



# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

## STAFF REPORT

### SUNCADIA PHASE 1 DIVISION 15 (LP-18-00001)

TO: Kittitas County Board of County Commissioners  
FROM: Lindsey Ozbolt, Planning Official  
RE: Suncadia Division Phase 1 Division 15 Preliminary Plat (LP-18-00001)  
DATE: June 5th, 2018 [public hearing date]

#### I. GENERAL INFORMATION

Requested Action: Steven Lathrop, authorized agent for New Suncadia, LLC, submitted a Preliminary Plat application for a 10 lot preliminary plat with an access tract and a future development tract on approximately 7.17 acres of land that is zoned Master Planned Resort. The proposed lots range in size from 0.39 acres to 0.49 acres. In conjunction with this preliminary plat application, a site development plan was also submitted. The project is Phase 1 Division 15 of the Suncadia Master Planned Resort.

Location: The subject property is located in the Suncadia Master Planned Resort. Assessor's map number: 20-15-19054-0006, parcel number 953908.

#### II. SITE INFORMATION

Total Project Size: 7.17  
Number of Lots: 10; ranging in size from 0.39 acres to 0.49 acres  
Domestic Water: Community Water System  
Sewage Disposal: Community Septic System  
Fire Protection: Fire District 7  
Irrigation District: None

#### Site Characteristics:

North: Cleared, undeveloped and Cle Elum River (all within Suncadia Master Plan Resort)

South: Wooded and single family residences (all within Suncadia Master Plan Resort)

East: Condominiums and Golf Course (all within Suncadia Master Plan Resort)

West: Wooded, undeveloped (all within Suncadia Master Plan Resort)

Access: Primary access to the site will be provided via Suncadia Trail.

#### III. ADMINISTRATIVE REVIEW

Zoning and Development Standards: The subject property is located within the Master Planned Resort zoning designation (Suncadia). The purpose and intent of the Master Planned Resort zone is to provide areas where residents and visitors alike can enjoy the

*"...wide range of natural features, including climate, vegetation, water, resources, scenic qualities, cultural, and geological features..."*

that Kittitas County has to offer. The Suncadia Master Planned Resort was originally applied for as MountainStar in March of 1997. A development agreement was signed at that time by the Board of County Commissioners (BOCC). A Final Environmental Impact Statement was published by the County

in April of 2000 which was found to be legally adequate (Res. 2000-79) in July of 2000 by the BOCC after being challenged by several governmental and non-governmental entities. In October of 2000 the BOCC approved adoption of the MountainStar MPR Application, Development Plan and Conditions of Approval. The development agreement now in its seventh amendment dictates the terms and conditions of development in the MPR. Section 4.1(a) lays out the vested rights of the now Suncadia MPR with respect to continued development and limits the county's ability to

*“... impose new or different regulations on Trendwest's development of review to Mountain Star to the extent required by a serious threat to public health and safety; and provided further, however, the parties agree that Trendwest's vested rights under this Agreement may be modified, and that the County may modify the MountainStar MPR Conditions or impose mitigation as part of a Subsequent Action based on statutes, rules, regulations, official policies, and standards other than the Applicable Law...”*

to three conditions;

1. *When the County reasonably believes in good faith that County approval of a Subsequent Action for Mountain Star under the terms of this Agreement would result in a decision by a State or Federal administrative agency, or a Court of competent jurisdiction that the County eligibility for funding, grants, program eligibility or other resources sought by the County would be impaired (for example, if approval of any portion of development would prohibit the County from being eligible under the National Flood Insurance Program or result in higher premium rates to the County or it's property owners);*
2. *When the County reasonably believes in good faith that County approval of a Subsequent Action for MountainStar under the terms of this Agreement would result in a decision by a State or Federal administrative agency, or a Court of competent jurisdiction, that the County unlawfully failed to comply with the Endangered Species Act or other State or Federal laws or regulations in approving the Subsequent Action; or*
3. *When a State or Federal statute or regulation would impose cumulative standards for compliance on an area wide or countywide basis. Modification under this section shall only be to the extent necessary to address the applicant's proportionate share of such cumulative standard (for example, if new federal water quality standards are adopted with cumulative in-stream standards, storm water standards for MountainStar may be adjusted to reflect Trend west's proportional share for correction of the diminished water quality, if any).*

