

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

ORDINANCE NO. 2009- 03

**TUMBLING RIDGE PLANNED UNIT DEVELOPMENT (PUD) REZONE (Z-07-16)
AND TUMBLING RIDGE PRELIMINARY PLAT (P-07-61)
IN THE MATTER OF AMENDING THE KITTITAS COUNTY ZONING ATLAS
FOR A PORTION OF SECTION 31 OF TOWNSHIP 20 N., RANGE 15 E. WM. FROM
RURAL 3 TO PLANNED UNIT DEVELOPMENT (PUD) AND THE PLATTING OF
17.74 ACRES INTO 14 LOTS**

WHEREAS, according to Kittitas County Code Titles 15A & 17, relating to general rezones, adopted pursuant to RCW 36.70B & 36.70 respectively, and according to Kittitas County Code Title 16, relating to Subdivision of Land, adopted pursuant to RCW 58.17, an open record hearing was held by the Kittitas County Hearing Examiner on December 11, 2008 for the purpose of considering a zone change consisting of approximately 17.74 acres from Rural 3 to Planned Unit Development (PUD), and a preliminary plat known Tumbling Ridge and described as follows:

The division of 17.74 acres into 14 lots, map number 20-15-31050-0001 located in portions of Section 31, T20N, R15E, WM in Kittitas County. Proponent: Anne Watanabe, authorized agent for Tumbling Ridge 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 change of zoning and platting; and,

WHEREAS, the Hearing Examiner recommended approval of said proposed rezone and subdivision; and,

WHEREAS, a closed record public meeting was held by the Board of County Commissioners on March 3, 2009 to consider the Hearing Examiner's 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 rezone and preliminary plat:

1. Ann Watanabe authorized agent for Tumbling Ridge LLC landowners, for a project specific Planned Unit Development (PUD) rezone and associated 14-lot Preliminary Plat on approximately 17.74 acres of land that is currently zoned Rural-3. The lots range in

size from 0.5 to 0.75 acres in size with 10 acres dedicated as open space.

2. The project is located west of the City of Cle Elum off of Bullfrog Road and Jenkins Drive, Cle Elum, WA 98922 located in a portion of the North ½ of Section 31, T20N R15E, W.M., in Kittitas County. Map number 20-15-31050-000
3. The Kittitas County Comprehensive Plan's Land Use Element designates the subject property as Rural and the current zoning is Rural 3.
4. Community Development Services issued a Notice of Application pursuant to KCC 15A.03 on January 22, 2008.
5. Community Development Services issued a Mitigated Determination of Non-Significance (MDNS) on May 30, 2008. No appeals were filed.
6. The Planning Commission conducted an open record hearing on June 24, 2008 to consider this matter where testimony was heard. On October 14, 2008 the Planning Commission passed a motion by a vote of 2 to 0 with 2 abstentions to forward a recommendation of approval for the Tumbling Ridge PUD rezone and preliminary plat and approved their Findings of Fact.
7. On November 18, 2008, the Kittitas County Board of Commissioners conducted a closed record hearing to consider the Planning Commission's recommendation. The Board continued the hearing to December 2, 2008, when they voted to remand this matter to the Hearing Examiner to reexamine the record, to reopen the record and conduct a continued open record public hearing.
8. On January 22, 2009, the Kittitas County Hearing Examiner conducted an open record hearing where testimony was heard. On February 5, 2009 the Hearing Examiner submitted his Recommended Findings of Fact, Conclusions of Law, and Conditions of Approval of the Tumbling Ridge PUD rezone and Preliminary Plat.
9. The Board of County Commissioners conducted a closed record hearing on February 18, 2009 for the purpose of considering the Tumbling Ridge PUD rezone (Z-07-16) and Preliminary Plat (P-07-61).
10. The Board of County Commissioners finds that when the county comprehensive plan and zoning code are used to define whether this application is rural or urban in nature, the Board finds that it must be defined as rural. Because it is rural, GPO 2.190 which states: "*Except in areas designated for urban growth, new urban growth, new urban or suburban land use shall be precluded by the county in the vicinity of a Master Plan Resort*", has not been violated.

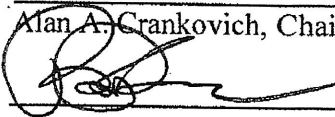
11. The Board of County Commissioners finds that the record clearly shows a relationship between the owners of Lots 1 and 2 of the Tumbling Ridge Short Plat (SP-06-84). Specifically, the fact that one parcel is using almost the entirety of the allowable exempt water withdrawal, leaving an insufficient amount for the other parcel does not create a materially detrimental use of properties in the immediate vicinity as both parcel owners are related. Notice of this proposed land use action was given, and no comments or complaint was received.
12. The Board of County Commissioners after review of the record and deliberation closed the hearing where a motion was made and seconded that the proposed Tumbling Ridge PUD, rezone (Z-07-16) and Preliminary Plat (P-07-61) be approved. The motion carried with a vote of 2 to 0 with Commissioner Crankovich being absent.
13. The Board of County Commissioners finds that additional conditions are not necessary to protect the public's interest.

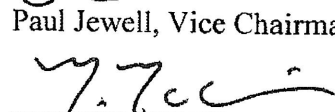
NOW, THEREFORE BE IT RESOLVED: That the Kittitas County Board of Commissioners hereby grants approval of the rezone and preliminary plat approval to the Tumbling Ridge PUD (Z-07-16) and Preliminary Plat (P-07-61) and adopts the Kittitas County Land Use Hearing Examiner's Recommended Finds of Fact, Conclusions of Law, Decision and Conditions of Approval (Exhibit A), with the proposed development configuration (Exhibit B).

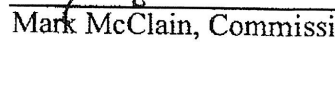
DATED this 17th day of March, 2009 at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

ABSTAINED


Alan A. Crankovich, Chairman


Paul Jewell, Vice Chairman


Mark McClain, Commissioner



Julie A Kjorsvik
Julie A Kjorsvik

APPROVED AS TO FORM:

Greg Zempel WSBA #19125