



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

STAFF REPORT

LAKE SHORE MEADOWS PERFORMANCE BASED CLUSTER PLAT

TO: Kittitas County Hearing Examiner
FROM: Kittitas County Community Development Services Staff
RE: Lake Shore Meadows Performance Based Cluster Plat (P-08-09)
DATE: September 11, 2008

I. GENERAL INFORMATION

Requested Action: Arastou (Al) Maonjazebe, landowner, has submitted a Preliminary Plat application to subdivide approximately 31.04 acres into 14-lots. The proposed lot sizes range from 0.50 acres to 0.69 acres. The subject property is zoned Rural 3. The project is proposed to be served by a Group B water system and individual septic and community drain fields.

Location: The property is located off of Salmon La Sac Road south of Anna Bell Drive, Ronald, WA in a portion of Section 21, T21N, R14E, WM in Kittitas County. Map number 21-14-21000-0006. The subject property is located on the east bank of Lake Cle Elum which is a designated shoreline of the state under the Kittitas County Shoreline Master program.

II. SITE INFORMATION

Total Project Size: 31.04 acres
Number of Lots: 14
Domestic Water: Group B community system
Sewage Disposal: On-site community septic system
Power/Electricity: Puget Sound Energy
Fire Protection: Outside Fire District #6 (WUIC)
Irrigation District: Not applicable

Site Characteristics:

North: Vacant
South: Residential
East: Vacant
West: Lake Cle Elum

Access: The proposed project will have access from Salmon La Sac Road. The access road will be constructed to meet Kittitas County Road Standards. All required roadway improvements will be the responsibility of the developer. A second access route is not required.

Zoning and Development Standards: The subject property is located within the Rural 3 zoning district. The purpose and intent of the Rural-3 zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in siting R-3 zones will be to minimize adverse effects on adjacent natural resource lands. Applicable development standards set forth in KCC Chapter 17.30, includes but are not limited to the following:

Lot Size: The minimum residential lot size shall be three acres in the Rural-3 zone. The overall density of any

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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.

Setbacks: There shall be a minimum front yard setback of twenty-five feet. Side and rear yard setbacks shall be fifteen feet.

Shoreline Setback: One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots fronting on Lake Cle Elum.

Preliminary Plats: The requirements of KCC Chapter 16.12, "Subdivisions: Preliminary Plats," apply to the design and review requirements for approval of major subdivisions of 5 or more lots, parcels or tracts.

III. ADMINISTRATIVE REVIEW

Notice of Application: A long plat and shoreline substantial development permit application was submitted to Community Development Services on February 13, 2008 and was determined complete upon receipt of the Affidavit of Posting on April 3, 2008. The Notice of Application for the preliminary plat application was issued on July 1, 2008. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on July 15, 2008.

Posting of Site: In accordance with Kittitas County code 15A.030.110, this project was accurately posted with the "Land Use Action" sign as provided by Community Development Services. The Affidavit of Posting was signed by the applicant and returned to the planner and is included as part of the record.

IV. COMPREHENSIVE PLAN

The Kittitas County Comprehensive Plan designates the subject property as Rural. Kittitas County has established the following goals and policies to guide future housing developments. These goals and policies were developed in response to existing housing conditions and identified needs within the county, and support the County Wide Planning Policies:

GPO 3.1 Provide a sufficient number of housing units for future populations in rural areas of Kittitas County.

GPO 3.6 Provide for future populations while protecting individual property rights.

GPO 3.17 Provide a sufficient number of housing units for future populations while maintaining the rural character of Kittitas County.

GPO 3.18 Provide sufficient housing units while maintaining environmental quality.

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

GPO 8.46 Residential development in rural lands must be in areas that can support adequate private water and sewer systems.

V. ENVIRONMENTAL REVIEW

Based on review of the submitted application materials, correspondence received during the comment period Kittitas County issued a Mitigated Determination of Nonsignificance (MDNS) on April 23, 2008 as part of the Shoreline Substantial Development permit in accordance with WAC 197-11-355 (Optional DNS process). There were no appeals filed.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included as Exhibits in the Hearing Examiner packet.

No public comments were submitted on this proposal at the time of staff review.

VII. PROJECT ANALYSIS

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

Comprehensive Plan Consistency:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The proposed subdivision will be adequately served by rural levels of service. Adequate provisions will be provided to minimize impacts to the adjacent shoreline of Lake Cle Elum. The lots will be served by a Group B community water system and community drain fields. Staff has conducted an administrative critical area review in accordance with KCC 17A and found that portions of the site have areas of steep slopes.

Consistency with the provisions of KCC 16.12: Preliminary Plat Subdivision Code:

This proposal is consistent with the Kittitas County Subdivision Code for Preliminary Plats.

Consistency with the provisions of KCC Title 12: Roads and Bridges:

The Kittitas County Department of Public Works has identified that Salmon La Sac Road is classified as a Collector. The road is required to meet all Kittitas County Road Standards as outlined in the memorandum issued by the Department of Public Works prior to issuance of a building permit. As conditioned, the proposal is consistent with the provisions of KCC Title 12.

