



# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

## LONG PLAT APPLICATION

*(To divide lot into 5 or more lots, per KCC Title 16)*

A **preapplication conference is REQUIRED if proposing more than nine (9) lots per KCC 15A.03.020 for this permit.** The more information the County has early in the development process, the easier it is to identify and work through issues and conduct an efficient review. To schedule a preapplication conference, complete and submit a Preapplication Conference Scheduling Form to CDS. Notes or summaries from preapplication conference should be included with this application.

Please type or print clearly in ink. Attach additional sheets as necessary. Pursuant to KCC 15A.03.040, a complete application is determined within 28 days of receipt of the application submittal packet and fee. The following items must be attached to the application packet.

### REQUIRED ATTACHMENTS

- Two large copies of plat with all preliminary drawing requirements complete (reference KCC Title 16 Subdivision Code for plat drawing requirements) and one small 8.5" x 11" copy
- SEPA Checklist (if not exempt per KCC 15.04 or WAC 197-11-800)
  - o Please pick up a copy of the SEPA Checklist if required
- Project Narrative responding to Questions 9-11 on the following pages.

### OPTIONAL ATTACHMENTS

*(Optional at preliminary submittal, but required at the time of final submittal)*

- Certificate of Title (Title Report)
- Computer lot closures

**\*\*\*Final plat application and associated fees will be required at time of request for final plat processing. Please see the final plat application for current fees.**

### APPLICATION FEES:

\$2,960.00	Kittitas County Community Development Services (KCCDS) *Preliminary Plat Fee
\$1,215.00*	Kittitas County Public Works
\$524.00	Kittitas County Fire Marshal
\$530.00	Kittitas County Public Health
<b>\$5,229.00</b>	<b>Total fees due for this application submittal (One check made payable to KCCDS)</b>

\*5 hours of review included in Public Works Fee. Additional review hours will be billed at \$243 per hour.

### FOR STAFF USE ONLY

Application Received By (CDS Staff Signature):

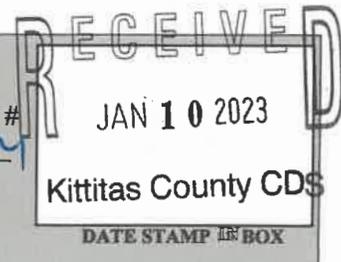
*Sail Weyand*

DATE:

*1-10-23*

RECEIPT #

*0023-00094*



DATE STAMP IN BOX

COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT • FIRE INVESTIGATION

FORM LAST REVISED: 01-03-2023

Page 1 of 3

**GENERAL APPLICATION INFORMATION**

**1. Name, mailing address and day phone of land owner(s) of record:**

*Landowner(s) signature(s) required on application form.*

Name: Thorp Landing LLC, Joel Greear  
Mailing Address: 1410 Dolarway Rd, Suite 301  
City/State/ZIP: Ellensburg, WA, 98926  
Day Time Phone: 509-899-7371  
Email Address: joel@centralpavingllc.com

**2. Name, mailing address and day phone of authorized agent, if different from landowner of record:**

*If an authorized agent is indicated, then the authorized agent's signature is required for application submittal.*

Agent Name: Terra Design Group Inc., Chad Bala  
Mailing Address: 852 Barnes Road  
City/State/ZIP: Ellensburg, WA 98926  
Day Time Phone: 509-607-0617  
Email Address: bala.ce@gmail.com

**3. Name, mailing address and day phone of other contact person**

*If different than land owner or authorized agent.*

Name: Jeff Slothower  
Mailing Address: PO Box 1088  
City/State/ZIP: Ellensburg, WA 98926  
Day Time Phone: 509-925-6916  
Email Address: Jslthower@lwhsd.com

**4. Street address of property:**

Address: Off of Thorp Landing Lane  
City/State/ZIP: Thorp, WA 98946

**5. Legal description of property (attach additional sheets as necessary):**

*See Exhibit #7 (Preliminary Plat and Subdivision Guarantee)*

\_\_\_\_\_

**6. Tax parcel number:** 443233 (51.98 acres) & 493233 (2.41 acres)

**7. Property size:** Total acres is 54.39 (acres)

**8. Land Use Information:**

Zoning: Agricultural 5 (See Exhibit #8) Comp Plan Land Use Designation: Rural Residential (See Exhibit #8)

**PROJECT NARRATIVE**

(INCLUDE RESPONSES AS AN ATTACHMENT TO THIS APPLICATION)

9. **Narrative project description (include as attachment):** Please include at minimum the following information in your description: describe project size, location, water supply, sewage disposal and all qualitative features of the proposal; include every element of the proposal in the description. See Exhibit #6 Narrative Project Description
10. **Are Forest Service roads/easements involved with accessing your development?** Yes  No (Circle)  
If yes, explain: \_\_\_\_\_
11. **What County maintained road(s) will the development be accessing from?** Thorp Highway.

**AUTHORIZATION**

12. Application is hereby made for permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed and or completed work.

**All correspondence and notices will be transmitted to the Land Owner of Record and copies sent to the authorized agent or contact person, as applicable.**

**Signature of Authorized Agent:**  
**(REQUIRED if indicated on application)**

X 

**Date:**

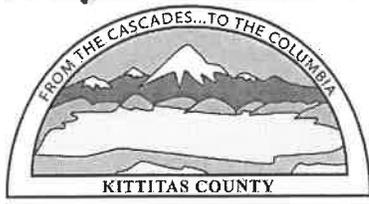
1-4-23

**Signature of Land Owner of Record**  
**(Required for application submittal):**

X 

**Date:**

1-4-23



**KITITAS COUNTY  
COMMUNITY DEVELOPMENT SERVICES**

**Receipt Number: CD23-00054**

411 N. Ruby St., Suite 2  
Ellensburg, WA 98926  
509-962-7506 / <https://www.co.kittitas.wa.us/cds/>

**Payer/Payee:** THORP LANDING LLC  
1401 W DOLARWAY RD STE 301  
ELLENSBURG WA 98926-9823

**Cashier:** GAIL WEYAND CDS  
**Payment Type:** CHECK (1055)

**Date:** 01/10/2023

**LP-23-00001      Long Plat to preliminary approval      GOODWIN RD THORP**

<u>Fee Description</u>	<u>Fee Amount</u>	<u>Amount Paid</u>	<u>Fee Balance</u>
Long Plat (Fire)	\$524.00	\$524.00	\$0.00
Preliminary Plat (Health)	\$530.00	\$530.00	\$0.00
Preliminary Plat (Public Works) - One (1) Civil Review	\$1,215.00	\$1,215.00	\$0.00
Preliminary Plat	\$2,960.00	\$2,960.00	\$0.00
<b>LP-23-00001 TOTALS:</b>	<b>\$5,229.00</b>	<b>\$5,229.00</b>	<b>\$0.00</b>
<b>TOTAL PAID:</b>		<b>\$5,229.00</b>	

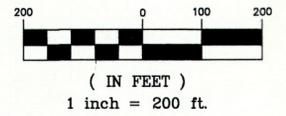
THORP LANDING PLAT.  
EXHIBIT LIST

- Exhibit #1. Thorp Landing Preliminary Plat Application.
- Exhibit #2. Kittitas County Plat Application Question #5. Plat map & Legal Description.
- Exhibit #3. Kittitas County Plat Application Question #6. Parcel Numbers.
- Exhibit #4. Kittitas County Plat Application Question #7 Parcel, Floodplain, Shoreline, & Vicinity Maps.
- Exhibit #5. Kittitas County Plat Application Question #8. Old Zoning and Land Use map (See Exhibit #8 for new zoning and land use designation).
- Exhibit #6. Kittitas County Plat Application Question #9. Narrative project description.
- Exhibit #7 Thorp Landing Preliminary Plat Map, Subdivision Guarantee, & Recorded Access Easement
- Exhibit #8. Kittitas County Annual Comprehensive Plan Update, Ordinance 2022-017.
- Exhibit #9. Kittitas County Zoning Code and Uses Permitted Table.
- Exhibit #10. Kittitas County Group B Water System Approval.
- Exhibit #11 Satellite Management Agreement.
- Exhibit #12 Critical Area Report.
- Exhibit #13 SEPA document (SE-22-00015).
- Exhibit #14 Kittitas County Grading Permit.
- Exhibit #15 Kittitas County Road Certification.
- Exhibit #16 WA St. Dept of Ecology Erosivity Waiver.
- Exhibit #17 Cultural Resources Report

**THORP LANDING**  
**PART OF SECTION 11, T. 18 N., R. 17 E., W.M.**  
**KITTITAS COUNTY, WASHINGTON**  
**- PRELIMINARY PLAT -**



P-22-0?



**LEGEND**

- x — FENCE
- ⊙ WELL
- ⊕ POINT OF DIVERSION

OWNER:

THORP LANDING LLC  
 1401 W DOLARWAY RD STE 301  
 ELLENSBURG, WA 98926  
 (509) 929-3980

TOTAL ACREAGE: 54.39 ACRES  
 NO. OF LOTS: 10  
 ZONE: AG 5  
 ASSESSOR'S NO. 493233 & 443233

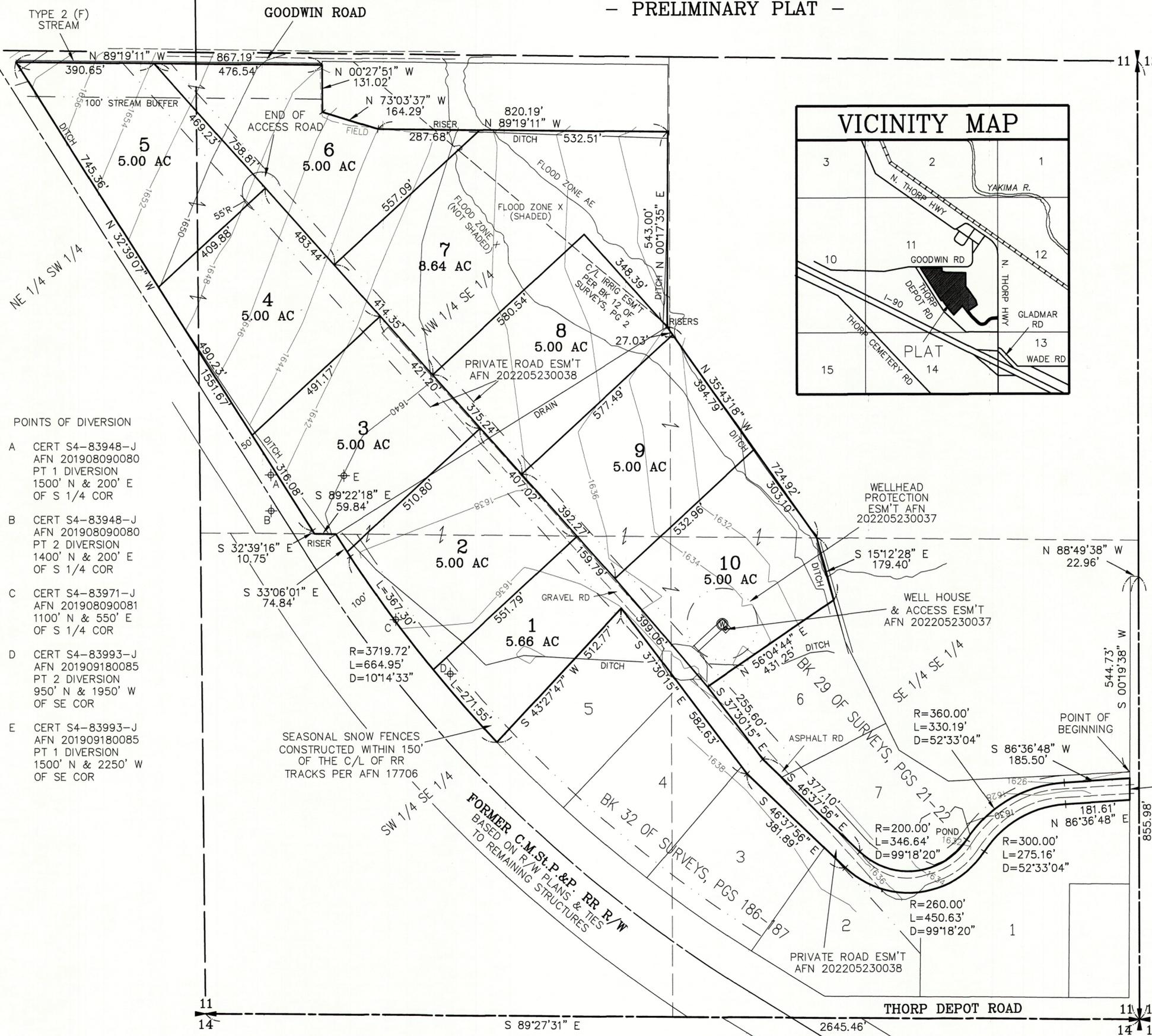
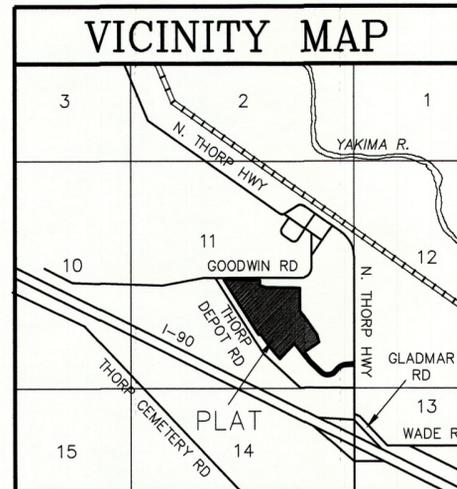
SOURCE OF WATER: GROUP B WATER SYSTEM

SEWER SYSTEM: SEPTIC TANKS  
 DRAINAGE: AS PER KITTITAS CO. STANDARDS  
 ACCESS: PRIVATE ACCESS ROAD &  
 COUNTY ROAD R/W

FLOOD ZONES SHOWN HEREON BASED ON FEMA  
 FIRM PANELS 53037C 1033D & 1041D.

VERT. DATUM = NAVD88 BASED ON TIES TO  
 NGS MONUMENT AA5991.

CONTOURS BASED ON FIELD LOCATES COMPLETED  
 11/17/22 AND ARE ACCURATE TO 1' CONTOUR  
 INTERVAL.



- POINTS OF DIVERSION**
- A CERT S4-83948-J  
 AFN 201908090080  
 PT 1 DIVERSION  
 1500' N & 200' E  
 OF S 1/4 COR
  - B CERT S4-83948-J  
 AFN 201908090080  
 PT 2 DIVERSION  
 1400' N & 200' E  
 OF S 1/4 COR
  - C CERT S4-83971-J  
 AFN 201908090081  
 1100' N & 550' E  
 OF S 1/4 COR
  - D CERT S4-83993-J  
 AFN 201909180085  
 PT 2 DIVERSION  
 950' N & 1950' W  
 OF SE COR
  - E CERT S4-83993-J  
 AFN 201909180085  
 PT 1 DIVERSION  
 1500' N & 2250' W  
 OF SE COR

**RECEIVED**  
 JAN 25 2023  
 Kittitas County CDS



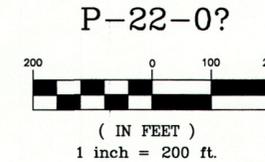
PRELIMINARY ONLY

1/25/2023

**CRUSE & ASSOCIATES**  
 PROFESSIONAL LAND SURVEYORS  
 217 E. Fourth St. P.O. Box 959  
 Ellensburg, WA 98926 (509) 962-8242

**THORP LANDING**

**THORP LANDING**  
**PART OF SECTION 11, T. 18 N., R. 17 E., W.M.**  
**KITTITAS COUNTY, WASHINGTON**  
**- PRELIMINARY PLAT -**



LEGAL DESCRIPTIONS

TRACT A:

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 18 NORTH, RANGE 17 EAST, W.M., KITTITAS COUNTY, STATE OF WASHINGTON, WHICH IS DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE CENTER OF THE SOUTHEAST QUARTER OF SAID SECTION; AND RUNNING THENCE NORTH 684.0 FEET OF THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE SOUTH 89°57' EAST, 80.0 FEET; THENCE SOUTH 38°06' EAST, 545.6 FEET; THENCE SOUTH 0°30' EAST, 260.8 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; AND THENCE NORTH 89°06' WEST, 420.00 FEET TO THE POINT OF BEGINNING.

AND

THAT PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 18 NORTH, RANGE 17 EAST, W.M., KITTITAS COUNTY, STATE OF WASHINGTON, WHICH LIES NORTH AND EAST OF THE NORTH AND EAST BOUNDARY LINE OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY;

EXCEPT

1. THAT PORTION OF SAID PARCELS OF LAND LYING NORTH AND NORTHEASTERLY OF A LINE DESCRIBED AS FOLLOWS:  
 BEGINNING AT A RAILROAD SPIKE AT THE SOUTHEAST CORNER OF SAID SECTION 11, WHICH IS SOUTH 00°00'00" WEST, A DISTANCE OF 2,667.17 FEET FROM A 5/8 INCH STEEL PIN AT THE EAST QUARTER CORNER OF SAID SECTION 11; THENCE NORTH 00°00'00" EAST, ON THE EAST LINE OF SAID SECTION 11, A DISTANCE OF 1,233.00 FEET TO A POINT; THENCE NORTH 88°49'38" WEST, A DISTANCE OF 2,296.00 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY BOUNDARY LINE OF THE COUNTY ROAD KNOWN AS THORP HIGHWAY; THENCE SOUTH 00°19'38" WEST ON SAID ROAD WEST BOUNDARY LINE A DISTANCE OF 544.73 FEET TO A POINT ON THE CENTERLINE OF AN IRRIGATION DITCH AND THE TRUE POINT OF BEGINNING OF SAID LINE; THENCE ON THE CENTERLINE OF SAID IRRIGATION DITCH THE FOLLOWING COURSES AND DISTANCES; SOUTH 87°24'43" WEST, A DISTANCE OF 514.18 FEET TO A POINT; NORTH 58°07'21" WEST, A DISTANCE OF 164.70 FEET TO A POINT; NORTH 26°42'53" WEST, A DISTANCE OF 337.83 FEET TO A POINT; NORTH 15°12'28" WEST, A DISTANCE OF 300.55 FEET TO A 5/8 INCH STEEL PIN; THENCE NORTH 35°43'18" WEST, A DISTANCE OF 724.92 FEET TO A 5/8 INCH STEEL PIN AND THE TERMINUS OF SAID LINE;

2. A TRACT OF LAND BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION; AND RUNNING THENCE WEST 201 FEET ON THE SOUTH LINE OF SAID SECTION; THENCE NORTH 377 FEET PERPENDICULARLY FROM SAID SOUTH LINE; THENCE EAST 201 FEET IN A LINE PARALLEL WITH SAID SOUTH LINE TO THE EAST LINE OF SAID SECTION; THENCE SOUTH 377 FEET TO THE POINT OF BEGINNING;

3. RIGHT OF WAY OF THORP HIGHWAY ALONG THE EAST LINE OF SAID PREMISES.

4. PARCELS 6 AND 7 OF THAT CERTAIN SURVEY AS RECORDED JUNE 30, 2003, IN BOOK 29 OF SURVEYS, PAGES 21 AND 22, UNDER AUDITOR'S FILE NO. 200306300070, RECORDS OF KITTITAS COUNTY, WASHINGTON; BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 18 NORTH, RANGE 17 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

5. PARCELS 1, 2, 3, 4 AND 5 OF THAT CERTAIN SURVEY AS RECORDED MAY 24, 2006, IN BOOK 32 OF SURVEYS, PAGES 186 AND 187, UNDER AUDITOR'S FILE NO. 200605240019, RECORDS OF KITTITAS COUNTY, WASHINGTON; BEING A PORTION OF THE QUARTER OF SECTION 11, TOWNSHIP 18 NORTH, RANGE 17 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

TRACT B:

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 18 NORTH, RANGE 17 EAST, W.M., KITTITAS COUNTY, STATE OF WASHINGTON, WHICH LIES NORTH AND EAST OF THE NORTHEAST BOUNDARY LINE OF THE FORMER RIGHT OF WAY OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY;

EXCEPT

1. THE RIGHT OF WAY OF COUNTY ROAD, KNOWN AS GOODWIN ROAD, ALONG THE NORTH BOUNDARY THEREOF; AND  
 2. THAT PORTION, THEREOF, DESCRIBED AS FOLLOWS:  
 BEGINNING AT A 5/8 INCH STEEL PIN AT THE EAST QUARTER CORNER OF SAID SECTION 11, WHICH IS NORTH 00°00'00" EAST, A DISTANCE OF 2,667.17 FEET FROM A RAILROAD SPIKE AT THE SOUTHEAST CORNER OF SAID SECTION 11; THENCE NORTH 89°19'11" WEST, A DISTANCE OF 1,329.81 FEET TO A 5/8 INCH STEEL PIN AT A POINT OF CENTERLINE INTERSECTION OF A COUNTY ROAD KNOWN AS GOODWIN ROAD, WHICH POINT IS THE APPROXIMATE CENTER EAST ONE-SIXTEENTH CORNER OF SAID SECTION 11; THENCE SOUTH 00°17'19" WEST, A DISTANCE OF 20.00 FEET TO A 5/8 INCH STEEL PIN ON THE SOUTH RIGHT OF WAY BOUNDARY LINE OF SAID COUNTY ROAD AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 00°17'19" WEST, A DISTANCE OF 187.00 FEET TO A 5/8 INCH STEEL PIN; THENCE NORTH 89°19'11" WEST, PARALLEL WITH THE SOUTH RIGHT OF WAY BOUNDARY LINE OF SAID COUNTY ROAD A DISTANCE OF 820.19 FEET TO A 5/8 INCH STEEL PIN; THENCE NORTH 73°03'37" WEST, A DISTANCE OF 164.29 FEET TO A 5/8 INCH STEEL PIN; THENCE NORTH 00°27'51" WEST, A DISTANCE OF 131.02 FEET TO A 5/8" STEEL PIN; THENCE CONTINUING NORTH 00°27'51" WEST, A DISTANCE OF 10.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY BOUNDARY LINE OF SAID COUNTY ROAD; THENCE SOUTH 89°19'11" EAST ON SAID ROAD SOUTH BOUNDARY LINE A DISTANCE OF 979.45 FEET TO THE TRUE POINT OF BEGINNING.

