

January 19, 2024

Via Email: jamey.ayling@co.kittitas.wa.us

Jamey Ayling, Planner Manager
Kittitas County Community
Development Services
411 N. Ruby Street, Ste. 2
Ellensburg WA 98926

Re: Ranch On Swauk Creek Planned Unit Development (PUD) Development Agreement

Dear: Jamey

The purpose of this letter is to request, on behalf of the Ranch On Swauk Creek L.L.C. (Applicant), that the Ranch On Swauk Creek PUD Development Agreement Application be considered specifically formalizing a vesting period of 30 years upon approval of the Development Agreement, that is consistent with the overall completion of the project pursuant to KCC 15A11.020(5)j.

The following will provide an overall summary of the Ranch On Swauk Creek Planned Unit Development project, answering questions 9 through 11 of the Development Application, and outline out the project elements of the approved PUD and additional items that apply to the Development Agreement, proving that this request is consistent and suitable with KCC 15A.11 Development Agreement.

Location:

The Applicant owns property located in a Portion of the S 1/2 of Section 28, W ½ of Section 27, & the N ½ of Section 33 T20N, R17E, WM. accessed off of Burke Road (the "Property"). The Property is comprised of numerous parcel numbers, and is legally described on Exhibit A, attached hereto.

Entitlement Process:

The Applicant submitted a complete application for the Ranch On Swauk Creek Planned Unit Development (243-unit residential community), where Kittitas County Community Development Services issued a SEPA Mitigated Determination of Non-significance (MDNS). An open public hearing was held before the Kittitas County Planning Commission, and recommended approval for the Ranch On Swauk Creek Planned Unit Development. Kittitas County Board of County Commissioners (BOCC) passed Ordinance 2006-59 on December 5th, 2006, adopting the Planning Commission's recommendations for approval of the Ranch On Swauk Creek Planned Unit Development (RZ-06-00027). Said Ordinance is attached hereto as Exhibit A. Furthermore, Kittitas County Board of County Commissioners (BOCC) approved the Ranch On Swauk Creek Planned Unit Development (RZ-06-00027 & LP-06-00027) Phase 1, Division 1 Plat and associated open space (LP-06-00027).

On April 18th, 2017, the Kittitas County Board of County Commissioners (BOCC) passed Resolution 2017-073 of the Ranch On Swauk Creek Planned Unit Development (RZ-06-00027 & LP-06-00027) Final Development Plan. Said Resolution is attached hereto as Exhibit B, pursuant to Kittitas County Code 17.36.040.

Project Elements:

Permitted Uses. Any permitted use as allowed by the Kittitas County Zoning Code at the date vested by the applications and as permitted by Ordinance 2006-59 & Resolution 2017-073 attached hereto as Exhibit A & B.

Residential Densities. Residential Densities for the Ranch On Swuak Creek PUD have been established by Kittitas County through the adoption of Ordinance 2006- 59 & Resolution 2017-073. The approved preliminary concept map, attached hereto as Exhibit C, shows the approximate location and boundaries of lots established for the Ranch On Swuak Creek PUD by said ordinance & resolution. Buildings, garages, shops and the like are allowed within the Ranch On Swuak Creek PUD.

Nonresidential Densities and Intensities. The Non-Residential Densities and Intensities for the Ranch On Swuak Creek PUD have been established by Kittitas County through the adoption of Ordinance 2006-59 & Resolution 2017-073. The preliminary concept map, Exhibit C, shows the Non-Residential Densities and Intensities established for the Ranch On Swuak Creek PUD by said ordinance & resolution.

Building Sizes. Individual residential and non-residential buildings and the like are allowed within the Ranch On Swuak Creek PUD, per Ordinance 2006-59 & Resolution 2017-073, shall meet the requirements of the Kittitas County Building Codes.

Mitigation Measures, Development Conditions, and Other Requirements. The Ranch On Swuak Creek PUD shall meet the mitigation requirements as provided for in the SEPA Mitigated Determination of Non-significance (MDNS) issued on September 8, 2006, by Kittitas County and attached hereto as Exhibit D and those requirements for the Ranch On Swuak Creek PUD as provided for in Kittitas County Ordinance 2006-59 & Resolution 2017-073.

