

FILED

MAY 07 2009

JOYCE L. JULSRUD, CLERK  
KITITITAS COUNTY, WASHINGTON

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF THURSTON

THUNDER RIDGE DEVELOPMENT, LLC,)
a Washington Limited Liability Company; )
and WILLIAM THIMGAN, )

Petitioners, )

v. )

KITTITAS COUNTY, a political subdivision,)
of the State of Washington, )

Respondent, )

NO.: 08-2-00714-9

STIPULATION AND ORDER OF  
APPROVAL

COME NOW, Petitioners above-named by and through their attorney, JEFF SLOTHOWER and Respondent, Kittitas County, by and through its Deputy Prosecuting Attorney, NEIL A. CALKINS, and stipulate, pursuant to CR 2(a) as follows:

- 1. Chuck Cruse, authorized agent for Thunder Ridge Development LLC, landowner, submitted a complete application to Community Development Services on May 7, 2007; and
2. That development application included a preliminary plat (Thunder Ridge Plat P-07-23) applying for the division 8.02 acres into 8 lots. (Hereinafter referred to as "Subdivision"). The lots range from 0.83 acres to 1.32 acres in size. This application is vested under the Suburban II zoning standards in place on May 5, 2007; and

1           3.     The property subject to the application is located east of the City of Cle Elum  
2 located off Deer Meadow Drive, Cle Elum, WA. 98922, within parts of Section 25, T20N R15E.,  
3 W.M. in Kittitas County, Map number 20-15-25056-0002; and

4           4.     Kittitas County Community Development Services issued a Notice of Application  
5 pursuant to KCC 15A.03 on June 1, 2007. Said notice solicited comments from jurisdictional  
6 agencies and landowners as required by law; and

7           5.     The application was categorically exempt from SEPA pursuant to KCC 15.04.090  
8 and WAC 197-11-800(1)(c)(i); and

9           6.     An open record hearing before the Kittitas County Planning Commission was  
10 held on May 27, 2008 to consider this matter and testimony was taken from those persons  
11 present who wished to be heard. Due notice of the public hearing had been given as required by  
12 law, and the necessary inquiry had been made into the public interest to be served by the  
13 proposed subdivision; and

14           7.     The Kittitas County Planning Commission found all current and future  
15 landowners within the Subdivision must comply with the IFC (International Fire Code) and all of  
16 its appendices; and

17           8.     The Kittitas County Planning Commission found the Subdivision shall be served  
18 by a Class B water system; and

19           9.     The Kittitas County Planning Commission found additional conditions were  
20 necessary to protect the public's interest as a result of the Subdivision.  
21

22           10.    The Kittitas County Planning Commission found the applicant and future owners  
23 of the property within the Subdivision shall be required to develop a Fugitive Dust Control Plan  
24 (FDCP) with the Department of Ecology, Central Regional Office before developing the  
25

1 property, and then following the plan for construction of the project and duration of activity on  
2 the property. The FDCP should include, but is not limited to, the following components:

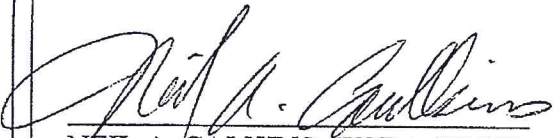
- 3 • Identify all potential fugitive dust emission points.
- 4 • Assign dust control methods.
- 5 • Determine the frequency of application
- 6 • Record all dust control activities.
- 7 • Train personnel in the FDCP.
- 8 • Shut down during windy conditions
- 9 • Follow the FDCP and monitor dust control efforts; and


10  
11 11. The Kittitas County Planning Commission found Washington Administrative  
12 Code (WAC) 173-400-040 requires that reasonable precautions be taken to prevent dust from  
13 leaving the site. Also, dust is prohibited from interfering unreasonably with the use and  
14 enjoyment of property, causing health impacts, or damaging property or business.; and

15 12. The Kittitas County Planning Commission found the Subdivision shall be  
16 conditioned upon the interior roads being built to applicable County private road standards

17 Presented by:

Approved for Entry;  
Notice of Presentation Waived:

18  
19   
20 NEIL A. CALKINS, WSBA #31759  
21 Deputy Prosecuting Attorney  
22 Attorney for Kittitas County