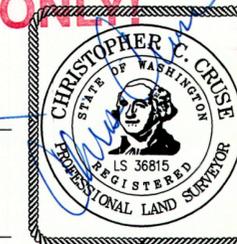
RECEIVED  
 JAN 25 2023

Kittitas County CDS

SURVEYOR'S CERTIFICATE

THIS MAP AND LOT LAYOUT IS A DERIVATION OF THE PROPERTY DESCRIBED HEREON. TOPOGRAPHIC INFORMATION IS BASED ON FIELD WORK DONE IN NOVEMBER OF 2022.

*Chris Cruse*  
 CHRISTOPHER C. CRUSE  
 Professional Land Surveyor  
 License No. 36815  
 1/25/2023  
 DATE



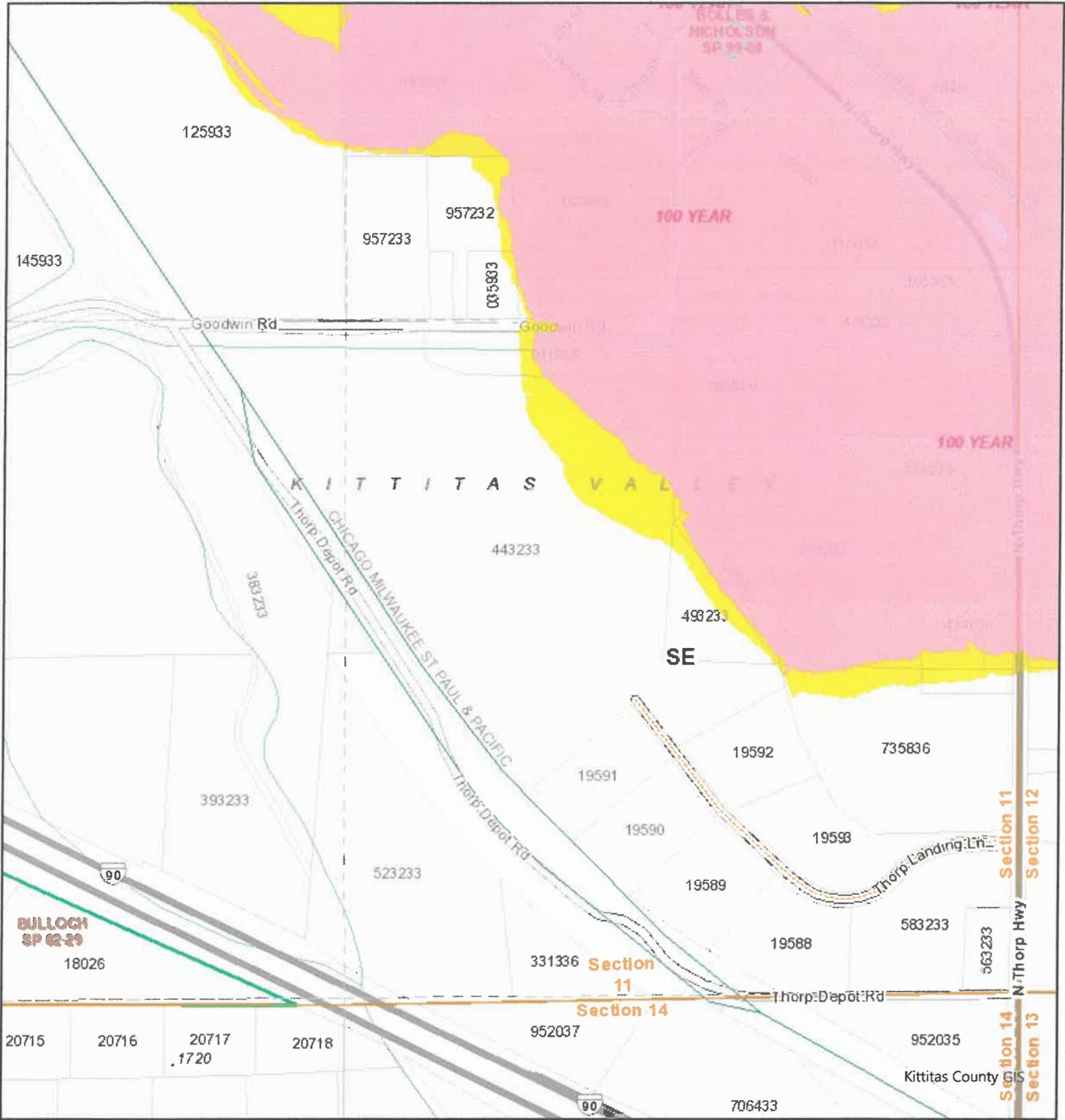
**CRUSE & ASSOCIATES**  
 PROFESSIONAL LAND SURVEYORS  
 217 E. Fourth St. P.O. Box 959  
 Ellensburg, WA 98926 (509) 962-8242

THORP LANDING

THORP LANDING  
PARCEL NUMBER & ACREAGE

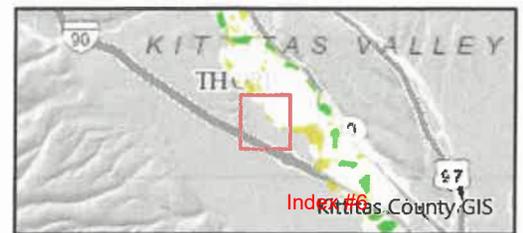
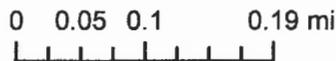
Parcel Number 443233	51.98 acres
Parcel Number 493233	2.41 acres

# Parcel & Floodplain Map



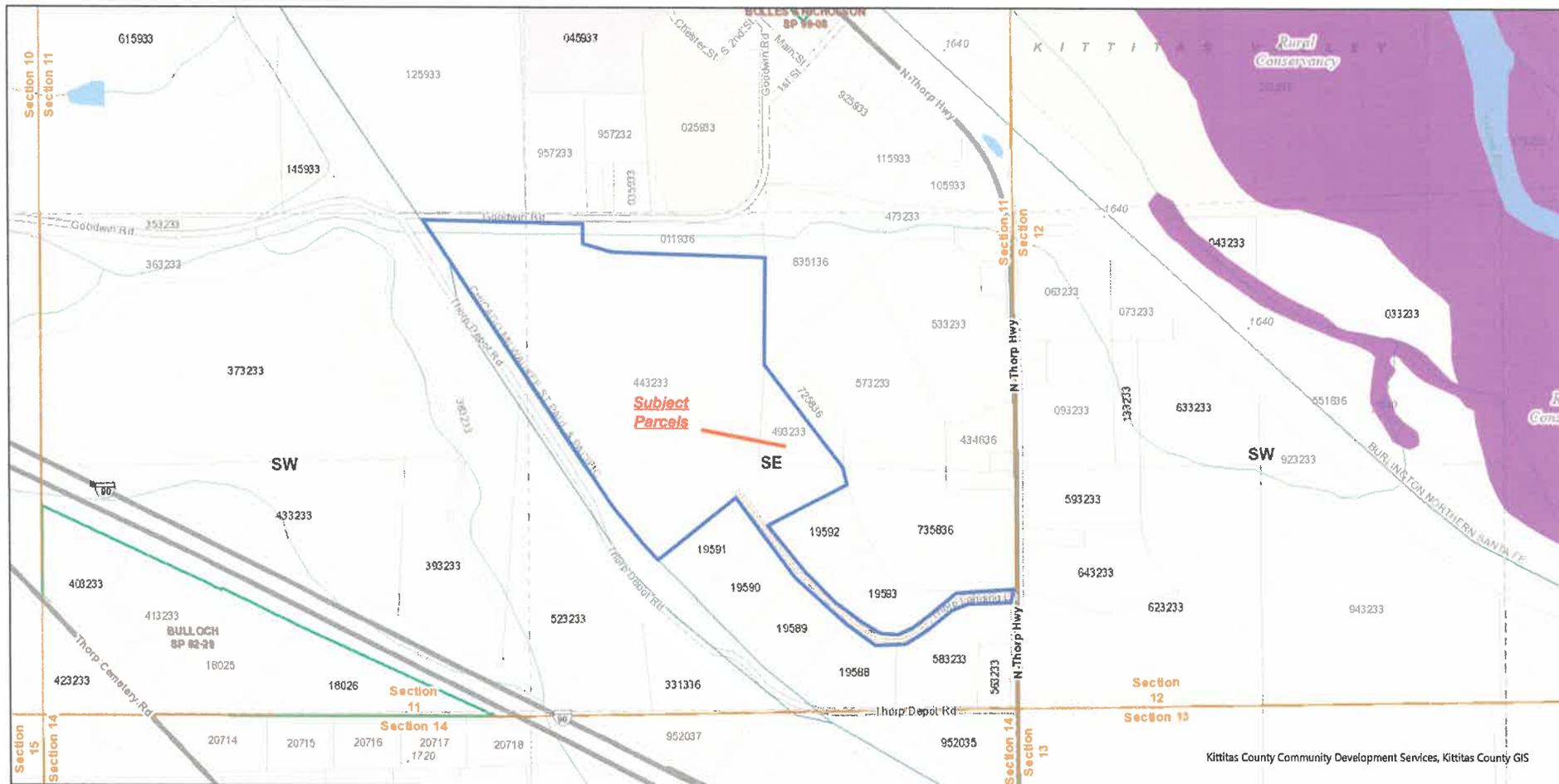
Date: 1/4/2023

1 inch equals 752 feet



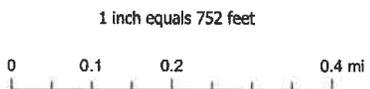
**Disclaimer:**  
 Kittitas County makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data, its use, or its interpretation. Kittitas County does not guarantee the accuracy of the material contained herein and is not responsible for any use, misuse or representations by others regarding this information or its derivatives.

