



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

LEGACY AT SUNCADIA PLAT (LP-17-00003)

TO: Kittitas County Board of County Commissioners
FROM: Kittitas County Community Development Services Staff
RE: Legacy at Suncadia Preliminary Plat (LP-17-00002)
DATE: May 2nd, 2017

I. GENERAL INFORMATION

Requested Action: Steve Lathrop, authorized agent for New Suncadia, LLC, landowner, has submitted a preliminary plat application to subdivide a portion of an approximately 16.6 acre parcel into 40 plots averaging 1/3 acre. The subject property is zoned a Master Planned Resort.

Location: 1 parcel, located approximately 1 mile west of Cle Elum, in a portion of Section 20, 20N, R15E, WM in Kittitas County, bearing Assessor’s map number 20-15-20058-0184.

II. SITE INFORMATION

Total Project Size: 16.6 acres
Number of Lots: 40
Domestic Water: Community Water System
Sewage Disposal: Community Septic System
Fire Protection: Fire District 7
Irrigation District: None

Site Characteristics:

North: Wooded, bordered by golf course

South: Wooded, bordered by previous Phase, Suncadia

East: Golf Course

West: Previous Phase, Suncadia

Access: The project itself will have access from Suncadia Trail. Heritage Lane is proposed to service lots 15-24 and 33-40, while Legacy Trail will service lots 1-14 and 25-32. All three proposed roads end in cul-de-sacs.

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 and was signed at that time by the 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.**¹ 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.

¹ 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**². 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.

² Staff emphasis

Notice of Application: A complete long plat application was submitted to Community Development Services on February 27th, 2017. As per section 5.1 of the development agreement the application was sent to department heads “*deemed appropriate*” on April 4th, 2017. A notice of application was sent to all property owners within 500 feet of the project site.

IV. COMPREHENSIVE PLAN

The Kittitas County Comprehensive Plan designates the subject property as being contained with 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 as Index # 29, 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

Agencies and the public were provided opportunity to comment on the project. The Kittitas County Department of Public Works and the Washington Department of Archeology and Historic Preservation submitted substantive comments on the proposal. The comment letters are shown in index # () and ().

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 proposed levels of service. The lots will be served by community water and sewage systems, and the proposed roads will provide sufficient access in conjunction with the existing Suncadia Trail. CDS has conducted an administrative critical area review in accordance with KCC 17A . Setbacks will be observed by the project as proposed.

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 0.24 to 0.43 acres, with an average of 0.30 acres.

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. Kittitas County Public Works will be present at the hearing to address any issues with respect to roads and infrastructure.

Agency Comments:

Several agencies responded with substantive comments:

Washington Department of Archeology and Historic Preservation (DAHP)

DAHP responded with concerns in relation to pre contact archeological resources. They requested that an archeological survey be conducted, and the completed survey sent to DAHP and all interested tribes.

Kittitas County Department of Public Works

Kittitas County Public Works requires that infrastructure be guaranteed through financial devices acceptable to the county and covering at minimum 110 % of costs. In addition, civil plans must be submitted and reviewed, as well as addressing and private road naming applications. The final plat must meet the requirements noted by the county surveyor

Washington Department of Health

The Washington Department of Health commented to note that the existing community water system had sufficient capacity to service the proposed lots.

Washington Department of Fish and Wildlife:

The Department commented, and concurred that the application is consistent with both the County Conditions of Approval and the cooperative agreement between the WFDW and the Yakam Nation.

Public Comments:

One public comment was received during the comment period, and is shown in index # 23. The comment raised concerns in relation to increases in vehicle traffic, loss of wildlife habitat, and loss of cultural resources.

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 and the Kittitas County Comprehensive Plan. Staff recommends approval of the Legacy at Prospector Plat Preliminary Plat LP-17-00002, subject to the following findings of fact and conditions:

Suggested Findings of Fact

1. Steven Lathrop, authorized agent for property owner New Suncadia, LLC, has submitted a Preliminary Plat application to subdivide a portion of a 16.6 acre parcel into 40 single-family residential lots with. The project is Phase 2 of Division # 3, of the Suncadia project. The project is proposed on a site zoned a Master Planned Resort (Suncadia).
2. Site Information:

The subject property is located approximately 0.75 miles west of Roslyn in the Suncadia Master Planned Resort on Swiftwater Drive. Assessor's map number: 20-14-13050-0092.

Total Project Size:	16.6 acres
Number of Lots:	40
Domestic Water:	Community Water System
Sewage Disposal:	Community Septic System
Fire Protection:	Fire District 7
Irrigation District:	None

Site Characteristics:

- North: Wooded, bordered by golf course
South: Wooded, bordered by previous Phase, Suncadia
East: Golf Course
West: Previous Phase, Suncadia

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 was submitted to Community Development Services on February 27th, 2017. As per section 5.1 of the development agreement the application was sent to department heads "deemed appropriate" on April 4th, 2017. A notice of application was sent to all property owners within 500 feet of the project site.
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 the proposed access and water systems. The lots will be served by a community water and sewage systems, and two new private roads will serve the new lots in conjunction with the existing Swiftwater Drive. Staff has conducted an administrative critical area review in accordance with KCC 17A and found that 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, which will be a condition of final approval.
11. Comments were received from agencies and the general public, and are included in the index file for review.

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, and the Development Agreement, last amended June 2nd, 2009.

Suggested Conditions of Approval:

1. The project shall proceed in substantial conformance with the plans and application materials on file dated March 6th, 2017 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. 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.
4. 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 meet all requirements of applicable law.
5. The Final Plat shall meet all requirements of applicable law as defined in the Development Agreement.
6. Timing of Improvements: 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.

7. All development, design and construction shall comply with all applicable laws, as defined in the Development Agreement.
8. Ground disturbing activities will follow cultural resource mitigation procedures as defined in items C21-C23 of the Development Agreement.
9. Lot and road dimensions are to be shown on the face of the plat.
10. The plat shall show all streams running through the property.
11. Private Road Naming: A Private Road Naming application will be required prior to final approval.
12. This site may be in an area where mining historically occurred. Mine hazards shall be mitigated as outlined in items B51-B56 of the Development Agreement.
13. The Applicant shall contact the Kittitas County Rural Addressing Coordinator at (509)-962-7523 to obtain addresses prior to obtaining a building permit.
14. Civil plans will be reviewed and submitted prior to final plat approval in accordance with the development agreement.
15. 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.
16. 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 within 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 acceptable 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.