23   
24 JEFF SLICHTOWER, WSBA #14526  
25 Attorney for Petitioner Thunder Ridge

26 Based on the above stipulations of the parties, it is hereby

27 ORDERED, ADJUDGED and DECREED:

1           1.     The land use application that is the subject of this litigation is hereby approved  
2 subject to the following conditions:

3           1.a     All current and future landowners of the property must comply with the  
4 IFC (International Fire Code) and all of its appendices; and

5           1.b     The Subdivision shall be served by a Class B water system; and

6           1.c     The applicant and future owners of the Property shall be required to  
7 develop a Fugitive Dust Control Plan (FDCP) with the Department of Ecology, Central  
8 Regional Office before developing the property, and then following the plan for  
9 construction of the project and duration of activity on the property. The FDCP should  
10 include, but is not limited to, the following components:

- 11                     • Identify all potential fugitive dust emission points.
- 12                     • Assign dust control methods.
- 13                     • Determine the frequency of application
- 14                     • Record all dust control activities.
- 15                     • Train personnel in the FDCP.
- 16                     • Shut down during windy conditions
- 17                     • Follow the FDCP and monitor dust control efforts; and

18           1.d     Pursuant to Washington Administrative Code (WAC) 173-400-040, the  
19 applicant and future owners of the property shall take reasonable precautions be taken  
20 to prevent dust from leaving the site. Dust is prohibited from interfering unreasonably  
21 with the use and enjoyment of property, causing health impacts, or damaging property  
22 or business.; and

23           1.e     The Subdivision shall also be conditioned upon the interior roads being  
24  
25


1 built to applicable County private road standards; and

2 Dated this 7<sup>th</sup> day of May, 2009.

3 MICHAEL E. COOPER

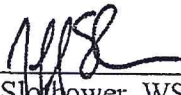
4 Superior Court Judge

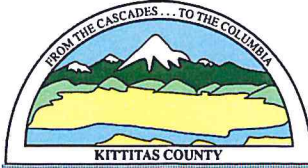
5 Presented by:

6 

7 Neil A. Caulkins, WSBA#31759  
8 Deputy Prosecuting Attorney  
9 Attorney for respondent Kittitas County

10 Approved as to entry; Notice of  
11 Presentation Waived:

12   
13 Jeff Slothower, WSBA#14526  
14 Attorney for petitioner Thunder Ridge



## 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"

### NOTICE OF DECISION

**TO:** Applicant  
Interested Parties (KCC 15A.06)

**FROM:** Dan Valoff, Staff Planner

**DATE:** October 20, 2008

**SUBJECT:** Notice of Decision  
**Thunder Ridge Preliminary Plat (P-07-23)**

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Pursuant to RCW 36.70B.130 and KCC 15A.06, notice is hereby given that the Kittitas County Board of County Commissioners denied the preliminary plat application for the Thunder Ridge Preliminary Plat (P-07-23) on October 7, 2008. Proponent: Chuck Cruse authorized agent for Thunder Ridge Development LLC, landowner, for an 8-lot plat on approximately 8.02 acres of land that is zoned Suburban-2, located east of the City of Cle Elum located off Deer Meadow Drive, Cle Elum, WA 98922, located in portions of Section 25, T. 20N. R15E, W.M. in Kittitas County. Tax Parcel numbers 20-15-25056-0002.

A copy of the Kittitas County Board of Commissioners Resolution 2008-142 is attached. Related file documents may be examined at Kittitas County Community Development Services, 411 N. Ruby Suite 2, Ellensburg, WA 98926. (509) 962-7506.

Issuance of this land use decisions may be appealed by parties with standing, by filing a land use petition in Superior Court, and serving said petition on all required parties pursuant to RCW 36.70C and KCC 15A.08 within twenty-one days of the issuance of the land use decision.

If you have any questions, please do not hesitate to contact our office at (509) 962-7506.

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

**PRELIMINARY PLAT DENIAL  
Thunder Ridge Plat (P-07-23)**

**RESOLUTION**

**NO. 2008- 142**

**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 Planning Commission on May 27, 2008 for the purpose of considering a preliminary plat known as the Thunder Ridge Plat and described as follows:

The division of 8.02 acres into eight (8) lots. Map number 20-15-25056-0002.  
Proponent: Chuck Cruse authorized agent for Thunder Ridge Development LLC, landowners.