# Shoreline Map

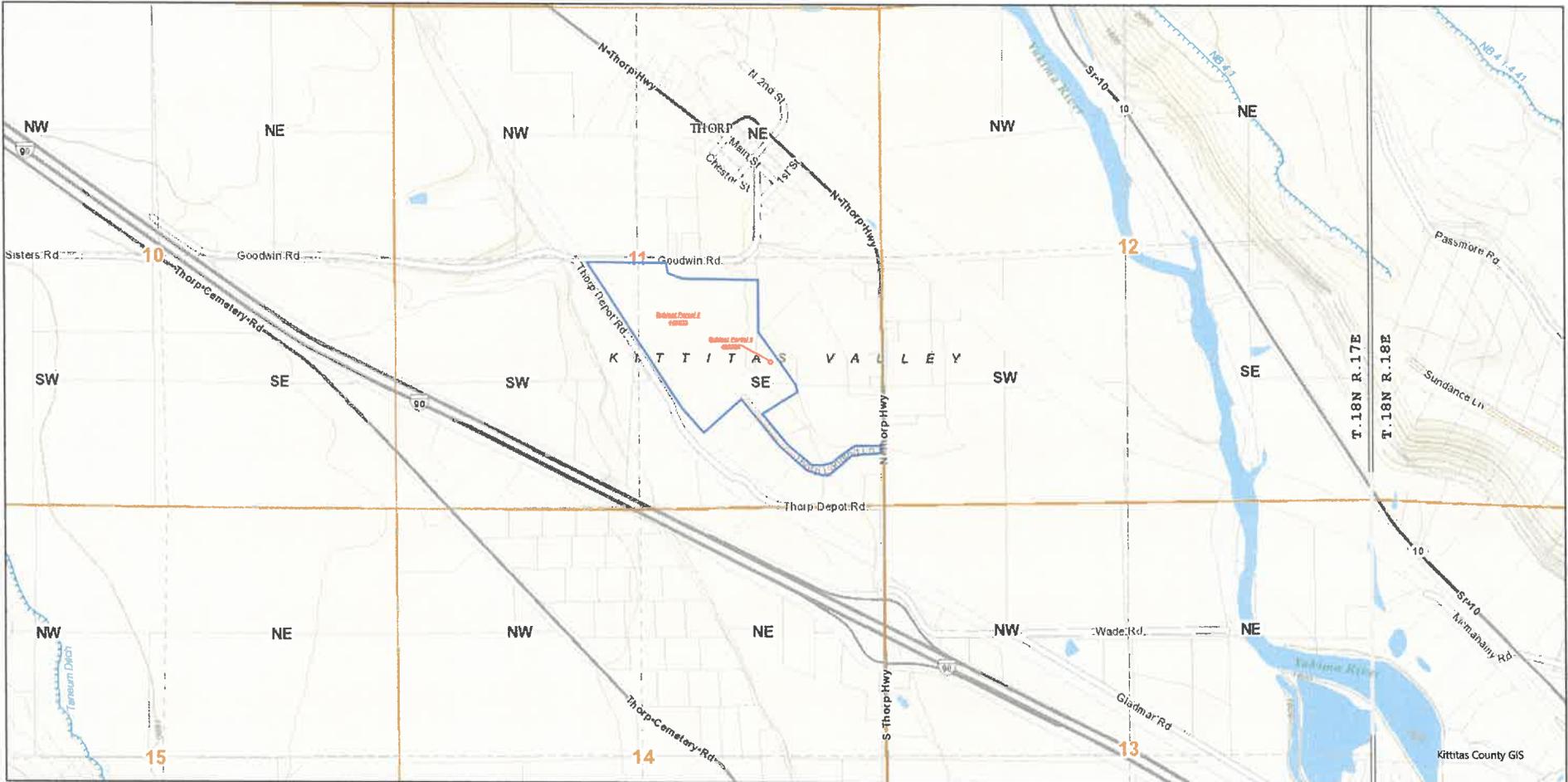


Date: 1/5/2023

**Disclaimer:**  
 Kittitas County makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data, its use, or its interpretation. Kittitas County does not guarantee the accuracy of the material contained herein and is not responsible for any use, misuse or representations by others regarding this information or its derivatives.

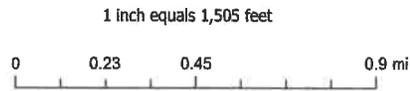


# Vicinity Map

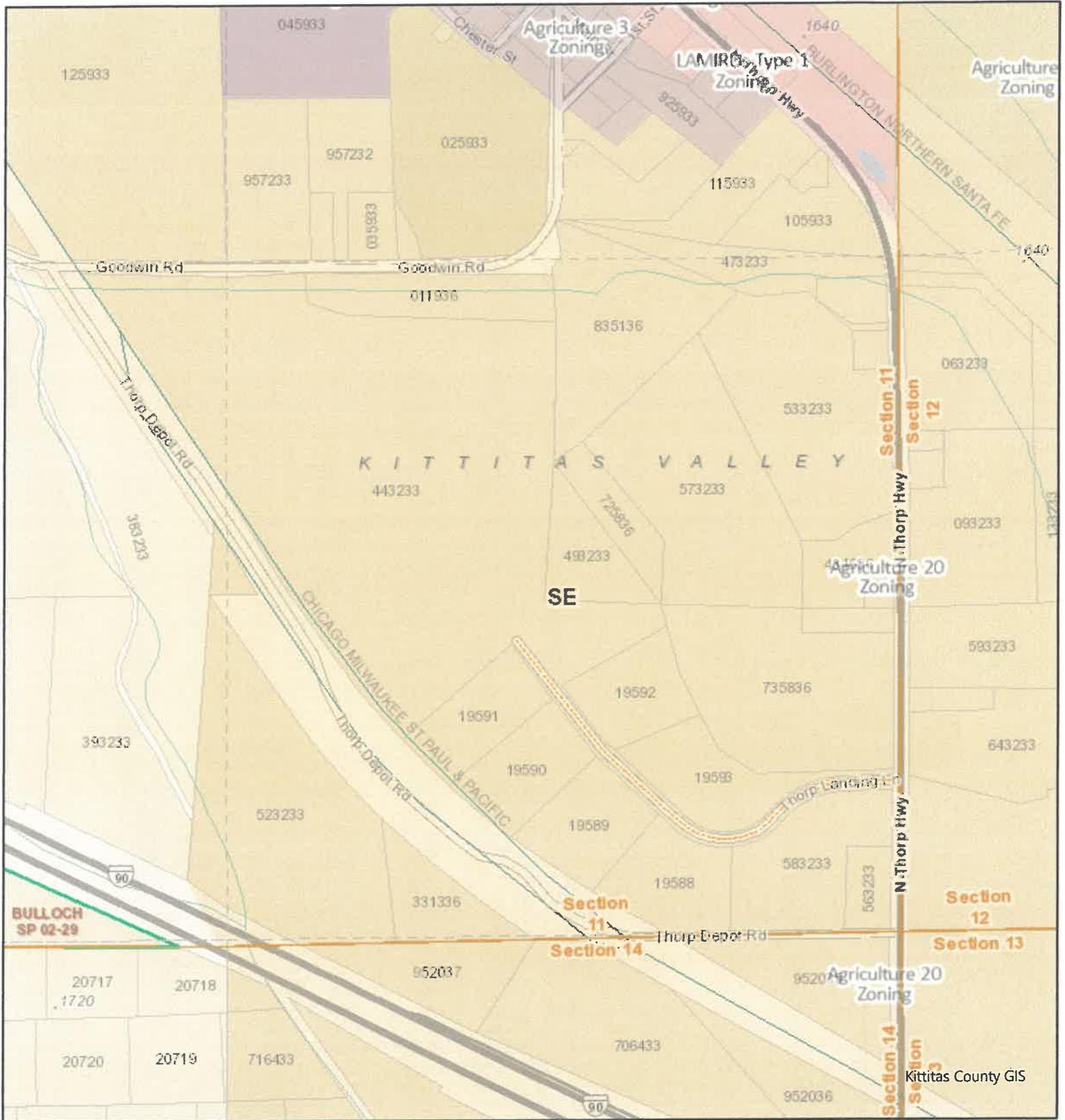


Date: 1/5/2023

**Disclaimer:**  
 Kittitas County makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data, its use, or its interpretation. Kittitas County does not guarantee the accuracy of the material contained herein and is not responsible for any use, misuse or representations by others regarding this information or its derivatives.



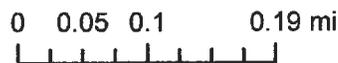
# Zoning Map



Date: 1/4/2023

**Disclaimer:**  
 Kittitas County makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data, its use, or its interpretation. Kittitas County does not guarantee the accuracy of the material contained herein and is not responsible for any use, misuse or representations by others regarding this information or its derivatives.

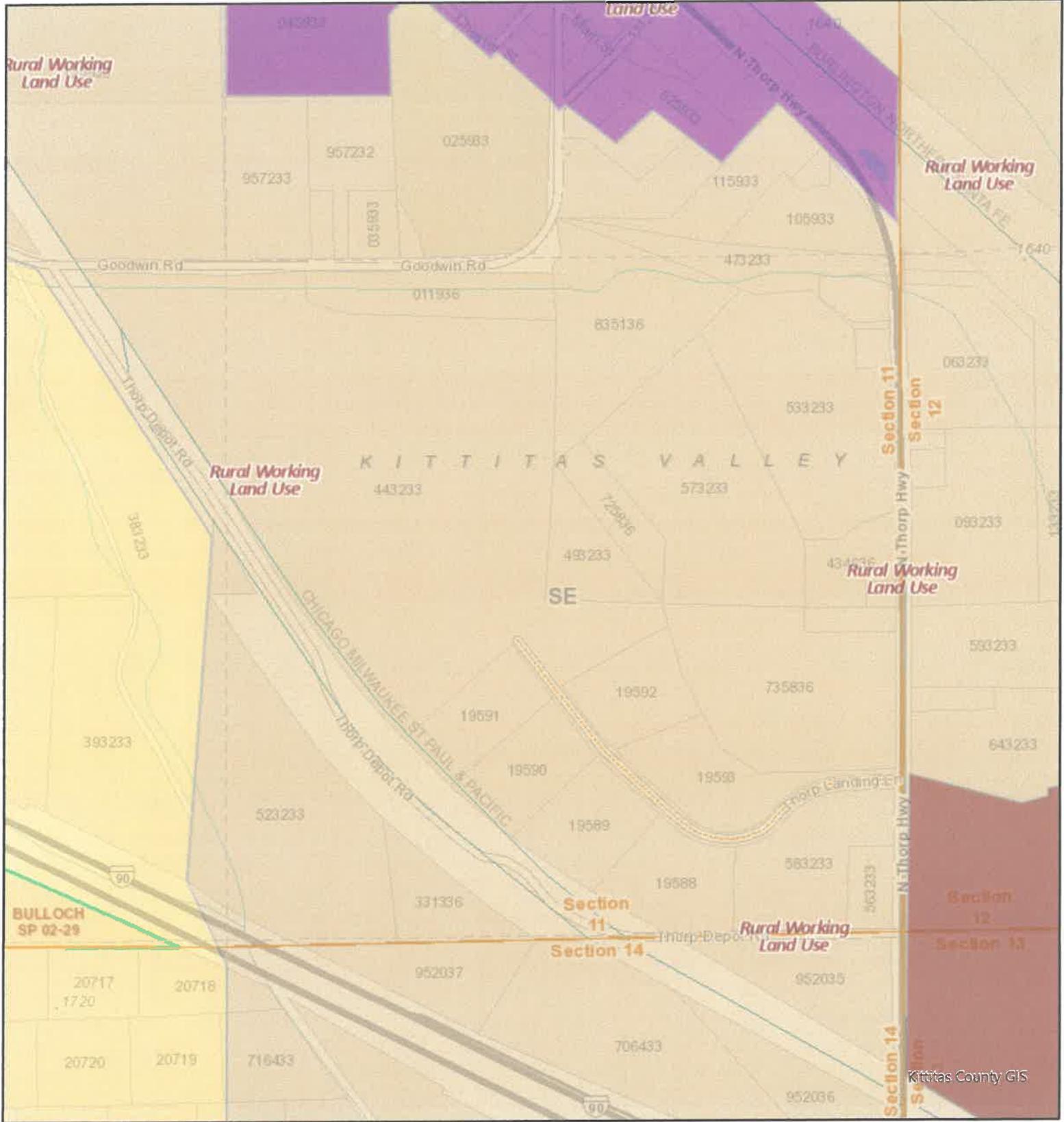
1 inch equals 752 feet



Kittitas County GIS

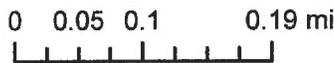
Index #7  
 Kittitas County GIS

# Land Use Map

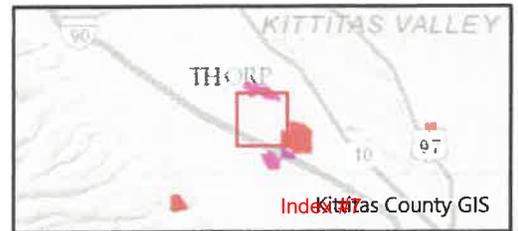


Date: 1/4/2023

1 inch equals 752 feet



**Disclaimer:**  
 Kittitas County makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data, its use, or its interpretation. Kittitas County does not guarantee the accuracy of the material contained herein and is not responsible for any use, misuse or representations by others regarding this information or its derivatives.



