



KITITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

NOTICE OF DECISION

To: Interested Parties (KCC 15A.06)
Applicant

From: Dan Valoff, Staff Planner

Date: June 9, 2010

Subject: Swiftwater Ranch LLC Performance Based Cluster Plat (LP-08-29)

Pursuant to RCW 36.70B.130 and KCC 15A.06, notice is hereby given that on June 1, 2010 the Kittitas County Board of County Commissioners stay their decision on the Swiftwater Ranch LLC Performance Based Cluster Plat (LP-08-29) pending the outcome of a new SEPA Determination. The subject property is located north of State Route 970, south of Red Bridge Road and west of Teanaway Road, Cle Elum, WA. Copies of the Kittitas County Board of Commissioners Resolution 2010-66 and related file documents may be examined at Kittitas County Community Development Services, 411 N. Ruby Suite 2, Ellensburg, WA 98926. (509) 962-7506.

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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 DECISION
SWIFTWATER RANCH LLC PERFORMANCE BASED CLUSTER PLAT (LP-08-29)**

RESOLUTION

NO. 2010- 1110

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 March 11, 2010 for the purpose of considering separate appeals by the applicant and the Teanaway River Ranch Owners Association (TRROA) of the SEPA Determination, that being the Mitigated Determination of Nonsignificance and a preliminary plat known as the Swiftwater Ranch LLC Performance Based Cluster Plat and described as follows:

The division of 85.86 acres into 49 lots located in a portion of Sections 25 and 26, T20N, R16E, WM in Kittitas County. Map numbers 20-16-26000-0006, 20-16-25000-0013, 0055, 0065, & 0066. Proponent: Swiftwater Ranch LLC, Duane Cameron, c/o David Gleason 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 Hearing Examiner recommended that the Kittitas County Board of County Commissioners stay their decision on this matter pending the outcome of the new SEPA Determination; and,

WHEREAS, a closed record public meeting was held by the Board of County Commissioners on May 4, 2010 to consider the Hearing Examiner's recommendation on the 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. Swiftwater Ranch LLC and Duane Cameron, landowners, have applied for a 49-lot Performance Based Cluster Plat on approximately 85.86 acres of land zoned Rural-3. The applicant is proposing a Class A water system, community on-site septic systems, passive recreation facilities in the form of picnic areas and 35.06 to be dedicated to open space in perpetuity.

2. The project is located north of State Route 970, south of Red Bridge Road and west of Teanaway Road, Cle Elum, WA, and is located in portions of Sections 25 and 26, T20N, R16E, WM in Kittitas County. Map numbers 20-16-26000-0006, 20-16-25000-0013, 0055, 0065, & 0066.
3. A long plat application was submitted to Community Development Services on October 29, 2008. The Notice of Application for the preliminary plat application was issued on December 23, 2008 and an amended Notice of Application issued on January 16, 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 February 2, 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, issued a Mitigated Determination of Nonsignificance (MDNS) on February 4, 2010 in accordance with WAC 197-11-355 (Optional DNS process). Two timely SEPA appeals pursuant to KCC 15A.04 were submitted on February 19, 2010 to the Kittitas County Board of County Commissioners. Appeals were filed by Traci Shallbetter and James Carmody.
5. The Hearing Examiner conducted an open record hearing on March 11, 2010 for the purpose of considering separate appeals by the applicant and the Teanaway River Ranch Owners Association (TRROA) of the SEPA Determination, that being the Mitigated Determination of Nonsignificance and the preliminary plat known as the Swiftwater Ranch LLC Performance Based Cluster Plat.
6. Based upon the Hearing Examiner's Findings of Fact and Conclusions of Law, Decision on SEPA Appeals, the applicant's appeal was granted and TRROA appeal was also granted. This matter is being remanded to Kittitas County Community Development Services to reevaluate its existing environmental determination, for additional environmental study and if necessary for the issuance of a Determination of Significance and completion of an environmental impact statement as may be consistent with this Decision.
7. The Board of County Commissioners conducted a closed record meeting on May 4, 2010 for the purpose of considering the preliminary plat known as the Swiftwater Ranch LLC Performance Based Cluster Plat (LP-08-29). A motion was made and seconded that the Board of County Commissioners stay their decision on this matter pending the outcome of the new SEPA Determination, the motion carried with a vote of 3-0.

NOW, THEREFORE BE IT RESOLVED: That the Kittitas County Board of County Commissioners stay their decision on this matter pending the outcome of the new SEPA Determination and adopts the Kittitas County Land Use Hearing Examiner's Recommended Decision (See Exhibit A).

DATED this 1st day of June, 2010 at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON



Mark McClain, Chairman



Paul Jewell, Vice Chairman



Alan A. Crankovich, Commissioner



CLERK OF THE BOARD


Julie A Kjorsvik

APPROVED AS TO FORM:

Greg Zempel WSBA #19125

Exhibit "A"

**KITTITAS COUNTY
LAND USE HEARING EXAMINER**

| | | |
|--|---|-----------------------------|
| IN THE MATTER OF |) | |
| |) | RECOMMENDED DECISION |
| LP-08-00029 |) | ON THE PLAT |
| Swiftwater Ranch LLC Performance Based |) | |
| Cluster Plat |) | |

RECOMMENDED DECISION

1. The above-referenced matter came before the Kittitas County Hearing Examiner on May 11, 2010, for an open record public hearing.
2. On that same date, an open record public hearing was held on two SEPA Determination appeals filed in this matter.
3. On April 13, 2010, the Kittitas County Hearing Examiner issued his written Decision finding that the SEPA Determination of a Mitigated Determination of Nonsignificance was clearly erroneous and remanded this matter back to Kittitas County for a new SEPA Determination, including the possibility of requiring an environmental impact statement.
4. Because of this finding that the SEPA Determination was clearly erroneous, the Hearing Examiner recommends that the Kittitas County Board of Commissioners stay their decision on this matter pending the outcome of the new SEPA Determination.

Dated this 13th day of April, 2010.

KITTITAS COUNTY HEARING EXAMINER

Andrew L. Kottkamp