**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 Planning Commission recommended approval of said proposed subdivision by a vote of 5 to 0 and,

**WHEREAS**, a closed record public meeting was held by the Board of County Commissioners on July 1, 2008 to consider the Planning Commission's recommendation on this matter; and,

**WHEREAS**, the Board of County Commissioners passed a motion by a vote of 2-1 to deny approval of said preliminary plat; and,

**WHEREAS**, on September 16, 2008 the Board of County Commissioners re-opened the closed record meeting for the Thunder Ridge Preliminary Plat to develop Findings of Fact on the Boards decision to deny said preliminary plat, and

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

1. The Board of County Commissioners finds that Chuck Cruse, authorized agent for Thunder Ridge Development LLC, landowner, submitted a complete application to Community Development Services on May 7, 2007.
2. The Board of County Commissioners finds that said development application included a preliminary plat (Thunder Ridge Plat P-07-23) depicting the division 8.02 acres into 8 lots. The lots range from 0.83 acres to 1.32 acres in size. This application is vested under the Suburban II zoning standards in place on May 5, 2007.
3. The Board of County Commissioners finds that said development is located east of the City of Cle Elum located off Deer Meadow Drive, Cle Elum, WA. 98922, within parts of Section 25, T20N R15E, W.M. in Kittitas County. Map number 20-15-25056-0002.
4. The Board of County Commissioners finds that Community Development Services issued a Notice of Application pursuant to KCC 15A.03 on June 1, 2007. The Planning Commission further finds that said notice solicited comments from jurisdictional agencies and landowners as required by law.
5. The Board of County Commissioners finds that the application is categorically exempt from SEPA pursuant to KCC 15.04.090 and WAC 197-11-800(1)(c)(i).
6. The Board of County Commissioners finds that the Kittitas County Planning Commission conducted an open record hearing was held on May 27, 2008 to consider this matter and that testimony was taken from those persons present who wished to be heard. The Board of County Commissioners also finds that due notice of the public hearing has been given as required by law, and the necessary inquiry has been made into the public interest to be served by the proposed subdivision.
7. The Planning Commission motioned to forward the Thunder Ridge Preliminary Plat (P-07-23) to the Board of County Commissioners with a recommendation of *approval* by a vote of 5 to 0.
8. The Board of County Commissioners held a closed record meeting on July 1, 2008 for the purpose of considering the Thunder Ridge Preliminary Plat. A motion was made and seconded that the preliminary plat be denied. The motion carried by a vote of 2 to 1.



9. The Board of County Commissioners re opened the closed record meeting on September 15, 2008 for the purpose of developing findings on their decision to deny the Thunder Ridge Preliminary Plat.

10. The Board of County Commissioners having reviewed the complete full project record determined that the Thunder Ridge Preliminary Plat should be denied based on the following:

- a. Upon review of the June 14, 2007 comment letter from the City of Cle Elum it is stated that the interior roads should be constructed to the City of Cle Elum residential street standards.
- b. The current interior access proposals leave lots without suitable provisions for fire truck or other emergency services vehicle turn-around.
- c. Third Street east of Short Avenue to the start of this subdivision is sub-standard. Third Street is the access for this development. That easterly portion of Third Street directly serving this development should be re-surfaced.

11. The Board of County Commissioners finds that adverse testimony was given at the Planning Commission's open record hearing.

12. Board of County Commissioners finds that appropriate provisions have not been made for the public health, safety, and general welfare for open spaces, drainage ways, streets, and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and that the public use and interest will not be served by the platting of this subdivision.

NOW, THEREFORE;

BE IT HEREBY RESOLVED by the Board of County Commissioners of Kittitas County, Washington, that said preliminary plat designated as Thunder Ridge Plat and the same hereby is, denied with the proposed development configuration (See Exhibit A).

DATED this 7<sup>th</sup> day of October, 2008 at Ellensburg, Washington.