Kittitas County GIS

Kittitas County GIS

### **Narrative Project Description: THORP LANDING PLAT**

This is a proposed planned 10 Lot Preliminary Plat pursuant to Kittitas County Code 17.28A A5 (See Exhibit #2).

This property has an approved land use designation change from Rural Working to Rural Residential and an approved change Agriculture-20 zoning to an Agriculture-5 (A-5) zoning designation, making the zoning compatible with the new land use designations mandated by state law. This land use designation and zone change was approved by the BOCC on December 20<sup>th</sup>, 2022, per Ord.2022-017 (See Exhibit #8).

The goal of this proposal is to provide building lots to individuals who want the opportunity to live in a rural setting of 5-acre lots. This proposal is close to the unincorporated town of Thorp and five miles west of Ellensburg thus offering a rural lifestyle while still being in close proximity of local shops and amenities. This development is geared to those individuals who wish to have adequate land for maintaining horses and other large animals for personal use or for those who wish to maintain large gardens and small agriculture activities. Ellensburg is recognized across the country for the Ellensburg Rodeo, which occurs every Labor Day weekend. Horses and other large animals continue to play a large part of daily life for many of the residents living in the Ellensburg area. The lots included with this proposed preliminary plat provide enough room for one to four horses for private use such as trail riding, reining, and 4H participation.

As for the description of lot sizes within this plat proposal, eight of the ten lots are approximately 5 acres in size. There is one 8.64-acre lot (Lot 7) and there is a 5.66-acre lot (See Exhibit #2).

The subject property is bordered by the following:

- To the west of the subject property exists agricultural ground, used for residential and agricultural purposes.
- North of the subject property is Goodwin Road. Further north of Goodwin Road is the unincorporated town Thorp that is considered a Type 1 LAMIRD.
- East of the subject property are non-conforming lots zoned Agricultural-20 used for residential and agricultural purposes, eventually reaching the Thorp Hwy. Further east of Thorp Hwy is the continuation of non-conforming lots.
- To the South and east of Thorp Hwy there is Shree's Gas Station along with the Thorp Fruit Stand, which is considered a Type 3 LAMIRD, and eventually Interstate I-90.

The following is a review of the Kittitas County Code Section 17.28A “A-5” and responses as to how this preliminary plat meets all of the criteria within the A-5 zone:

## **Chapter 17.28A**

### **A-5 - AGRICULTURE ZONE**

#### **Sections**

17.28A.010 Purpose and intent.

17.28A.020 Allowed uses.

17.28A.030 Lot size required.

17.28A.040 Yard requirements - Front.

17.28A.050 Yard requirements - Side.

17.28A.060 Yard requirements - Rear.

17.28A.065 Yard requirements- Zones Adjacent to Commercial Forest Zone.

17.28A.080 Sale or conveyance of lot portion.

17.28A.090 Off-street parking.

17.28A.100 Access requirement.

17.28A.110 Setback lines.

17.28A.130 Conditional uses.

17.28A.140 Administrative uses.

#### **17.28A.010 Purpose and intent.**

The purpose and intent of the Agriculture (A-5) zone is to provide for an area where various agricultural activities and low-density residential developments co-exist compatibly. A-5 zones are predominately agricultural-oriented lands, and it is not the intent of this section to impose further restrictions on continued agricultural activities therein. (Ord. 2013-008, 2013; Ord. 2005-05, 2005)

**Response: As discussed above, this preliminary plat meets the purpose and intent of this section of the Kittitas County Zoning Code by providing land for use by individuals that have a desire to live in an area where a variety of uses ranging from gardening including small agricultural activities to keeping horses and other large animals for personal use. This proposal is designed as a low-density residential project with lots ranging from 5 to 8.64 acres in size.**

#### **17.28A.020 Allowed uses.**

Allowed uses in the agriculture (A-5) zone include those uses pursuant to KCC Chapter 17.15. (Ord. 2013-008, 2013; Ord. 2013-001, 2013; Ord. 2011-013, 2011; Ord. 2007-22, 2007; Ord. O-2006-01, 2006; Ord. 2005-05, 2005)

**Response: The Ag-5 zoning allowed uses, per KCC 17.15.060, are consistent with this proposed residential. For example, under 17.15.060, the following permitted uses are as follows (See Exhibit #9).**

- *Residential dwellings such as single, and two family dwellings.*
- *Parks and playgrounds are allowed.*
- *Public and private schools are allowed.*
- *All types of agriculture and horticulture not otherwise restricted or prohibited under 17.15.060, such as Agricultural production, marketing, seasonal harvests, animal boarding, and production to name a few.*
- *Nurseries.*
- *Cemeteries.*
- *Forest product processing.*
- *Accessory Dwelling Unit.*
- *Accessory Living Quarters*
- *Adult Family home.*

**17.28A.030 Lot size required.**

1. The minimum residential lot size shall be five (5) acres in the agriculture zone, unless within a cluster plat as provided for in KCC Chapter 16.09, Cluster Platting and Conservation Platting. Lots within a cluster plat shall be a minimum of one-half (½) acre. The overall density of any residential development shall not exceed one (1) dwelling for each five (5) acres.
2. The minimum average lot width shall be two hundred fifty (250) feet. (Ord. 2013-008, 2013; Ord. 2013-001, 2013; Ord. 2007-22, 2007; Ord. 2005-05, 2005)

**Response: All lots within this proposed preliminary plat meet the requirements of Kittitas County Code 17.28A.030.**

**17.28A.040 Yard requirements - Front.**

There shall be a minimum front yard of twenty-five (25) feet. (Ord. 2013-001, 2013; Ord. 2005-05, 2005)

**17.28A.050 Yard requirements - Side.**

Side yard shall be a minimum of five (5) feet. Side yard setbacks may be modified in accordance with KCC 16.10.065. (Ord. 2022-005, 2022; Ord. 2019-013, 2019; Ord. 2013-001, 2013; Ord. 2005-05, 2005)

**17.28A.060 Yard requirements - Rear.**

There shall be a rear yard with a minimum depth of twenty-five (25) feet to the main building. Rear yard setbacks may be modified in accordance with KCC 16.10.065. (Ord. 2022-005, 2022; Ord. 2013-001, 2013; Ord. 2005-05, 2005)

**17.28A.065 Yard requirements - Zones Adjacent to Commercial Forest Zone.**

Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200)-foot setback from the Commercial Forest Zone. (KCC 17.57.050 2007).

(1). For properties where such setback isn't feasible, development shall comply with KCC 17.57.050(2). (Ord. 2013-001, 2013; Ord. 2007-22,

**Response: Every lot within this proposed preliminary plat will meet all yard requirements as outlined in the above sections. This will be ensured by placing these requirements in the Covenants, Conditions, and Restrictions that will be placed on the proposal by the applicant. As for KCC 17.28A065, the subject property is not adjacent to or bordering to Commercial Forest zoned property therefore KCC 17.28A065 is not applicable.**

**17.28A.080 Sale or conveyance of lot portion.**

No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure or the remainder of the lot with less than the minimum lot, yard or setback requirements of this zone. (Ord. 2013-001, 2013; Ord. 2005-05, 2005)

**Response: Every lot within this proposed preliminary plat will meet this requirement. This will be ensured by placing this requirement in the Covenants, Conditions, and Restrictions that will be placed on the proposal by the applicant.**

**17.28A.090 Off-street parking.**

One automobile parking space shall be provided for each dwelling unit and shall be located to the rear of the building setback line. (Ord. 2005-05, 2005)

**Response: Each lot within this proposed preliminary plat will be provided one off street parking space consistent with this code. It is important to note with future home construction an access permit would be obtained, with the construction of a driveway provide access to the home and associated garage. Please note that this proposal will also allow for additional parking areas within each lot as these lots are 5 acres or more in size. Vehicles and parking on the lots will be incorporated into the Covenants, Conditions, and Restrictions with appropriate language and placed upon the proposal by the applicant.**

**17.28A.100 Access requirement.**

No dwelling shall be constructed or located on a lot or parcel which is not served by a legal sixty-foot (60) right-of-way or existing county road. (Ord. 2013001, 2013; Ord. 2005-05, 2005)

**Response: All ten lots located within this preliminary plat will meet this requirement, as this preliminary plat has been designed so each lot is accessed off of a legal easement (See Exhibit #7).**

**17.28A.110 Setback lines.**

None of the following uses shall be located within the distances indicated of any public street or road, any school or public park, or any dwelling (except such dwelling as may exist upon the same property with the restricted use):

1. Within one and one-half (1½) miles:
  - a. (Publisher's note: this item intentionally left blank.)
  - b. Farms or establishments for feeding of garbage or other refuse to hogs or other animals:
    - i. Provision is made that all such operations of subsections 1 and 2 shall be conducted in compliance with all state and county health regulations, and
    - ii. Complete protection from any potential detrimental effects such use might have on surrounding properties and/or use zones will be provided;
2. (Publisher's note: this item intentionally left blank.)
3. Within one hundred (100) feet: barns, shelters or other buildings or structures for keeping or feeding of any livestock, poultry, or other animals or birds whether wild or domestic;

**Response: The limitations of the above listed setbacks in KCC 17.28A.110 will be enforced through the Covenants, Conditions, and Restrictions placed on the proposal by the applicant.**

4. Feedlots containing fifty (50) to one hundred (100) head at a density of less than five hundred (500) square feet per head for a period of six (6) months or more shall be located no closer than three hundred (300) feet to any existing home, school or park. (Ord. 2013-001, 2013; Ord. 2005-05, 2005)

**Response: Feedlots will not be an allowed activity on the property and will be restricted in the Covenant, Conditions, and Restrictions placed on the proposal by the applicant.**

**17.28A.130 Repealed.**

(Ord. 2013-001, 2013; Ord. 2012-009, 2012; Ord. 2009-25, 2009; Ord. 2007-22, 2007; Ord. O-2006-01, 2006; Ord. 2005-05, 2005)

**17.28A.140 Repealed.**

(Ord. 2013-001, 2013; Ord. 2007-22, 2007)

The following uses may be permitted in any A-5 zone subject to the conditions set forth in Chapter 17.60A Conditional Uses; it is the intent of this code that such uses are subordinate to the primary agricultural uses of this zone. We have addressed the following uses allowed under the Ag-5 zone specifically under KCC 17.60A (Conditional Uses).

