

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

**DEVELOPMENT AGREEMENT
for
PALOMINO FIELDS PHASING OF FINAL PLAT**

RESOLUTION

NO. 2016- 073

WHEREAS, Chapter RCW 36.70B and Chapter 15A.11 Kittitas County Code authorizes the County to enter into an agreement regarding development of real property located within a jurisdiction between that jurisdiction and parties having ownership or control of such real property; and

WHEREAS, the owners of Cle Elum Pines East, LLC and Cle Elum Pines West, LLC, the applicant, owns property in a portion of the west ½ of Section 27, T18N, R18E. W.M accessed off of Reecer Creek Road located at Map Numbers 18-18-270-0001 thru 03 and 0015 thru 0017; and

WHEREAS, the applicant submitted a complete application, received a mitigated determination of non-significance, and approval from the Board of County Commissioners for a preliminary plat proposing 120 lots on 120.7 acres through the project known as Palomino Fields; and

WHEREAS, the applicant on June 15, 2015 received an extension to finalize the plat to November 18, 2016; and

WHEREAS, the applicant on October 6, 2015 made application for a development agreement to phase the final plat process for the approved preliminary plat, and was deemed complete on November 2, 2015; and

WHEREAS, proper notice of the application and SEPA Determination of Nonsignificance for the proposed development agreement was issued on April 28, 2016 and was accepted on May 12, 2016; and

WHEREAS, notice for a public hearing was made and on May 3, 2016 date for public hearing to evaluate the proposed development agreement was set for May 17, 2016 to hear comments and consider the approval of the proposed development agreement; and

WHEREAS, an open record public hearing was held by the Board of County Commissioners on May 17, 2016 to consider any public comments and staff 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 development agreement:

1. The Applicant provided Kittitas County a complete application for the Palomino Fields preliminary plat June 28, 2007. After studies on the impacts of the proposed project were reviewed in conjunction with the environmental checklist, Kittitas County Community Development Services issued a SEPA Mitigated Determination of Non-significance (MDNS) on September 8, 2008.
2. The Kittitas County Hearing Examiner held public hearing on October 9, 2008 and recommended approval for the Palomino Fields preliminary plat with conditions on October 21, 2008. The Kittitas County Board of County Commissioners (BOCC) passed Resolution 2008-160 on November 18, 2008 approving the preliminary Palomino Fields plat and adopting the Hearing Examiner's recommendations.
3. A Development Agreement application proposing to divide the property into five (5) phases for final platting was submitted on October 6, 2015 and deemed complete on November 2, 2015.
4. A Notice of Application was issued and published in the Daily Record newspaper on March 29, 2016 and written comments to be received until April 28, 2016. This notice was mailed to jurisdictional government agencies, adjacent property owners and other interested parties.
5. Comments were received during the comment period from the Department of Ecology, Kittitas County Health, Washington Department of Fish and Wildlife and from a neighboring property owner. All comments were considered and are provided on file for review. Three of the four comments related to the project approved in 2008 and only one, from the Department of Fish and Wildlife, provide comment to the proposed phasing of the approved plat.
6. Based upon review of the submitted application materials and information provided from the approved plat application, a Determination of Non-Significance (DNS) regarding the proposed Development Agreement for phasing of the plat was issued on April 28, 2016. The appeal period on the threshold determination ended on May 12, 2016. No appeal was filed.
7. After proper notification, the Board of County Commissioners held an open record public hearing on May 17, 2016 for proposal DA-2016-00001, the Development

Agreement for phasing completion of final platting of the approved Palomino Fields preliminary plat. The hearing was continued to June 7, 2016.

8. Additional changes were made to the proposed phased Development Agreement for clarification, and presented to the Board at that closed hearing for their consideration.
9. The Board of County Commissioners finds that conditions approved in the original plat be held with the development agreement with additional conditions listed within the staff report including:
 - a. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
 - b. Development shall occur in conformance with the phasing conditions outlined within the signed development agreement. Any significant alterations outside of minor line adjustments or minor road location in order to meet the conditions normally associated with the plat approved through Resolution 2008-160 are not permitted without an amendment to the plat. Any adjustments to the approved development agreement requires a separate public hearing for approval of such amendments.
 - c. All current and future landowners must comply with the International Fire Code.
 - d. All development, design and construction shall comply with all Kittitas County Codes and the International Fire and Building Codes.
 - e. The four wetlands referred to in the 2008 Hearing Examiner's findings along with wetland buffers will be clearly identified on the final plat map of the first phase to ensure their protection.
 - f. The riparian management plan that incorporates signage for Currier Creek referenced in the Hearings Examiner's findings will be completed within the first phase of the project.
 - g. All drainage features for stormwater and flood water will be planned and installed before each phase receives final plat approval.
 - h. All stream crossings (roads and trails) in each phase will require HPAs from WDFW and shall be obtained for each applicable phase.
 - i. Plans for open parks within the 100 foot buffer for Currier Creek shall be provided for review to WDFW in each applicable phase.

- j. The plat shall meet all conditions of Kittitas County Code Chapter 13 and shall contain notes required by Department of Health.

NOW THEREFORE,

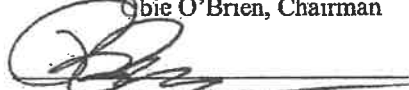
BE IT HEREBY RESOLVED that the Kittitas County Board of Commissioners hereby grants approval of the **Development Agreement (DA-15-00001)** as shown in Exhibit 1 with conditions listed under Finding 9 above.

DATED this 7th day of June, 2016 at Ellensburg, Washington.


BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON



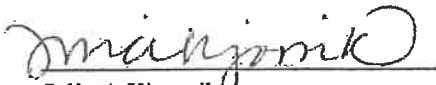
Obie O'Brien, Chairman



Paul Jewell, Vice Chairman



Laura Gaidatz, Commissioner


Julie A. Kjorsvik

APPROVED AS TO FORM:


Greg Zempel WSBA #19125