Development Standards. Drainage and Water Quality Requirements. The owner of each parcel shall be responsible to meet Eastern Washington Storm Water guidelines requirements as established for the Ranch On Swuak Creek PUD as it pertains to that individual parcel. Road drainage shall meet the Eastern Washington Storm Water guidelines.

Landscaping. The areas not containing residential structures and driveways shall become owned by residents and may be landscaped with grasses, trees and other plants that do not require irrigation water that would exceed the irrigation allotment for the individual parcel. Maintenance or non-maintenance of such landscaping shall be the responsibility of residents of the development and will not be the responsibility of the County.

Other Development Features; There may be an entry monument placed at the entry to the Ranch On Swuak Creek PUD. Other development features may be developed within the plat that is homogenous with residential development and consistent with Ordinance 2006-59 & Resolution 2017-073.

Road and Sidewalk Standards. Internal roads may be developed as public or private roads as allowed by the Kittitas County Road Standards. All internal roads shall be designed and constructed to Kittitas County Road Standards. Sidewalks are not required within the Ranch On Swauk Creek PUD.

Affordable Housing. Affordable housing is not required, nor will it be provided within the Ranch On Swauk Creek PUD.

Infrastructure requirements.

Domestic Water. Group A water systems, as defined by the WAC 246- 294-010, include systems having 15 or more connections. Phases of the Ranch On Swauk Creek PUD, shall be served by a

Group A water system per the statutory requirements and as approved by the Washington State Department of Health. The water system will be constructed in phases commensurate with development timing.

Irrigation Water. Irrigation water may be provided through the Group A Water System and the associated water rights.

Sewage Disposal. A Class A Reclaimed Water facility (MBR plant), approved by the appropriate jurisdiction will serve the Ranch On Swauk Creek PUD. This system will be designed by a licensed designer and approved by the WA State Dept. of Ecology. This system will be constructed in phases commensurate with the Ranch On Swauk Creek PUD development. Prior to receiving Occupancy Permit for any building constructed the MBR plant phase, serving that division shall be completed and approved by the WA State Dept. of Ecology.

Storm drainage. The owner of each parcel shall be responsible to maintain the storm water system established for the Ranch On Swauk Creek PUD as it pertains to that each individual parcel. Road drainage shall meet the Eastern Washington Storm Water guidelines. The Applicant shall develop the Ranch On Swauk Creek PUD in accordance with a storm water permit issued by the Washington State Department of Ecology. Stormwater systems shall be designed in each phase to manage total stormwater of completed phases that is generated by a 24-hour, 25-year storm event.

Fire Protection. Sprinklers shall be located in each residence to provide fire Protection for the residence and will be constructed to current standards. Neither system wide storage tanks nor fire hydrants are required for the Project.

Other Infrastructure Requirements. Utilities including but not limited to dry utilities such as power, phone and internet shall be provided to the property line of each parcel.

Open space preservation. Open space preservation for the Ranch On Swauk Creek PUD have been established through the Kittitas County Approval of the Ranch On Swauk Creek Planned Unit Development Phase 1, Division 1 Plat and associated open space (RZ-06-00027 & LP-06-00027). The identified open space tract shall be owned by the Ranch On Swauk Creek LLC OR tenants in the common of the project.

Phasing. The project will be constructed and receive final plat approval through the development of individual divisions (plats) until the Ranch On Swauk Creek PUD is completed. Through this Development agreement and due to current market conditions and future unforeseeable circumstances that may delay completion, the development timeline will survive until the completion of the Ranch On Swauk Creek PUD. The Applicant will retain the ability to complete more than one phase with each final plat submittal.

A Build-out or Vesting Period for Applicable Development Standards. The Applicant may construct one or more divisions within Phase(s) of the project per building season. The Project timing will survive until the Ranch On Swauk Creek PUD is completed.

