

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

**PRELIMINARY PLAT DENIAL
SKY RIDGE PERFORMANCE BASED CLUSTER PLAT (LP-09-02)**

RESOLUTION

NO. 2010-_____

WHEREAS, according to Kittitas County Code Chapter 16, relating to the Subdivision of Land, adopted pursuant to RCW 58.17, an open record hearing was held by the Kittitas County Hearing Examiner on February 11, 2010 for the purpose of considering a preliminary plat known as Sky Ridge Performance Based Cluster Plat and described as follows:

*The division of 21 acres into 8 lots located in a portion of the SW ¼ of the SW ¼ of Section 24, T20N R15E, W.M. in Kittitas County. Map number: 20-15-25059-0004.
Proponent: Mark Wald, authorized agent for P Squared, LLC. landowner.*

WHEREAS, public testimony was heard from those persons present; 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 platting; and,

WHEREAS, the Hearing Examiner recommended approval of said proposed subdivision; and,

WHEREAS, a closed record public meeting was held by the Board of County Commissioners on April 6, 2010 to consider the Hearing Examiner's recommendation on this matter; and,

WHEREAS, the Kittitas County Board of Commissioners make the following FINDINGS OF FACT and CONCLUSIONS AT LAW concerning said proposed preliminary plat:

1. Mark Wald, authorized agent for P Squared, LLC., landowner, applied for an 8-lot preliminary plat on approximately 21 acres of land that is zoned Rural-5. The proposed lots will be 0.75 acres in size, 15 acres of open space. The project is proposed to be served by a Group B water system and individual on-site septic systems.
2. The subject property will be served by Sun Ridge Drive and Creekside Road via Columbia Avenue, Cle Elum WA and is located in a portion of the SW ¼ of the SW ¼ of Section 24, T20N R15E, W.M. in Kittitas County. Map number: 20-15-25059-0004.

3. A complete long plat application was submitted to Community Development Services on April 29, 2009. The Notice of Application for the preliminary plat application was issued on October 26, 2009. 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 November 10, 2009.
4. Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on January 14, 2010. The appeal period ended on January 29, 2010 at 5:00 p.m. No appeals were filed.
5. The Hearing Examiner conducted an open record hearing on February 11, 2010 to consider this matter where testimony was heard. On February 19, 2010 the Hearing Examiner issued a recommendation of preliminary plat approval for the Sky Ridge Performance Based Cluster Plat (LP-09-02).
6. The Board of County Commissioners conducted a closed record meeting on April 6, 2010 for the purpose of considering the Hearing Examiner's recommendation on the Sky Ridge Performance Based Plat (LP-09-02). A motion was made and seconded that the preliminary plat be denied based upon the following findings. The motion carried with a vote of 3-0.
7. The Board of County Commissioner's finds that the Sky Ridge Performance Based Cluster Plat application does not meet the Open Space definition of KCC 16.09.100(C) because the application included 2.05 acres of critical areas and roadways in its open space calculations.
8. The Board of County Commissioner's finds that the Hearing Examiner erred in his Conclusions of Law that the Sky Ridge Performance Based Cluster Plat was consistent with Kittitas County Code Title 16 Subdivision, Title 17 Zoning, Title 17A Critical Areas, Title 15 Environmental, and Title 12 Roads and Bridges; and, was consistent with the intent, purposes and regulations of the Kittitas County Code and Comprehensive Plan; and, that the use would comply with all required performance standards as specified in Kittitas County Code.
9. The Board of County Commissioner's further find that the Hearing Examiner erred in his Findings of Fact that the Sky Ridge Performance Based Cluster Plat is consistent with the Kittitas County Subdivision Code Chapter 16.09 for Performance Based Cluster Plats, and that the applicant does not satisfy the performance based criteria in KCC 16.09.030 for setting aside 15 acres in open space for the application to meet the threshold definition of being considered a performance based cluster plat.

NOW, THEREFORE BE IT RESOLVED: That the Kittitas County Board of Commissioners hereby denies the Sky Ridge Performance Based Cluster Plat (LP-09-02).

DATED this _____ day of _____, 2010 at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS
KITITITAS COUNTY, WASHINGTON

Mark McClain, Chairman

Paul Jewell, Vice Chairman

Alan A. Crankovich, Commissioner

ATTEST:
CLERK OF THE BOARD

Julie A Kjorsvik

APPROVED AS TO FORM:

Greg Zempel WSBA #19125