1. Dairy

**This activity will not be allowed on the property and will be restricted in the Covenants, Conditions, and Restrictions placed on the proposal by the applicant.**

2. Riding academies;

**Commercial Riding Academies will be allowed on the property by the Covenants, Conditions, and Restrictions placed on the proposal by the applicant, but restricted to no more than 4 horses boarded on the property and no more than 10 students participating in lessons at any given time as long as they receive a Conditional Use permit from the County. 4H and Pony Club activities will be allowed and may not need a Conditional Use permit (discussions with the Community Development Services Department of Kittitas County should be had by the individual property owner and the department to verify this statement at the time the 4H and/or Pony Club activities are scheduled to occur.**

3. Religious Institutions;

**Churches will not be allowed on the property and will be restricted by the Covenants, Conditions, and Restrictions placed on the proposal by the applicant.**

4. Bed and breakfast business.

**Bed and breakfast businesses will not be allowed on the property and will be restricted by the Covenants, Conditions, and Restrictions placed on the proposal by the applicant.**

5. Airports;

**Airports will be controlled by the Covenants, Conditions, and Restrictions placed on the proposal by the applicant along with the review procedures under KCC 17.60A Conditional Uses.**

6. Agricultural processing;

***Agricultural processing* will not be allowed on the property and will be restricted by the Covenants, Conditions, and Restrictions placed on the proposal by the applicant, except as described under note 23 (CU23) which allowed hay allows for hay processing, small scale processing of agricultural products on the premises are permitted without a conditional use permit.**

7. Mining and excavation;

**Mining and excavation will not be allowed on the property and will be restricted by the Covenants, Conditions, and Restrictions placed on the proposal by the applicant.**

8. Golf courses;

**Golf courses will not be allowed on the property and will be restricted by the Covenants, Conditions, and Restrictions placed on the proposal by the applicant.**

9. Campgrounds.

**Campgrounds will not be allowed on the property and will be restricted by the Covenants, Conditions, and Restrictions placed on the proposal by the applicant.**

10. Guest ranches or Guest Farms;

**Guest ranches will not be allowed on the property and will be restricted by the Covenants, Conditions, and Restrictions placed on the proposal by the applicant.**

11. Farm labor shelters:

**Farm labor shelters will not be allowed on the property and will be restricted by the Covenants, Conditions, and Restrictions placed on the proposal by the applicant.**

12. Clubhouses, fraternities, and lodges.

**Community clubs, fraternities, and lodges will not be allowed by the Covenants, Conditions, and Restrictions placed on the proposal by the applicant provided that a Conditional Use permit are obtained from the County.**

In conclusion the subject proposal, by the responses above to each section of the code, is consistent and suitable for development within the A-5 zone and proves to be a benefit to the public health, safety and welfare.

This preliminary plat proposal encompasses a total of approximately 54.39 acres on two parcels located west of Thorp Hwy. This land currently is unused. In the past, this land was used for agricultural purposes. There is an existing well that is located on Lot 10 of the proposed plat. This existing well is an approved Group B Water system. The property is served with West Side Irrigation with full irrigation rights that will provide each of the proposed lots with adequate irrigation.

**Proposed water supply, storage and distribution system, sewage/disposal/treatment plan, solid waste collection plan.**

**Water:**

The applicant is proposing a 10-lot plat. Two of these lots will be served by the existing and Kittitas County approved Group B water system (See Exhibit # 10). Another Group B water system will be designed and approved by Kittitas County to serve the remaining 8 lots. The existing and approved Group B system is managed by LCU Inc., an approved Satellite Management Agency in Kittitas County and the State of Washington. The new Group B water system will also be managed by an approved Satellite Management Agency in Kittitas County. Irrigation water will be supplied through the water rights associated with the West Side Irrigation Ditch Co.

**Sewage:**

This proposal will be served by individual septic system(s) depending on the soil conditions. A Licensed Septic Designer or a Professional Engineer will be required to design these septic system(s) and that responsibility will be that of the new owner. The individual septic system(s) will be approved by the Kittitas County Environmental Health Department.

**Access:**

This proposal will be accessed from Thorp Hwy onto Thorp Landing Lane. Thorp Landing Lane is a private road that is currently built (See Exhibit #14 & 15) and will be extended and completed this spring/summer per the approvals of the previous SEPA review (See Exhibit #13). This private road (Thorp Landing Lane) is a recorded easement (Recording # 202205230038) that also contains road maintenance provisions (See Exhibit #7).

**Other Utilities:**

- Puget Sound Energy will be providing power to this proposal.
- Telephone will be provided by the local carrier.
- The local Internet providers of this area can provide Internet service.

With regards to the environment this property has been through two previous sepa reviews (See Exhibit #13 for road construction & Exhibit #8 for a comprehensive plan land use and rezone change). As for Critical Areas this property has been reviewed for Critical Areas by GG Environmental. Please see Exhibit #12 for more details. The Yakima River is roughly .85 miles to the north and east of this proposed plat. It's important to note that in order to get to the Yakima River you have to cross vacant land, irrigation ditches, the Thorp Hwy, the Railroad, and more vacant land prior to reaching the actual river. The Yakima River floodplain expands across these areas and over these obstacles such as, the railroad, Thorp Hwy, irrigation ditches etc., before reaching the back portions of lots 6,7,8,9, & 10 of the proposed plat. These lots mostly contain 500yr floodplain with some lots containing both 500yr and 100yr floodplain (See Exhibit # 2 & #4, Floodplain Map). Please note that this property does not contain a shoreline designation (See Exhibit #4, Shoreline Map).

# CHICAGO TITLE INSURANCE COMPANY

**Policy No. 72156-48153945**

## GUARANTEE

CHICAGO TITLE INSURANCE COMPANY, a Florida corporation, herein called the Company, guarantees the Assured against actual loss not exceeding the liability amount stated in Schedule A which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

1. No guarantee is given nor liability assumed with respect to the identity of any party named or referred to in Schedule A or with respect to the validity, legal effect or priority of any matter shown therein.
2. The Company's liability hereunder shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurance herein set forth, but in no event shall the Company's liability exceed the liability amount set forth in Schedule A.

PLEASE NOTE CAREFULLY THE LIABILITY EXCLUSIONS AND LIMITATIONS AND THE SPECIFIC ASSURANCES AFFORDED BY THIS GUARANTEE. IF YOU WISH ADDITIONAL LIABILITY, OR ASSURANCES OTHER THAN AS CONTAINED HEREIN, PLEASE CONTACT THE COMPANY FOR FURTHER INFORMATION AS TO THE AVAILABILITY AND COST.

Dated: November 14, 2022

Issued by:  
AmeriTitle, LLC  
101 W Fifth Ave.  
Ellensburg, WA 98926  
(509)925-1477

*Hannah Hall*  
Authorized Signer

CHICAGO TITLE INSURANCE COMPANY



By:

*Robert M. P. L.*

President

ATTEST

*Tom C. J.*

Secretary

*Note: This endorsement shall not be valid or binding until countersigned by an authorized signatory.*

Subdivision Guarantee Policy Number: 72156-48153945

# SUBDIVISION GUARANTEE

Order No.: 571072AM  
Guarantee No.: 72156-48153945  
Dated: November 14, 2022 at 7:30 A.M.

Liability: \$1,000.00  
Fee: \$350.00  
Tax: \$29.40  
Extra Section Charge: \$300.00 plus \$25.20 tax

Assured: Cruse & Associates

The assurances referred to on the face page are:

That, according to those public records with, under the recording laws, impart constructive notice of matters relative to the following described real property:

Tract A:

A parcel of land in the Northeast Quarter of the Southeast Quarter of Section 11, Township 18 North, Range 17 East, W.M., Kittitas County, State of Washington, which is described as follows:

Beginning at the center of the Southeast Quarter of said Section; and running Thence North 684.0 feet of the West line of the Northeast Quarter of the Southeast Quarter of said Section;  
Thence South 89°57' East, 80.0 feet;  
Thence South 38°06' East, 545.6 feet;  
Thence South 0°30' East, 260.8 feet to the South line of said Northeast Quarter of the Southeast Quarter; and  
Thence North 89°06' West, 420.0 feet to the point of beginning;

AND

That portion of the South Half of the Southeast Quarter of Section 11, Township 18 North, Range 17 East, W.M., Kittitas County, State of Washington, which lies North and East of the North and East boundary line of the former right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company;

EXCEPT

1. That portion of said parcels of land lying North and Northeasterly of a line described as follows:

Beginning at a railroad spike at the Southeast corner of said Section 11, which is South 00°00'00" West, a distance of 2,667.17 feet from a 5/8 inch steel pin at the East Quarter corner of said Section 11;  
Thence North 00°00'00" East, on the East line of said Section 11, a distance of 1,233.00 feet to a point;  
Thence North 88°49'38" West, a distance of 2,296.00 feet, more or less, to the West right of way boundary line of the county road known as Thorp Highway;

Subdivision Guarantee Policy Number: 72156-48153945

Thence South 00°19'38" West on said road West boundary line a distance of 544.73 feet to a point on the centerline of an irrigation ditch and the true point of beginning of said line;

Thence on the centerline of said irrigation ditch the following courses and distances;

South 87°24'43" West, a distance of 514.18 feet to a point;

North 58°07'21" West, a distance of 164.70 feet to a point;

North 26°42'53" West, a distance of 337.83 feet to a point;

North 15°12'28" West, a distance of 300.55 feet to a 5/8 inch steel pin;

Thence North 35°43'18" West, a distance of 724.92 feet to a 5/8 inch steel pin and the terminus of said line;

2. A tract of land beginning at the Southeast corner of said Section; and running

Thence West 201 feet on the South line of said Section;

Thence North 377 feet perpendicularly from said South line;

Thence East 201 feet in a line parallel with said South line to the East line of said Section;

Thence South 377 feet to the point of beginning;

3. Right of way of Thorp Highway along the East line of said premises.

4. Parcels 6 and 7 of that certain Survey as recorded June 30, 2003, in [Book 29 of Surveys, pages 21 and 22](#), under Auditor's File No. 200306300070, records of Kittitas

County, Washington; being a portion of the Southeast Quarter of Section 11, Township 18 North, Range 17 East, W.M., in the County of Kittitas, State of Washington.

5. Parcels 1, 2, 3, 4 and 5 of that certain Survey as recorded May 24, 2006, in [Book 32 of Surveys, pages 186 and 187](#), under Auditor's File No. 200605240019, records of Kittitas County, Washington; being a portion of the Southeast Quarter of Section 11, Township 18 North, Range 17 East, W.M., in the County of Kittitas, State of Washington.

#### Tract B:

That portion of the Northeast Quarter of the Southwest Quarter and of the Northwest Quarter of the Southeast Quarter of Section 11, Township 18 North, Range 17 East, W.M., Kittitas County, State of Washington, which lies North and East of the Northeast boundary line of the former right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company;

#### EXCEPT

1. The right of way of county road, known as Goodwin Road, along the North boundary thereof; and

2. That portion, thereof, described as follows:

Beginning at a 5/8 inch steel pin at the East Quarter corner of said Section 11, which is North 00°00'00" East, a distance of 2,667.17 feet from a railroad spike at the Southeast corner of said Section 11;

Thence North 89°19'11" West, a distance of 1,329.81 feet to a 5/8 inch steel pin at a point of centerline intersection of a county road known as Goodwin Road, which point is the approximate center East one-sixteenth corner of said Section 11;

Thence South 00°17'19" West, a distance of 20.00 feet to a 5/8 inch steel pin on the South right of way boundary line of said county road and the true point of beginning;

Thence South 00°17'19" West, a distance of 187.00 feet to a 5/8 inch steel pin;

Thence North 89°19'11" West, parallel with the South right of way boundary line of said county road a distance of 820.19 feet to a 5/8 inch steel pin;

Thence North 73°03'37" West, a distance of 164.29 feet to a 5/8 inch steel pin;

Thence North 00°27'51" West, a distance of 131.02 feet to a 5/8 inch steel pin;

Thence continuing North 00°27'51" West, a distance of 10.00 feet to a point on the South right of way boundary line of said county road;

Thence South 89°19'11" East on said road South boundary line a distance of 979.45 feet to the true point of beginning.

