Please contact me at 1-509-865-5121 ext. 4737 or tribal archaeologist Dave Woody at ext. 4760 if you have any questions regarding that which is written above.

Sincerely,

Johnson Meninick,
Yakama Nation Cultural Resources Program Manager

CC: Scott Williams, Assistant State Archaeologist, Washington State Department of
Archaeology and Historic Preservation (DAHP)

Kate Valdez, Yakama Nation Tribal Historic Preservation Officer (THPO)



PUBLIC HEALTH DEPARTMENT

www.co.kittitas.wa.us/health/

Administration

Community Health Services
Health Promotion Services
507 N. Nanum Street, Ste 102
Ellensburg, WA 98926

Environmental Health
411 North Ruby Street, Ste 3
Ellensburg, WA 98926
Phone (509) 962-7698
Fax (509) 962-7052



June 12, 2008

Mackenzie Moynihan, Staff Planner
Kittitas County Community Development Services
411 N. Ruby St., Suite 2
Ellensburg, WA. 98926

RE: JCTRS Preliminary Plat (LP-08-13)

Dear Ms. Moynihan,

Thank you for the opportunity to comment on the above referenced project. The applicant may use two Group B public water systems to serve the proposed 14-lot plat. However, both wells together will be limited to a 5000 gallon per day water withdrawal.

Well site inspections must be performed to approve the sites where the wells will be located prior to drilling. The water systems must be approved by the Kittitas County Environmental Health Department prior to final plat approval.

If you need any further information, please feel free to contact me. Thank you for your time.

Sincerely,

Holly Duncan
Environmental Health Specialist

Eugene R. Johnson
11401 Wilson Creek Road
Ellensburg, WA 98926

June 5, 2008



Mackenzie Moynihan, Staff Planner
Kittitas County Community Development Services
411 North Ruby Street
Ellensburg, WA 98926

Re: JCTRS Rezone

Dear Mackenzie,

I am writing this letter to voice my objections to the **JCTRS Rezone (RZ-08-06) and Preliminary Plat (LP-08-13)**. As the property owner directly to the south, I share a one half-mile boundary with the subject property. My specific concerns focus on ground water and water treatment and how both will be impacted by 14 new homes.

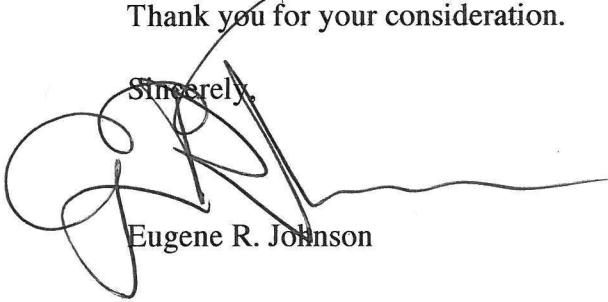
I built my home in 1996. My well was drilled to a depth of only 140 as the drillers found ample water. In the last twelve years, I have not had a single water problem. I am concerned that if two high use wells, with a capacity of 10,000 gallons per day, are located adjacent to my property, that there is considerable potential for my well to be negatively impacted as a result. A neighbor who lives on an adjacent property is already having water supply problems with his well that is 240 feet deep. With the current Ag-20 zoning, there should only be three wells on the subject property that serve three homes. Two large wells, serving fourteen homes, will cause a considerable draw down.

When I built my home, I could not find a suitable location for a gravity septic system because of the soil composition. As a result, I had to obtain an easement from the property owner to the south to place my system partially on his property. The fourteen new property owners are going to have to install extremely expensive pressure systems because of the soil content. These systems require costly maintenance. If the lots are being marketed to low-income families, what assurances are there that these costly systems will be maintained? In addition, even if the systems are maintained, there will be fourteen of them pumping up to 4998 gallons of sewage daily into the ground. As a result, I believe that there is risk of my well becoming contaminated. Once again, with the current Ag-20 zoning, there should only be three septic systems on the entire property which would certainly provide much less of a threat to my well!