The development agreement establishes a hierarchy of development design levels which allows for modification from the general to the specific as long as each tier is consistent with its superior element. In section four it goes on to spell out permitted and conditional uses, applicable law, and development standards. It also emphasizes that:

*“... the County's environmental review of any Subsequent Action pursuant to SEPA shall **utilize the Mountain Star EIS to the fullest extent permitted by law.**<sup>1</sup> Under the Planned Action Ordinance, the County retains substantive SEPA authority to address probable significant adverse environmental impacts not analyzed in the MountainStar EIS. In addition, further SEPA review may be required in connection with General Site Plans and Site Development Plans submitted by Trendwest which propose deviations from the MountainStar Resort Conceptual Master Plan or from approved General Site Plans or Site Development Plans in accordance with Section 5.1 below.”*

Section 5.1 grants administrative authority to the Director of CDS when a General Site Plan, Site Development Plan, or Subdivision is consistent with the MountainStar Resort Conceptual Master Plan.

---

<sup>1</sup> Staff emphasis

*“A General Site Plan that is consistent with the approved MountainStar Resort Conceptual Master Plan and the Development Agreement shall be submitted to the Planning Director and reviewed and approved by the Planning Director in accordance with this Section 5.1(b). Before approving a General Site Plan, the Planning Director shall provide public notice and submit such proposed General Site Plan to the Environmental Health Director, Building Inspector, Fire Marshall, County Engineer, Sheriff, Solid Waste Department and any other County offices or officials deemed appropriate for their review and comment. A General Site Plan shall be approved by the Planning Director if the Planning Director finds that such General Site Plan is consistent with: (i) the MPR Approvals, including the MountainStar Resort Conceptual Master Plan; (ii) this Agreement; and (iii) Applicable Law.”*

The proposal is consistent with the Conceptual Master Plan and the General Site Plan (which was amended in 2005 changing the project area from open space to residential; see attachments) and as such under the terms of the Development Agreement is only subject to minimal review with respect to land use activities.

*“A Site Development Plan shall be reviewed and approved by the County in the same manner as General Site Plans pursuant to Sections 5.1 (b) and 5.1 (c) above; provided, however, that: (i) a Site Development Plan which is consistent with the MountainStar Resort Conceptual Master Plan and the Development Agreement or an approved General Site Plan and a Site Development Plan... may be reviewed and approved by the BOCC without Planning Commission review...”*

Section 5.2 of the Development Agreement (attached) lays out the provisions for subdivision approval which reflect the language for General Site Plan and Site Development plans:

*(a) Applications to subdivide property within MountainStar shall be submitted consistent with this Agreement and the requirements of Title 16 KC, Plats, Subdivisions, Dedications, and Ch. 58.17 RCW. Plat applications may be submitted and processed concurrently with review of a Site Development Plan under **Section 5.1 above**<sup>2</sup>. Plat applications may be submitted for all or a portion of the proposed MountainStar development covered by a Site Development Plan.*

*(b) Notwithstanding any provision of Title 16 KCC, Subdivisions, seemingly to the contrary, a plat application submitted to implement development of all or a portion of a Site Development Plan seeking preliminary and/or final plat approval shall be approved by the BOCC upon a finding that any such application is consistent with: (i) the MPR Approvals; (ii) an approved Site Development Plan; (iii) the requirements of Chapter 58.17 RCW regarding plats, subdivisions and dedications; and (iv) the terms and conditions of this Agreement....*

In summary by front loading the land use review process through the Development Agreement, Environmental Impact Statement, General Site Plans and Site Development Plans, The Master Planned Resort designation permits an expedited review process for the specifics of subdivision and other land use activities and in reality limits the process to the mechanical elements of the proposed development, not philosophical. Suncadia itself has a required review process for development which scrutinizes the proposal to ensure consistency with the internal provisions, wants, needs, and desires of the resort. These internal CC&Rs provide guidance with respect to the nature of lots sizes, setbacks, and design.

**Preliminary Plats:** The requirements of KCC Chapter 16.08.200, “Subdivision” means the division or re-division of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership any one of which is less than 20 acres.