#### Tract C:

Subdivision Guarantee Policy Number: 72156-48153945

Parcels 6 and 7 of that certain Survey as recorded June 30, 2003, in [Book 29 of Surveys, pages 21 and 22](#), under Auditor's File No. 200306300070, records of Kittitas County, Washington; being a portion of the Southeast Quarter of Section 11, Township 18 North, Range 17 East, W.M., in the County of Kittitas, State of Washington;

AND

Parcels 4 and 5 of that certain Survey as recorded May 24, 2006 , in [Book 32 of Surveys, pages 186 and 187](#), under Auditor's File No. 200605240019, records of Kittitas County, Washington; being a portion of the Southeast Quarter of Section 11, Township 18 North, Range 17 East, W.M., in the County of Kittitas, State of Washington.

Title to said real property is vested in:

Thorp Landing, LLC, a Washington Limited Liability Company

**END OF SCHEDULE A**

Subdivision Guarantee Policy Number: 72156-48153945

**(SCHEDULE B)**

Order No: 571072AM  
Policy No: 72156-48153945

Subject to the matters shown below under Exceptions, which Exceptions are not necessarily shown in the order of their priority.

**EXCEPTIONS:**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Unpatented mining claims; reservations or exceptions in the United States Patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
3. Title to any property beyond the lines of the real property expressly described herein, or title to streets, roads, avenues, lanes, ways or waterways on which such real property abuts, or the right to maintain therein vaults, tunnels, ramps, or any other structure or improvement; or any rights or easements therein unless such property, rights or easements are expressly and specifically set forth in said description.
4. General Taxes and Assessments – total due may include fire patrol assessment, weed levy assessment and/or irrigation assessment, if any. Taxes noted below do not include any interest or penalties which may be due after delinquency.

Note: Tax year runs January through December with the first half becoming delinquent May 1st and second half delinquent November 1st if not paid. For most current tax information or tax printouts visit: <http://taxsifter.co.kittitas.wa.us> or call their office at (509) 962-7535.

Tax Year: 2022  
Tax Type: County  
Total Annual Tax: \$715.29  
Tax ID #: 443233  
Taxing Entity: Kittitas County Treasurer  
First Installment: \$357.65  
First Installment Status: Paid  
First Installment Due/Paid Date: April 30, 2022  
Second Installment: \$357.64  
Second Installment Status: Paid  
Second Installment Due/Paid Date: October 31, 2022  
Affects: Tracts 1 and 2

Subdivision Guarantee Policy Number: 72156-48153945

5. Tax Year: 2022  
Tax Type: County  
Total Annual Tax: \$38.36  
Tax ID #: 493233  
Taxing Entity: Kittitas County Treasurer  
First Installment: \$38.36  
First Installment Status: Paid  
First Installment Due/Paid Date: April 30, 2022  
Second Installment: \$0.00  
Second Installment Status: Paid  
Second Installment Due/Paid Date: October 31, 2022  
Affects: Tracts 1 and 2
6. Tax Year: 2022  
Tax Type: County  
Total Annual Tax: \$46.47  
Tax ID #: 19590  
Taxing Entity: Kittitas County Treasurer  
First Installment: \$46.47  
First Installment Status: Paid  
First Installment Due/Paid Date: April 30, 2022  
Second Installment: \$0.00  
Second Installment Status: Paid  
Second Installment Due/Paid Date: October 31, 2022  
Affects: Tract 3, Parcel 4
7. Tax Year: 2022  
Tax Type: County  
Total Annual Tax: \$46.47  
Tax ID #: 19591  
Taxing Entity: Kittitas County Treasurer  
First Installment: \$46.47  
First Installment Status: Paid  
First Installment Due/Paid Date: April 30, 2022  
Second Installment: \$0.00  
Second Installment Status: Paid  
Second Installment Due/Paid Date: October 31, 2022  
Affects: Tract 3, Parcel 5
8. Tax Year: 2022  
Tax Type: County  
Total Annual Tax: \$46.47  
Tax ID #: 19592  
Taxing Entity: Kittitas County Treasurer  
First Installment: \$46.47  
First Installment Status: Paid  
First Installment Due/Paid Date: April 30, 2022  
Second Installment: \$0.00  
Second Installment Status: Paid  
Second Installment Due/Paid Date: October 31, 2022  
Affects: Tract 3, Parcel 6

Subdivision Guarantee Policy Number: 72156-48153945

9. Tax Year: 2022  
Tax Type: County  
Total Annual Tax: \$46.61  
Tax ID #: 19593  
Taxing Entity: Kittitas County Treasurer  
First Installment: \$46.61  
First Installment Status: Paid  
First Installment Due/Paid Date: April 30, 2022  
Second Installment: \$0.00  
Second Installment Status: Paid  
Second Installment Due/Paid Date: October 31, 2022  
Affects: Tract 3, Parcel 7
10. Lien of real estate excise sales tax upon any sale of said premises, if unpaid.
11. This property is currently classified under the Open Space Taxation Statute R.C.W. 84.34. Sale of this property without notice of compliance to the county Assessor will cause a supplemental assessment, interest, and penalty to be assessed against the seller/transferor.  
  
Note: If it is the intent of the buyer/transferee in this transaction to request a continuance of this classification, please contact the Kittitas County Assessor's Office at (509) 962-7501 for their requirements.
12. Liens, levies and assessments of the Domestic Groundwater Agreement recorded May 23, 2022 under Auditor's File No. [202205230037](#).
13. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:  
Purpose: An irrigation ditch to convey water from the canal of the West Side Irrigating Company, together with right of ingress and egress for purposes of maintenance  
Recorded: June 12, 1900  
[Book Z, Page 122](#)  
Affects: A portion of said premises the exact width and location thereof is undisclosed
14. The provisions contained in covenants, conditions and restrictions,  
Recorded: February 1, 1907,  
Instrument No.: [17706](#).  
As follows: "The right to protect any cuts which may be made on said land by erecting on both sides thereof, and within 150 feet from the center line of railway of the Chicago, Milwaukee and St. Paul Railway Company portable snow fences, provided that such fences shall not be erected before the 15th Day of October of each year and shall be removed on or before April 1st of the year next ensuing their erection."
15. The provisions contained in Deed, and by Decree of the Superior Court, Kittitas County, State of Washington, filed November 25, 1908 in the case of Walter C. Hayward Vs. Ruth Mason, same being case no. 3673, and decree filed November 25, 1908 in the case of Walter C. Hayward vs. Ruth Mason, same being Case No. 3672 and by decree of said court in the case of Ruth Mason vs. John A. Yearwood, et al, (same being case no. 5696) filed February 1, 1918 as modified by judgment of said court in said action, filed June 23, 1919,  
Recorded: June 12, 1900,  
Instrument No.: [Book Z, page 122](#).  
As follows: Right to the use of the waters of springs and right of way for ditch therefrom over and across the South Half of the Southeast Quarter of Section 11, Township 18 North, Range 17 East, W.M.

Subdivision Guarantee Policy Number: 72156-48153945

16. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:  
Purpose: Road  
Recorded: October 21, 1912  
Instrument No.: [33477](#)  
Affects: A strip of land along the South line of said premises, the exact width of which is not disclosed of record
17. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:  
Granted To: Westside Irrigating Co.  
Purpose: Canal of Wastside Irrigation Company and all other stated purposes  
Recorded: August 8, 1913  
Instrument No.: [35538](#)
18. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:  
Granted To: John Newman  
Purpose: Ditch and all other stated purposes  
Recorded: November 1, 1913  
[Book 44 of Deeds, Page 365](#)
19. Any rights, interests, or claims which may exist or arise by reason of the following matters(s) disclosed by survey,  
[Volume: 12 Pages: 2 and 3](#)  
Matters shown:
  - a) Location of irrigation ditch
20. Any rights, interests, or claims which may exist or arise by reason of the following matters(s) disclosed by survey,  
Recorded: June 30, 2003  
Book: 29 of Surveys Pages: 21 and 22  
Instrument No.: [200306300070](#)  
Matters shown:
  - a) Location of fenceline in relation to property boundary
  - b) Notes contained thereon
  - c) Easement "Q"
21. Any rights, interests, or claims which may exist or arise by reason of the following matters(s) disclosed by survey,  
Prepared by: Cruse & Associates  
Recorded: May 24, 2006  
Book: 32 Page: 186 and 187  
Instrument No.: [200605240019](#)  
Matters shown:
  - a) Location of fencelines in relation to property boundaries
  - b) Easement "Q"
  - c) Notes contained thereon

Subdivision Guarantee Policy Number: 72156-48153945

22. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as granted by instrument recorded on May 16, 2008, under Kittitas County Auditor's File No. [200805160046](#).  
In favor of: AT&T Corp. and AT&T Communications – East, Inc. (formerly AT&T Communications, Inc.)  
For: The right to operate, maintain, upgrade and expand its existing cable, as well as to install new conduits and fiber or replacement technology within the easement  
Affects: A strip of land sixteen and one-half feet (16 ½') in width affecting said premises and other land
- Additional parcels added to said easement by Supplemental Notice filed October 19, 2009 under Auditor's File No. [200910190016](#).
23. Kittitas County Water Metering Agreement, including the terms and provisions thereof,  
Recorded: April 12, 2022  
Instrument No.: [202204120023](#)  
Between: Thorp Landing, LLC  
And: The County of Kittitas, a municipal corporation of the State of Washington acting by and through the Kittitas County Public Works Department
24. Kittitas County Water Metering Agreement, including the terms and provisions thereof,  
Recorded: April 12, 2022  
Instrument No.: [202204120025](#)  
Between: Thorp Landing, LLC  
And: The County of Kittitas, a municipal corporation of the State of Washington acting by and through the Kittitas County Public Works Department
25. Kittitas County Water Metering Agreement, including the terms and provisions thereof,  
Recorded: April 12, 2022  
Instrument No.: [202204120027](#)  
Between: Thorp Landing, LLC  
And: The County of Kittitas, a municipal corporation of the State of Washington acting by and through the Kittitas County Public Works Department
26. Kittitas County Water Metering Agreement, including the terms and provisions thereof,  
Recorded: April 12, 2022  
Instrument No.: [202204120029](#)  
Between: Thorp Landing, LLC  
And: The County of Kittitas, a municipal corporation of the State of Washington acting by and through the Kittitas County Public Works Department
27. Kittitas County Water Metering Agreement, including the terms and provisions thereof,  
Recorded: April 12, 2022  
Instrument No.: [202204120031](#)  
Between: Thorp Landing, LLC  
And: The County of Kittitas, a municipal corporation of the State of Washington acting by and through the Kittitas County Public Works Department
28. Kittitas County Water Metering Agreement, including the terms and provisions thereof,  
Recorded: April 12, 2022  
Instrument No.: [202204120033](#)  
Between: Thorp Landing, LLC  
And: The County of Kittitas, a municipal corporation of the State of Washington acting by and through the Kittitas County Public Works Department