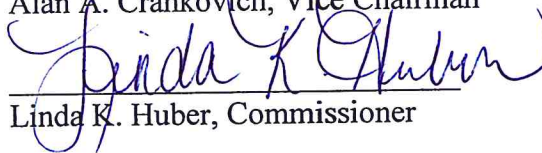
BOARD OF COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON



Mark McClain, Chairman

**ABSENT**

Alan A. Crankovich, Vice Chairman



Linda K. Huber, Commissioner

ATTEST:  
CLERK OF THE BOARD



Julie A Kjorsvik

APPROVED AS TO FORM:



Greg Zempel WSBA #19125

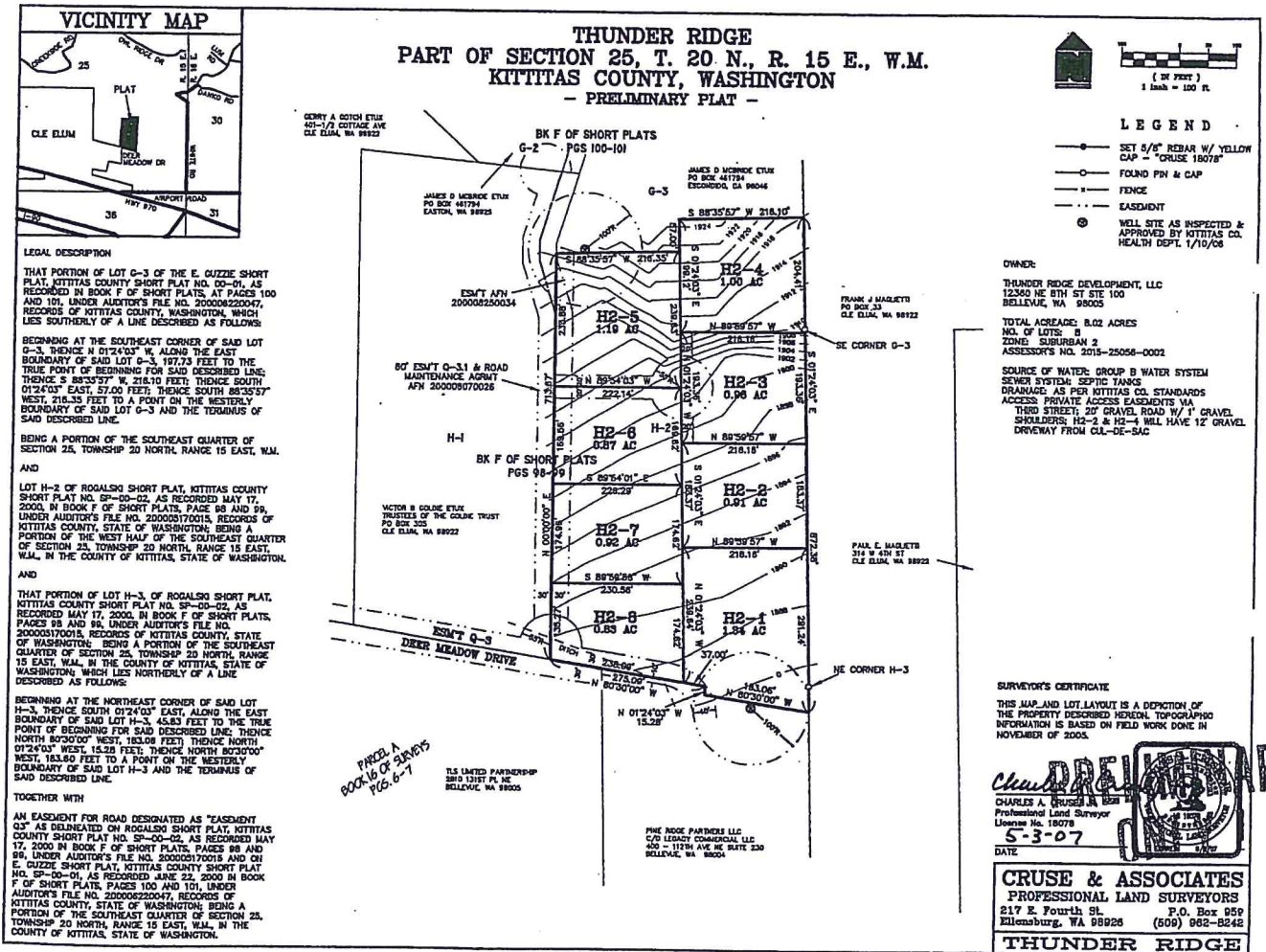


Exhibit "A"