



KITITITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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PLANNING COMMISSION STAFF REPORT

TO: Kittitas County Planning Commission
FROM: Mackenzie Moynihan, Staff Planner
DATE: June 16, 2008 for June 24, 2008 public meeting
SUBJECT: Schmaus #4 Preliminary Plat (P-07-55)

I. BACKGROUND INFORMATION

Proposal: Schmaus #4 Preliminary Plat (P-07-55)

The Schmaus #4 Preliminary Plat is an application for the division of one parcel totaling approximately 22.95 acres into a total of 7 (seven) lots of 3.00 to 3.85 acres each, submitted by Robin and Jayne Schmaus, landowners.

Location: The subject property is located south of Interstate-90, north of Nelson Siding Road, east of Talmadge Road, Cle Elum, WA 98922, and is located in a portion of Section 21, T20N, R14E, WM, in Kittitas County. Map number 20-14-21033-0003.

Environmental Health: The applicant has proposed individual wells and septic systems.

Irrigation: The subject property is located within the boundaries of the Kittitas Reclamation District. All General Guidelines of the KRD will need to be met and a water distribution plan approved prior to final approval of this preliminary plat.

Transportation: The proposed access to the plat will be by an existing easement on the east edge of the property (easement "Q") and a proposed access and utility easement (easement "T") from the intersection of easement "Q" westward through the center of the plat to end in a cul-de-sac and serve all lots. Both easements shall be constructed to be 60' wide.

Land Use and Site Characteristics: The proposed development site is located within a rural area zoned Ag-3, within agricultural and natural resource areas.

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.

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

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Zoning Code: The subject zoning is AG-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, public and parochial schools, single family homes not including mobile homes or trailer houses, duplexes and residential accessory buildings.

Some conditional uses include dairying and stock raising, hospitals, museums, public utility substations, riding academies, churches, convalescent homes, kennels and guest ranches.

Lot Size Required: The minimum residential lot size shall be three acres in the AG-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 250 feet.

Yard Requirements: There shall be a minimum front and rear yard setback of 25 feet. The side yard setbacks shall be 5 feet, except on corner lots where the side yard shall be a minimum of 15 feet on the side abutting the street.

Critical Areas: An administrative site analysis was completed by Community Development Services in compliance with Title 17A. The west end of the property is located within the floodplain of Big Creek, a designated Shoreline of the State. The SEPA mitigations point to specific regulations regarding activities occurring around the Shoreline area.

III. ADMINISTRATIVE REVIEW

Notice of Application: A long plat application was submitted to Community Development Services on October 18, 2007 and was determined complete upon receipt of the SEPA Checklist on April 4, 2008. A Notice of Application was issued on April 17, 2008. This notice was published in the official county paper of record on April 17, 2008 and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties.

Written Testimony: Comments were received from the Washington State Department of Ecology, Kittitas County Department of Public Works, Kittitas County Environmental Health, the Washington State Department of Health, and Kittitas Reclamation District

State Environmental Policy Act: This project was reviewed under the State Environmental Policy Act (SEPA), along with two adjacent Short Plats submitted by the same applicant, pursuant to WAC 197-11-350. A SEPA Mitigated Determination of Nonsignificance was issued on May 22, 2008 and there were no appeals received. The SEPA mitigations are as follows:

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.

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. 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.
- c. To comply with the 5,000 gallon per day groundwater withdrawal exemption limit set forth by the Department of Ecology, all wells for this development (P-07-55, SP-07-146, and SP-07-134) shall be metered. An approved measuring device shall be installed and maintained for the source(s) in accordance with "Requirements for Measuring and Reporting Water Use," WAC 173-173. Water use data from the source well will need to be recorded at a prescribed interval and submitted to the Department of Ecology by January 31st of each calendar year.
- d. 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 groundwater 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.
- e. 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. Land and Shoreline Use

- a. Portions of the subject properties are located within the 100 year floodplain of Big Creek, a designated Shoreline of the State as defined by the Shoreline Management Act. Future applications for building permits shall require further review by Community Development Services to determine the need for flood development permits.
- b. There shall be no structures located within 100 feet of the Ordinary High Water Mark (OHWM) of Big Creek. All work done within 200 feet of the OHWM requires further review by Community Development Services.

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 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. Robin and Jayne Schmaus, landowners, submitted a long plat application to Community Development Services on October 18, 2007. The application was deemed complete on April 4, 2008 upon receipt of the completed SEPA Checklist.
2. The proposed development is located south of Interstate-90, north of Nelson Siding Road, east of Talmadge Road, Cle Elum, WA 98922, and is located in a portion of Section 21, T20N, R14E, WM, in Kittitas County. Map number 20-14-21033-0003.
3. The proposed development application included a preliminary plat depicting the division of one parcel totaling approximately 22.95 acres into 7 (seven) lots. The lots are between 3.00 and 3.58 acres in size.
4. Community Development Services issued a Notice of Application pursuant to KCC 15A.03 on April 17, 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 April 17, 2008. Said notices solicited comments from jurisdictional agencies and interested citizens.
5. This project was reviewed under the State Environmental Policy Act (SEPA), along with two contiguous Short Plat applications by the same owner, pursuant to WAC 197-11-350. A Mitigated Determination of Nonsignificance was issued on May 22, 2008. There were no appeals received.
6. All mitigations contained in the SEPA MDNS shall be conditions of approval of this project.

7. The applicant shall meet or exceed all rules and regulations set forth from the Department of Public Works as included in the issued memorandum.
8. Big Creek shall be shown on the face of the final mylars and its associated floodplain shall also be depicted.
9. A plat note shall be added to the final mylars that states the following:

The Schmaus #4 Preliminary Plat (P-07-55), Schmaus #2 Short Plat (SP-07-134) and Schmaus #3 Short Plat (SP-07-146) shall be considered as one project and shall be limited to a single 5,000 gallon per day groundwater withdrawal to serve all 13 lots combined. All wells associated with the three plats shall be metered and records documenting water usage shall be submitted to the Department of Ecology by January 31st of each calendar year.
10. An open record hearing was held on June 24, 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 subdivision.
11. Additional conditions are/are not necessary to protect the public's interest.