---

<sup>2</sup> Staff emphasis

Notice of Application: A complete long plat application and site development plan was submitted to Community Development Services on March 23rd, 2018. Pursuant to section 5.1 of the development agreement, the application submittal packet was sent to department heads “*deemed appropriate*”. A notice of application was sent to all property owners within 500 feet of the project site and noticed in the local county paper of record on April 26<sup>th</sup>, 2018.

#### **IV. COMPREHENSIVE PLAN**

The Kittitas County Comprehensive Plan designates the subject property as being contained within the MountainStar Planned Resort Subarea and provides guidance for development which generally refers back to the development agreement and approval permit.

##### **9.3. Land Uses**

Land uses within the MountainStar Master Planned Resort Subarea shall be as shown on the Conceptual Master Plan referred to in the Development Agreement, may be amended upon approval of the County. Land uses within the MountainStar Master Planned Resort Subarea shall be consistent with (a) any development regulations adopted by the County to implement the MountainStar Master Planned Resort Subarea, (b) the terms and conditions of any MPR Development Permit approved by the County for MountainStar, (c) the terms and conditions of any Development Agreement entered into by the County pursuant to RCW 36.70B.170 through .200, and Ch. 15A.11 KCC, Development Agreements, and (d) RCW 36.70A.360.

and:

##### **9.4. Services and Facilities**

Adequate provision for services and facilities to the MountainStar Master Planned Resort Subarea as set forth in the Conceptual Master Plan for MountainStar shall be ensured by the terms and conditions of any MPR Development Permit approved by the County to implement the MountainStar Master Planned Resort Subarea, and by the terms and conditions of any development agreement entered into by the County pursuant to RCW 36.70B.170 through .200, and Ch. 15A.11 KCC, Development Agreements.

and:

##### **9.5. Development Regulations**

Development regulations applicable to the MountainStar Master Planned Resort Subarea shall be those established through the Subarea Implementation as set forth in Section 9.6.

and:

##### **9.6. Subarea Implementation**

Development of the MountainStar Master Planned Resort Subarea shall be governed by (a) the Subarea Policies set forth in Section 9.2, (b) any development regulations adopted by the County to implement the MountainStar Master Planned Resort Subarea, (c) the terms and conditions of any MPR Development Permit approved by the County for MountainStar, and (d) the terms and conditions of any development agreement entered into by the County pursuant to RCW 36.70B.170 through .200, and Ch. 15A.11 KCC, Development Agreements.

#### County Wide Planning Policies:

No county wide planning policies address the MountainStar/Trendwest/Suncadia development and MPR.

## V. ENVIRONMENTAL REVIEW

Environmental review is subject to the Environmental Impact Statement. This project is consistent with the Development Agreement, Environmental Impact Statement, General Site Plans and Site Development Plan and as such no additional review is required.

## VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal and have been notified of the Public Hearing. The Kittitas County Public Works (PW), the Kittitas County Fire Marshal (FM), Kittitas County Environmental Health (KCEH), the Washington Department of Fish and Wildlife (WDFW), the Washington State Department of Health (DOH), and the Washington State Department of Ecology (DOE) submitted comments on the proposal. The comments are listed as Index #18 of the Master File.

## 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. The lots will be served by community water and sewage systems. Staff has conducted an administrative critical area review in accordance with KCC 17A, and no critical area buffers will be impacted.

### Consistency with the provision of KCC 17.37.030, Master Planned Resort:

This proposal is consistent with the Kittitas County Zoning Code 17.30. A variety of densities are allowed in the MPR. The lots in this proposal range in size from 17204 to 21173 square feet.

### 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:

All roads are required to meet all Kittitas County Road Standards as addressed in the Development Agreement.

### Agency Comments:

Several agencies responded with substantive comments:

#### *Kittitas County Public Works*

PW responded with a number of recommended conditions. Conditions requested include:

1. Addition of the name of the Engineer/Surveyor responsible for preparing documents, and
2. Roadways should show name, width, and type on the final plat.
3. Infrastructure or financial guarantees shall be in place prior to final plat approval and/or to issuance of the first certificate of occupancy within the development.
4. The applicant shall contact the Kittitas County Rural Addressing Coordinator at (509) 962-7523 to obtain addresses prior to obtaining a building permit.
5. Civil Plans will be reviewed and approved as submitted prior to final plat approval in accordance with development agreement.

Staff Response: Applicant provided a response to PW comments, included as Index #21 of the Master

File. The applicant will adhere to all applicable regulations as outlined in the Development Agreement. Staff agrees with the applicant provided response.