Finally, I believe that this rezone will most definitely negatively impact the quality of my life now, and in the future. I purchased 28 acres on Wilson Creek Road so that I could enjoy the natural beauty and solitude of the shrub steppe. I moved well out of town knowing that sometime in the future, I would have a neighbor on the 20+ acres to my north and south. I never dreamed of having fourteen houses on the north side alone. I

fear that the subject property will become another Rustic Acres, which in my mind, is a mess. I built my home not only to live in, but also as an investment to help fund my retirement. I have built up considerable equity which could be drastically decreased should the proposed rezone be approved. When making your decisions, I ask that you consider not only the scientific data provided to you, but also the human factors involved. Thank you for your consideration.

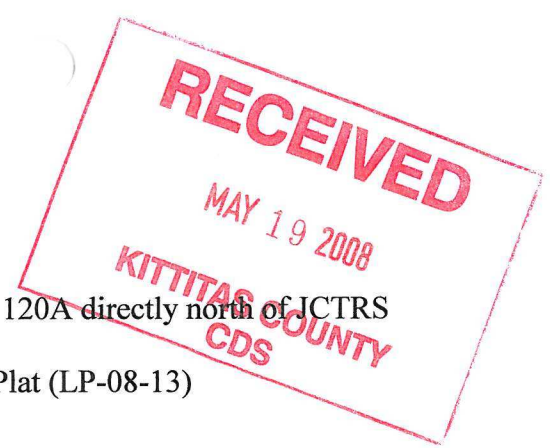
Sincerely,

A handwritten signature in black ink, appearing to read 'Eugene R. Johnson', with a long horizontal flourish extending to the right.

Eugene R. Johnson

15 May 2008

To: Kittitas Community Development Services
From: Richard Layman and Lesley McGalliard, owners of 120A directly north of JCTRS proposed rezone
Re: proposed JCTRS rezone (RZ-08-06) and Preliminary Plat (LP-08-13)



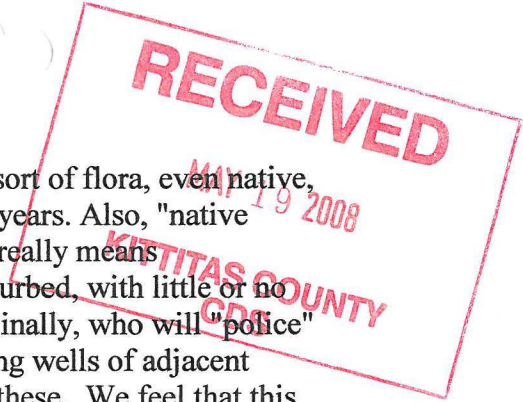
In this letter, we respectively oppose the above noted rezone from AG20 to AG5. However, initially it should be pointed out that there are errors or omissions in the rezone application, as we read it, that need to be amended:

1. In the general description of the site in the SEPA Environmental checklist, it is stated that the soil type is "rocky hardpan". Although it is true that a large percentage is extremely thin basalt lithosoil, it should be noted that there do exist a few areas of gullied clay in the west of the parcel that are subject to runoff and subbing in the spring months, with possible erosion risk.
2. Dust during construction of the road and subsequent placement of dwellings could impact the group of homes to the east of the site. The site is in a very high wind area (vast open acreage immediately to the west of site actually considered at one time as a wind farm site), and this is not listed as a consideration.
3. Under wildlife, several species that may be of some importance are not noted. The area is home to a small colony of Mountain Bluebirds, as we have maintained a bluebird box trail that includes the north boundary of the proposed site for 16+ years. The 3 boxes on that boundary get heavy annual use. Denser human habitation than 20A parcels will most probably bring with it English Sparrows, whose aggressiveness will displace the bluebirds, as has been well documented in the scientific literature. In addition, the area is nesting habitat for Short-eared Owls. We have observed nest activity of this species in the area most recently in 2001, 2005, and this year.
4. Under transportation access, we believe the document erroneously twice lists Reecer Creek as access.
5. Under Public Services, the document erroneously states there will be no need for additional fire protection by the County. This is incorrect; the acreage is NOT in a Fire District.