Agency Comments:

The following agencies provided comments during the comment period: Department of Ecology, Yakama Nation, Washington State Department of Archaeology & Historic Preservation, U.S. Forest Service, Kittitas County Department of Public Works, Washington State Department of Health, and Kittitas County Environmental Health. These comments have been included as conditions of approval to address these agency concerns.

Public Comments:

No public comments were submitted on this proposal at the time of staff review.

VIII. RECOMMENDATION

As conditioned below, the application does not appear to be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 12 and Title 16.12 of the Kittitas County Code and the Kittitas County Comprehensive Plan. Staff recommends approval of the Lake Shore Meadows Performance Based Cluster Plat, file number (P-08-09), subject to the following findings of fact and conditions:

Suggested Findings of Fact

1. Arastou (AI) Maonjazebe, landowner, has submitted a Preliminary Plat application to subdivide approximately 31.04 acres into 14-lots on land that is currently zoned Rural 3.
2. The proposed lot sizes range from 0.50 acres to 0.69 acres. The project is proposed to be served by a Group B water system and individual septic and community drain fields.
3. The property is located off of Salmon La Sac Road south of Anna Bell Drive, Ronald, WA in a portion of Section 21, T21N, R14E, WM in Kittitas County. Map number 21-14-21000-0006. The subject property is located on the east bank of Lake Cle Elum which is a designated shoreline of the state under the Kittitas County Shoreline Master program.
4. Site Information:

Total Project Size:	31.04 acres
Number of Lots:	14
Zoning district	Rural 3
Domestic Water:	Group B community system
Sewage Disposal:	On-site community septic system
Power/Electricity:	Puget Sound Energy
Fire Protection:	Outside Fire District #6 (WUIC)
Irrigation District:	Not applicable
5. Site Characteristics: There are areas of hills and valleys on the property with portions of the property exceeding 30% slope. There is evidence that the land has been logged in the past 10-years. The property is adjacent to Lake Cle Elum however there is limited direct access to the shoreline.
6. Surrounding Property:

<u>North:</u>	Vacant
<u>South:</u>	Residential
<u>East:</u>	Vacant
<u>West:</u>	Lake Cle Elum
7. The Comprehensive Plan designation is Rural.
8. The subject property is zoned Rural 3, which allows for Performance Based Cluster Plats of this size.
9. A long plat and shoreline substantial development permit application was submitted to Community Development Services on February 13, 2008 and was determined complete upon receipt of the Affidavit of Posting on April 3, 2008. The Notice of Application for the preliminary plat application was issued on July 1, 2008. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on July 15, 2008.
10. In accordance with Kittitas County code 15A.030.110, this project was accurately posted with the "Land Use Action" sign as provided by Community Development Services. The Affidavit of Posting was signed by the applicant and returned to the planner and is included as part of the record.
11. Kittitas County issued a Mitigated Determination of Nonsignificance (MDNS) on April 23, 2008 as part of the Shoreline Substantial Development permit in accordance with WAC 197-11-355 (Optional DNS process). There were no appeals filed.

12. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The proposed subdivision will be adequately served by rural levels of service. Adequate provisions will be provided to minimize impacts to the adjacent shoreline of Lake Cle Elum. The lots will be served by a Group B community water system and community drain fields. Staff has conducted an administrative critical area review in accordance with KCC 17A and found that portions of the site have areas of steep slopes.
13. This proposal is consistent with the Kittitas County Subdivision Code Chapter 16.12 for Preliminary Plats
14. The Kittitas County Department of Public Works has identified that Salmon La Sac Road is classified as a Collector. The road is required to meet all Kittitas County Road Standards as outlined in the memorandum issued by the Department of Public Works prior to issuance of a building permit. As conditioned, the proposal is consistent with the provisions of KCC Title 12.
15. The following agencies provided comments during the comment period: Department of Ecology, Yakama Nation, Washington State Department of Archaeology & Historic Preservation, U.S. Forest Service, Kittitas County Department of Public Works, Washington State Department of Health, and Kittitas County Environmental Health. These comments have been included as conditions of approval to address these agency concerns

Suggested Conclusions:

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public use and interest will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 16 Subdivision, Title 17 Zoning, Title 17A Critical Areas, Title 15 Environmental, Title 12 Roads and Bridges, and the Kittitas County Shoreline Master Program.

Suggested Conditions of Approval:

1. The project shall proceed in substantial conformance with the plans and application materials on file dated February 13, 2008 except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. All current and future landowners must comply with the International Urban-Wildland Interface Code.
4. It is the responsibility of the applicant to contact the Kittitas County Assessor's and Treasurer's offices to confirm all taxes are current prior to final plat approval.
5. Based on the comments received during the public comment period and other information submitted with this project permit application, a SEPA Mitigated Determination of Nonsignificance (MDNS) was issued by Community Development Services on April 23, 2008. The following are the mitigations contained within the MDNS and shall be conditions of approval:

I. Transportation

- A. The applicant shall be responsible for meeting or exceeding all conditions and requirements set forth by the department of Public Works.