Development Review Processes, Procedures and Standards for Implementing Decisions. Standards for Implementing Decisions. Kittitas County shall base its decisions on the Kittitas County Code and per decisions in Ordinance 2006-59 and Resolution 2017-073 as further modified for timing by this document.

Plat Application. The County will process final plats for each phase of the approved preliminary approval as defined in KCC Title 16. Each final plat will be assessed processing fees as exist at the time of submittal.

SEPA Determination. The County has reviewed, processed and issued a Mitigated Determination

of Non-significance (MDNS) for the preliminary Ranch On Swauk Creek PUD subdivision and such determination shall be used for impact evaluation. Each final plat will be evaluated in terms of its contribution to the 24-hour, 25-year storm event for the accumulation of all final plats within the Ranch On Swauk Creek PUD project.

Roads. The County will review and approve engineering designs of road(s) and other infrastructure elements within the County right of way. Any private and public roads within the project will be constructed to the Kittitas County Private Road Standards.

Grading. The County will review any grading permit necessary to meet the Kittitas County Code.

Access. Access will be established from Burke and Bettas Roads as indicated within the approved Ranch On Swauk Creek PUD.

Homeowner Association. The Ranch On Swauk Creek PUD community a Homeowner Association will be created to govern residential areas, community facilities, storm water facilities, and road improvements within residential nodes, and open space. The Group A water system shall be owned, operated and maintained by an entity established, owned and operated by a designate of the Applicant. Said designate shall establish operation procedures and rates as may approved by the Washington State authorities having jurisdiction if and when required by state law.

Design Review. Design Review shall be provided for under a Declaration of Covenants, Conditions and Restrictions ("CC&Rs"). Design Review shall be determined by Applicant and shall be consistent with applicable Kittitas County Code. The Design Review provisions shall include standards for home design, materials, methods and construction, including but not limited to siting for wind and solar considerations, siting for view considerations, setbacks and height restriction. After the expiration of this Agreement, the Homeowner Association, if established, may have the right to adopt further Design Review restrictions as may be permitted consistent with the CC&Rs, Bylaws and Articles of Incorporation. Kittitas County Code will apply if CC&Rs are less restrictive than requirements of the Kittitas County Code.

Reimbursement To The County For Review Processes. The Applicant will pay, pursuant to the fee structure adopted by Kittitas County, and fees required to achieve final plat approval for each phase of the plat.

A Build-out or Vesting Period for Applicable Development Standards. The Applicant may construct one or more divisions within Phase(s) of the project per building season. The Project timing will survive until the Ranch On Swauk Creek PUD is completed.

Process for Amending the Development Agreement. This agreement may be amended by mutual consent of all of the parties to this agreement and will follow Kittitas County Code.

Any Other Appropriate Development Requirement(s) or Procedure. Any developer may further improve the property within Ranch On Swauk Creek PUD characteristic to residential development and which meets Kittitas County Code and conditions for Ranch On Swauk Creek PUD noted in Ordinance 2006-59 and Resolution 2017-073-160.

Model Home. The Applicant, or a designate of the Applicant, may construct a model home, real estate sales facility, or a temporary construction office to be operating for construction or real estate office purposes prior to, or in commencement with, the initial stages of the development. Said facility(ies) shall be required to be operated and licensed as a real estate office under the laws of the State of Washington or by Kittitas County Code as applicable. Upon completion of the final

plat of the final division, or upon selling of the last lot, the model home, real estate sale facility, or construction offices will be decommissioned or transferred over as a one of the 243 single-family residences.

In summary, the aforementioned provides the background of the Ranch On Swauk Creek PUD project along with including elements, all which are consistent with the approvals and the Development Agreement process and code. Furthermore, this specific request is to provide an actual project deadline date of 30 years from the Development Agreement approval date. All due to the ongoing processes, that are out of the applicant's control, in obtaining and meeting conditions placed upon this project along with the fluctuations of the financial markets. This request is specifically directed towards KCC 15A.11.020(5)j., where you see in the above phasing & build-out or vesting period element, it is described that the completion of the project is and will continue to be based upon achieving approvals from the appropriate agencies along with the ever-changing market conditions.

Regards,



Chad Bala