ENVIRONMENTAL CONCERNS and REASONS TO REMAIN WITH CURRENT ZONING

1. WATER. In the SEPA environmental checklist, the owners propose placing two domestic wells on the property, delivering water through 2 group B systems, to deliver water to 14 dwellings. The water would be shared by the lots, and limited to 357 gal/lot/day. We have several concerns/objections to this. First, the gallons per day limit is below the average indoor/outdoor usage for an American home, even with conservation (American Water Works Association data). Thus, this usage restriction would severely limit any landscaping attempts by future owners. Even with the "native plants" restriction cited in another portion of the checklist, this water

restriction would make it nearly impossible to establish any sort of flora, even native, which usually has increased water needs for the first several years. Also, "native plants" in these types of thin or absent soils and low rainfall really means sagebrush/wheatgrass, or noxious weeds if the ground is disturbed, with little or no opportunity to plant trees for shade, windbreak, or privacy. Finally, who will "police" water use, leaks, etc.? How will these wells affect the existing wells of adjacent properties? There is nothing in the checklist that addresses these. We feel that this issue represents a substantial flaw in the application for a zone change, and on this basis alone the rezone should be disallowed.



2. SEWAGE. The application calls for each 5-7 acre parcel to provide its own septic system, discharged into the ground, presumably once each site has passed a percolation test. Fourteen private septic systems in a confined area with documented poor drainage may make expensive pressure systems the only option for most owners, and even those may be questionable. Systems such as these will also be out of economic means of the proposed owners "middle and low income". The area is simply not suitable for denser sewage management than AG20 zoning.

3. ACCESS. The northern boundary of the proposed rezone abuts the extension of Charlton Rd. west of Wilson Creek road, which is an undeveloped cattle access lane at this time. Increasing the density of lots beyond the present allowed A20 zoning we feel would force the county to develop this road, thus increasing county costs.

4. LONG RANGE PLANNING. This rezone appears to contradict the growth management act principles set forth by the state of Washington (although now in review by judges in Kittitas County). Given ever increasing energy costs, demands on a limited water supply, and the existence of a high wind corridor through the area, it does not make sense to encourage the development of smaller lots in this area 10 miles from most workplaces. Rustic Acres, between Thomas and Charlton Roads, is the only cluster of smaller acreages in the area. Thirty years after it was rezoned to develop smaller acreages similar to those being proposed now, many of its lots still remain unsold. Others have experienced similar sewage issues to those outlined above.

In conclusion, the applicant has failed to demonstrate that criteria for rezone exist (see #11 in their application). The proposed amendment is not compatible with the Comprehensive Plan. The existence of unsold lots in Rustic Acres demonstrates NO ADDITIONAL NEED for smaller lots in the area. The proposed zone change is not appropriate because of the worrisome water and sewage issues outlined above. Finally, the proposed rezone will be materially detrimental to properties in the immediate vicinity, as it will decrease, not increase, property values.

Thank you for your careful attention to this matter.

The below signed property owners are in favor of MAINTAINING EXISTING ZONE AG20, AND OPPOSE REZONING:

NAME and SIGNATURE	ADDRESS
Richard M. Layman	Richard M Layman 12231 Wilson Cr.
Lesley McCalliard	Lesley McCalliard 12231 Wilson Creek.
GENE JOHNSON	11401 WILSON CREEK
Patty Kettenton	Patty Kettenton 11360 Wilson Crk Rd.
Ken Kettenton	Ken Kettenton 11360 Wilson Crk. Rd.
STEVEN MATTHEWS	11400 Wilson Creek Rd
Ross Marvin	Ross Marvin 12611 Wilson Creek Rd
SHARON SUE MARVIN	Sharon Sue Marvin 12611 WILSON CREEK
Lacie Dawson	Lacie Dawson 11991 Wilson Cr Rd
Adam Dawson	Adam Dawson 11991 Wilson Cr Rd
Jenny Hammond	Jenny Hammond 11750 Wilson Cr Rd
Lou Hammond	Lou Hammond 11750 Wilson Cr Rd
MALCOLM F. BLAIR	Malcolm F. Blair 90 CHARLTON RD.
Judy Blair	Judy Blair 90 Charlton Rd
Kathy Grant	Kathy Grant 11640 Wilson Crk Rd

cc: Wa. State Department of Ecology, Wa. State Department of Natural Resources, Fish and Wildlife, Kittitas County Board of Commissioners, adjacent property owners, Kittitas County Conservation Coalition, Futurewise, Kittitas County Audubon Society