II. Air

- B. 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.
- C. 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 retained and 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 administered 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 applicant will develop a Class "B" water system for the project. The Group B water system will be designed by a licensed engineer and approved by the Washington State Department of Health.
- E. The Lake Shore Meadows Preliminary Plat (P-08-09) shall be considered as one project and therefore shall be limited to one groundwater withdrawal exemption for all 14 proposed lots combined. The cumulative groundwater withdrawal of all lots combined shall not exceed the 5,000 gallon per day exemption limit set forth by the Department of Ecology.
- F. 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. Per KCC 17.30.080, setbacks shall be enforced for residences, accessory buildings, and on-site septic systems constructed or placed on shorelines or flood plains, particularly 100 feet (measured horizontally) from the ordinary high water mark (OHWM) or line of vegetation for lots abutting the shorelines or floodplains under the jurisdiction of the Washington State Shoreline Management Act. Per this project, the 100 foot setback should be delineated on the final plat for Lake Cle Elum.
- B. The location of the 100-year floodplain shall be delineated on the final plat map and a plat note shall be placed stating that “Portions of the subject area are located within the 100-year floodplain, all development will need to comply with KCC 17A (Critical Areas) and KCC 14.08 (Flood Damage Prevention).
- C. The applicant shall ensure that the private landowners do not trespass on the abutting National Forest Service System Land. A Licensed Professional Land surveyor shall identify the private property boundary from the National Forest System Lands. Appropriate signage shall be installed by the applicant to identify the boundary of the private lands from the National Forest Systems Lands.

V. Historic and Cultural preservation

- A. Prior to any ground disturbing activities the applicant shall prepare a professional archaeological/cultural resource survey of the entire area. The applicant shall consult with the Yakama Nation cultural committees and staff regarding the cultural resource issues. The final archaeological/cultural resource survey shall be submitted to Kittitas County Community Development Services prior to final plat approval.
- B. An excavation permit from the Washington State Department of Archaeology & Historic Preservation in accordance with RCW 27.53 shall be obtained by the developer and submitted to Kittitas County Community Development Services prior to final plat approval.
- C. The applicant shall immediately contact the Washington State Department of Archaeology & Historic Preservation, and the Yakima Nation if any items of possible cultural or historic significance are encountered during construction activities. Work shall be immediately halted with the area and a large enough perimeter established in order to maintain the integrity of the site.

VI. Light and Aesthetics

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

VII. 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.

6. 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 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.
7. Proof of potable water must be shown prior to final plat approval.
8. 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.
9. 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."
10. The Final Plat shall meet all requirements as listed in Chapter 16.20 of the Subdivision Code; including content, format, etc. The following items will be required on the Final Plat Submittal:
 - a. Adjacent Property Owners: The adjacent property owners and surrounding properties shall be on the face of the final short plat. (K.C.C.16.20.040, 10, Plat drawing, Adjacent Owners).
 - b. Surrounding Area: All surrounding property shall be shown in dotted lines and letters with names of plats, roads, adjoining lots, canals, and etc., and if un-platted shall be so indicated. (K.C.C.16.20.040, 11, Plat drawing, Surrounding Area).
11. 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.
12. The portion of Easement 'Q' that passes through Lot F shall be recorded prior to final approval.
13. The easement serving Lot E-11 shall be described on the plat.
14. Lot E-2 shall be accessed from the cul-de-sac.
15. The 20' and 40' access easements shall be labeled as access for Lots E-3 and E-4 only. The 40' easement may be reduced to a 20' easement as required for a joint-use driveway.
16. Salmon La Sac Road shall be labeled as a 100' easement rather than a 100' R/W.
17. Access from Salmon La Sac to both cul-de-sacs shall be constructed to meet or exceed the conditions of a High-Density Private Road that serves 15-40 tax parcels. See current Kittitas County Road Standards, 9/6/05 edition.
 - a. Access easements shall be a minimum of 60' wide. The roadway shall have a minimum width of 22', with 1' shoulders, for a total width of 24'.
 - b. Minimum centerline radius shall be 60'.
 - c. Surface requirement BST/ACP.

- 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 with a county road.
 - k. A paved apron shall be constructed at the intersection of the proposed private intersection and the county road right-of-way.
18. 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.
19. 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.
20. 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.
21. The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
22. It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.

23. 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.
24. 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.
25. Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.
26. Private roads shall meet the following conditions:
 - a. Private roads shall meet the minimum access requirements of the International Fire Code as adopted by the County, and
 - b. 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
 - c. 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
 - d. 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
 - e. Will not result in land locking of existing or proposed parcels, and
 - f. 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
 - g. 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
 - h. 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.
27. A plat note discussing the spread of noxious weeds shall be shown on the plat and shall read: "Per RCW 17.10.140 Landowners are responsible for controlling and preventing the spread of noxious weeds, accordingly, the Kittitas County Noxious Weed Board recommends immediate reseeding of areas disturbed by development to preclude the proliferation of noxious weeds."
28. Final mylar shall be submitted in accordance to KCC 16.20: Final Plats. All applicable survey data and dedications shall be reflected pursuant to KCC 16.24: Survey Data-Dedications.
29. Both sheets shall reflect the Plat number P-08-09.