*Kittitas County Fire Marshall*

The FM commented with the following recommended conditions:

- 1) Fire hydrant numbers and spacing must meet current fire code requirements.
- 2) Fire flow requirements must meet current fire code.
- 3) Emergency vehicle access must meet current fire code.
- 4) Wildland Urban Interface requirements must be met.
- 5) Building address numbers must meet current county requirements.
- 6) The local fire district should be consulted for their input.

Staff Response: Applicant provided a response to FM comments, included as Index #21 of the Master File. The applicant will adhere to all applicable regulations as outlined in the Development Agreement. Staff agrees with the applicant provided response.

*Kittitas County Environmental Health*

KCEH responded with the following recommended conditions:

- 1) The applicant shall obtain approval from Department of Health that the existing Group A public water system can adequately serve the Phase 1 Division 15 project.
- 2) The following notes shall be placed on the face of the plat:
  - a. "Metering is required for all new uses of domestic water for residential well connections and usage must be recorded in a manner consistent with Kittitas County Code Chapter 13.35.027 and Ecology regulations.
  - b. "The approval of this division of land provides no guarantee that use of water under the ground water 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".

Staff Response: Applicant provided a response to KCEH comments, included as Index #21 of the Master File. The applicant will adhere to all applicable regulations as outlined in the Development Agreement. Suncadia is serviced by a Group A Water System and does not allow for individual groundwater wells; the requested plat notes are not applicable to this proposal. Staff agrees with the applicant provided response.

*Washington Department of Fish and Wildlife*

WDFW responded with concerns related to steep slopes on the open space tracts and accuracy of open space calculations shown on the application. WDFW requests a plat note prohibiting clearing of trees in the open space tract without approval from Kittitas Conservation Trust as is stipulated in the open space agreement. The agency also requests verification of the open space calculations.

Staff Response: Applicant provided a response to WDFW comments, included as Index #21 of the Master File. The applicant will adhere to all applicable regulations as outlined in the Development Agreement. The applicant provided documentation of the current openspace calculations as Index #? Of the Master File and has compared this with the Development Agreement for consistency. Staff agrees with the applicant provided response.

*Washington State Department of Health*

DOH requests confirmation that either:

- 1) the existing water system has capacity to serve the new connections; or
- 2) a specific Capital Improvement Project identified in the currently approved Water System Plan, will be completed as part of the construction of these homes.

Staff Response: Applicant provided a response to DOH comments, included as Index #21 of the Master File. The applicant will adhere to all applicable regulations as outlined in the Development Agreement. Suncadia will provide water availability certificates for each lot. Staff agrees with the applicant provided response.

*Washington Department of Ecology*

The DOE responded with concerns related to water quality, specifically sedimentation and turbidity effects related to construction, as well as concerns with potential for offsite runoff during storm events. DOE requests that the applicant obtain a National Pollution Discharge Elimination System (NPDES) Construction Stormwater Permit, which will include a Stormwater Pollution Prevention Plan.

Staff Response: Applicant provided a response to DOE comments, included as Index #21 of the Master File. The applicant will adhere to all applicable regulations as outlined in the Development Agreement. Staff agrees with the applicant provided response.

Public Comments:

No public comments were received in reference to this project.

**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, Title 16.08, Title 16.12 and Title 17.37 of the Kittitas County Code, the Kittitas County Comprehensive Plan, and the Development Agreement. Staff recommends approval of the Suncadia Phase 1 Division 15 Preliminary Plat LP-18-00001, subject to the following findings of fact, conclusions, and conditions:

**Suggested Findings of Fact**

1. Steven Lathrop, authorized agent for New Suncadia, LLC, submitted a Preliminary Plat application for a 10 lot preliminary plat with an access tract and a future development tract on approximately 7.17 acres of land that is zoned Master Planned Resort. The proposed lots range in size from 0.39 acres to 0.49 acres. In conjunction with this preliminary plat application, a site development plan was also submitted. The project is Phase 1 Division 15 of the Suncadia Master Planned Resort.

2. Site Information:

The subject property is located in the Suncadia Master Planned Resort. Assessor's map number: 20-15-19054-0006, parcel number 953908.

Total Project Size:	7.17
Number of Lots:	10; ranging in size from 0.39 acres to 0.49 acres
Domestic Water:	Community Water System
Sewage Disposal:	Community Septic System
Fire Protection:	Fire District 7
Irrigation District:	None

Site Characteristics:

North:	Cleared, undeveloped and Cle Elum River (all within Suncadia Master Plan Resort)
South:	Wooded and single family residences (all within Suncadia Master Plan Resort)
East:	Condominiums and Golf Course (all within Suncadia Master Plan Resort)
West:	Wooded, undeveloped (all within Suncadia Master Plan Resort)

Access: Primary access to the site will be provided via Suncadia Trail.

3. The Comprehensive Plan designation is Rural Recreation.
4. The subject property is zoned Master Planned Resort, which allows for a variety of residential densities.
5. A complete long plat application and site development plan was submitted to Community Development Services on March 23rd, 2018. Pursuant to section 5.1 of the development agreement, the application submittal packet was sent to department heads "*deemed appropriate*". A notice of application was sent to all property owners within 500 feet of the project site and noticed in the local county paper of record on April 26<sup>th</sup>, 2018.
6. Based upon review of the submitted application materials including an environmental checklist, the application was found to be consistent with Development Agreement, Environmental Impact Statement, General Site Plans and Site Development Plan and as such no additional review is required.
7. 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. The lots will be served by a community water and sewage systems. Staff has conducted an administrative critical area review in accordance with KCC 17A and found that although critical areas exist on the parcel, the project as proposed will observe all necessary setbacks.
8. This proposal is consistent with the Kittitas County Zoning Code 17.37. The MPR zone allows for a mixture of densities.
9. This proposal is consistent with the Kittitas County Subdivision Code for Preliminary Plats.
10. All roads are required to meet all Kittitas County Road Standards as outlined in the Development Agreement.
11. Comments were received from various agencies and are included in the index file for review. No comments were received from the general public.
12. The Phase 1 Division 15 project is served by the Suncadia Water Company, a Group A water system regulated by the Washington State Department of Health (DOH).
13. Site Development Plan Approval was granted via letter from the Planning Official on May 30, 2018 in accordance with Section 5.1 (d) of the Development Agreement approved through Ordinance 2000-16.

**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, and Title 12 Roads and Bridges.



**Suggested Conditions of Approval:**

1. The project shall proceed in substantial conformance with the plans and application materials on file dated March 23rd, 2018 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. This application is subject to the latest revision of the MountainStar Development Agreement. The MountainStar Conceptual Master Plan, Environmental Impact Statement, General Site Plans and Site Development Plans which govern development within the Master Planned Resort.
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. Computer sheets shall be submitted with the final plat showing the closure of plat boundaries, blocks, lots or any tract. It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
6. The Final Plat shall meet all requirements of applicable law as defined in the Development Agreement.
7. The Final Plat shall contain the name of the Engineer/Surveyor responsible for preparing the documents.
8. Water availability certificates shall be provided by Suncadia Water System LLC for each of the 10 lots created by this subdivision.
9. All development, design and construction shall comply with all applicable laws as defined in the Development Agreement.
10. Lot and road dimensions are to be shown on the face of the plat.
11. The applicant shall contact the Kittitas County Rural Addressing Coordinator at (509) 962-7523 to obtain addresses prior to obtaining a building permit.
12. Civil Plans will be reviewed and approved as submitted prior to final plat approval in accordance with the Development Agreement.
13. Required Infrastructure and Utilities, as defined in the Development Agreement, shall be installed and completed or bonded or other financial guaranties or accommodations made for their completion prior to final plat approval of each subphase.
14. Timing of Improvements: Per the Suncadia 2009 Development Agreement section 5.3 Infrastructure, Surety Bonding or Other Assurances. Infrastructure identified by Trendwest in an approved Site Development Plan must be provided and available for use before the issuance of the first certificate of occupancy for Master Planned Resort Accommodation Units included with such plan. For purposes of final plat approval or issuance of building permits, infrastructure may be guaranteed through surety bonding or other financial assurance device acceptable to the County. The estimated costs of providing all such guaranteed Infrastructure shall be reviewed and approved by the County Public Works Director or designee. Surety bonding or other financial device provided to the County shall be in an amount equal to at least 110% of such estimated costs as determined by Trendwest's architects and engineers.