Subdivision Guarantee Policy Number: 72156-48153945

29. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:  
Granted To: Puget Sound Energy, Inc.  
Purpose: Utility systems  
Recorded: April 13, 2022  
Instrument No.: [202204130009](#)  
Affects: A portion of said premises
30. Domestic Groundwater Agreement, including the terms and provisions thereof,  
Recorded: May 23, 2022  
Instrument No.: [202205230037](#)  
Between: Thorp Landing, LLC, a Washington Limited Liability Company
31. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:  
Granted To: Thorp Landing, LLC, a Washington Limited Liability Company  
Purpose: Private road for ingress and egress  
Recorded: May 23, 2022  
Instrument No.: [202205230038](#)  
Affects: A portion of said premises
32. Covenants, conditions and restrictions, but omitting any covenant or restriction based on race, color, religion, sex, sexual orientation, disability, handicap, familial status, marital status, ancestry, national origin or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.  
Recorded: May 23, 2022  
Instrument No.: [202205230039](#)
33. Effect, if any, of Request for Satellite Management Services and Informational Notice to Titles on Property Served,  
From: Thorp Landing, LLC  
Recorded: August 3, 2022  
Instrument No.: [202208030019](#)
34. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:  
Granted To: Puget Sound Energy, Inc.  
Purpose: Transmission, distribution and sale of electricity  
Recorded: November 21, 2022  
Instrument No.: [202210170004](#)

#### END OF EXCEPTIONS

#### Notes:

- a. Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.
- b. All documents recorded in Washington State must include an abbreviated legal description and tax parcel number on the first page of the document. The abbreviated description for this property is: Ptn NE Quarter of the SE Quarter, ptn S Half of the SE Quarter, ptn NE Quarter of the SW Quarter, ptn NW Quarter of the SE Quarter, Prcls 6 and 7, Book 29 of Surveys, pgs 21-22, being ptn of the SE Quarter, and Prcls 4 and 5, Book 32 of Surveys, pgs 186-187, being ptn of the SE Quarter, all in Section 11, Township 18N, Range 17E, W.M.

Subdivision Guarantee Policy Number: 72156-48153945

**NOTE:** In the event any contracts, liens, mortgages, judgments, etc. which may be set forth herein are not paid off and released in full, prior to or immediately following the recording of the forthcoming plat (short plat), this Company will require any parties holding the beneficial interest in any such matters to join in on the platting and dedication provisions of the said plat (short plat) to guarantee the insurability of any lots or parcels created thereon. We are unwilling to assume the risk involved created by the possibility that any matters dedicated to the public, or the plat (short plat) in its entirety, could be rendered void by a foreclosure action of any such underlying matter if said beneficial party has not joined in on the plat (short plat).

**END OF GUARANTEE**

Subdivision Guarantee Policy Number: 72156-48153945



TREASURER'S USE ONLY	RECORDER'S USE ONLY
<p>REVIEWED</p> <p>05/23/2022</p> <p>KITTITAS COUNTY TREASURER</p> <p>BY: Michelle L. Nixon</p>	

**After recording return to:**

Thorp Landing, LLC  
1410 W. Dolarway Road, Ste 301  
Ellensburg WA 98926

---

DOCUMENT TITLE: EASEMENT

DECLARANT: THORP LANDING, LLC, a Washington limited liability company

LEGAL DESCRIPTION: Ptns. NW ¼ of the SW ¼ and the SE ¼ of Section 11, Township 18 North, Range 17 East, W.M., in the County of Kittitas, State of Washington]

ASSESSOR'S TAX  
PARCEL NO(S): 443233; 493233; 19588; 19589; 19590; 19591; 19592; 19593

REAL ESTATE EXCISE TAX: Does not apply - no consideration as defined WAC 458-61A-102(2)

---

**EASEMENT**

THIS EASEMENT is made this 28<sup>th</sup> day of April, 2022, by THORP LANDING, LLC, a Washington limited liability company (individually and collectively hereinafter referred to as "Declarant").

A. WHEREAS, the Declarant owns fee title to the real property located in Kittitas County, Washington and legally described as follows:

**Tract A:**

A parcel of land in the Northeast Quarter of the Southeast Quarter of Section 11, Township 18 North, Range 17 East, W.M., Kittitas County, State of Washington, which is described as follows:  
Beginning at the center of the Southeast Quarter of said Section; and running Thence North 684.0 feet of the West line of the Northeast Quarter of the Southeast Quarter of said Section;  
Thence South 89°57' East, 80.0 feet;  
Thence South 38°06' East, 545.6 feet;  
Thence South 0°30' East, 260.8 feet to the South line of said Northeast Quarter of the Southeast Quarter; and  
Thence North 89°06' West, 420.0 feet to the point of beginning;

AND

That portion of the South Half of the Southeast Quarter of Section 11, Township 18 North, Range 17 East, W.M., Kittitas County, State of Washington, which lies North and East of the North and

East boundary line of the former right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company;

EXCEPT

1. That portion of said parcels of land lying North and Northeasterly of a line described as follows: Beginning at a railroad spike at the Southeast corner of said Section 11, which is South 00°00'00" West, a distance of 2,667.17 feet from a 5/8 inch steel pin at the East Quarter corner of said Section 11;

Thence North 00°00'00" East, on the East line of said Section 11, a distance of 1,233.00 feet to a point;

Thence North 88°49'38" West, a distance of 2,296.00 feet, more or less, to the West right of way boundary line of the county road known as Thorp Highway;

Thence South 00°19'38" West on said road West boundary line a distance of 544.73 feet to a point on the centerline of an irrigation ditch and the true point of beginning of said line;

Thence on the centerline of said irrigation ditch the following courses and distances:

South 87°24'43" West, a distance of 514.18 feet to a point;

North 58°07'21" West, a distance of 164.70 feet to a point;

North 26°42'53" West, a distance of 337.83 feet to a point;

North 15°12'28" West, a distance of 300.55 feet to a 5/8 inch steel pin;

Thence North 35°43'18" West, a distance of 724.92 feet to a 5/8 inch steel pin and the terminus of said line;

2. A tract of land beginning at the Southeast corner of said Section; and running

Thence West 201 feet on the South line of said Section;

Thence North 377 feet perpendicularly from said South line;

Thence East 201 feet in a line parallel with said South line to the East line of said Section;

Thence South 377 feet to the point of beginning;

3. Right of way of Thorp Highway along the East line of said premises.

4. Parcels 6 and 7 of that certain Survey as recorded June 30, 2003, in Book 29 of Surveys, pages 21 and 22, under Auditor's File No. 200306300070, records of Kittitas County, Washington; being a portion of the Southeast Quarter of Section 11, Township 18 North, Range 17 East, W.M., in the County of Kittitas, State of Washington.

5. Parcels 1, 2, 3, 4 and 5 of that certain Survey as recorded May 24, 2006, in Book 32 of Surveys, pages 186 and 187, under Auditor's File No. 200605240019, records of Kittitas County, Washington; being a portion of the Southeast Quarter of Section 11, Township 18 North, Range 17 East, W.M., in the County of Kittitas, State of Washington.

AND

**Tract B:**

That portion of the Northeast Quarter of the Southwest Quarter and of the Northwest Quarter of the Southeast Quarter of Section 11, Township 18 North, Range 17 East, W.M., Kittitas County, State of Washington, which lies North and East of the Northeast boundary line of the former right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company;

EXCEPT

1. The right of way of county road, known as Goodwin Road, along the North boundary thereof; and

2. That portion, thereof, described as follows:

Beginning at a 5/8 inch steel pin at the East Quarter corner of said Section 11, which is North 00°00'00" East, a distance of 2,667.17 feet from a railroad spike at the Southeast corner of said Section 11;

Thence North 89°19'11" West, a distance of 1,329.81 feet to a 5/8 inch steel pin at a point of centerline intersection of a county road known as Goodwin Road, which point is the approximate center East one-sixteenth corner of said Section 11;

Thence South 00°17'19" West, a distance of 20.00 feet to a 5/8 inch steel pin on the South right of way boundary line of said county road and the true point of beginning;

Thence South 00°17'19" West, a distance of 187.00 feet to a 5/8 inch steel pin;  
Thence North 89°19'11" West, parallel with the South right of way boundary line of said county road a distance of 820.19 feet to a 5/8 inch steel pin;  
Thence North 73°03'37" West, a distance of 164.29 feet to a 5/8 inch steel pin;  
Thence North 00°27'51" West, a distance of 131.02 feet to a 5/8 inch steel pin;  
Thence continuing North 00°27'51" West, a distance of 10.00 feet to a point on the South right of way boundary line of said county road;  
Thence South 89°19'11" East on said road South boundary line a distance of 979.45 feet to the true point of beginning.

(hereinafter referred to as the "Recital A Property" or individually as "Parcel 2," "Parcel 3," and so forth); and

B. WHEREAS, the Declarant owns fee title to the real property located in Kittitas County, Washington and legally described as follows:

Parcels 6 and 7 of that certain Survey as recorded June 30, 2003, in Book 29 of Surveys, pages 21 and 22, under Auditor's File No. 200306300070, records of Kittitas County, Washington; being a portion of the Southeast Quarter of Section 11, Township 18 North, Range 17 East, W.M., in the County of Kittitas, State of Washington.

(hereinafter referred to as the "Recital B Property" or individually as "Parcel 6" and "Parcel 7"); and

C. WHEREAS, the Declarant owns fee title to the real property located in Kittitas County, Washington and legally described as follows:

Parcels 2, 3, 4 and 5 of that certain Survey as recorded May 24, 2006, in Book 32 of Surveys, pages 186 and 187, under Auditor's File No. 200605240019, records of Kittitas County, Washington; being a portion of the Southeast Quarter of Section 11, Township 18 North, Range 17 East, W.M., in the County of Kittitas, State of Washington.

(hereinafter referred to as the "Recital C Property" or individually as "Parcel 2," "Parcel 3," and so forth for Parcels 4 and 5); and

A. WHEREAS, Declarant desires to declare, create, convey, reserve and establish a certain easement and to establish the property Benefited and burdened by the easement and to establish terms and conditions for use and maintenance of the easement and the improvements placed on the easement.

NOW, THEREFORE, in consideration of the mutual benefits contained and derived hereunder, the Declarant, for and on behalf of itself and its respective successors in interest and assigns, does hereby declare, create, convey, reserve and establish the following easement and further declares that all of the property described above shall be held, sold and conveyed together with and subject to the following easement, assessments and obligations, all of which are for the purpose set forth herein and for the purposes of enhancing and protecting the value, desirability, and attractiveness of the Declarant Property, all as hereinafter set forth.

#### 1. Access Easement.

1.1. Declarant hereby declares, creates, grants, establishes, reserves and conveys a perpetual non-exclusive easement legally described as follows:

An easement of variable width, across Parcels 6 and 7 of that certain survey as recorded June 30, 2003, in Book 29 of Surveys at pages 21 and 22, under Auditor's File No. 200306300070, records of Kittitas County, Washington, and across Parcels 2, 3, 4 and 5 of that certain survey as recorded May 24, 2006, in Book 32 of Surveys at pages 186 and 187, under Auditor's File No. 200605240019, records of said county, and across a portion of the Northeast Quarter of the Southwest Quarter, and a portion of the Southeast Quarter, all in Section 11, Township 18 North,

Range 17 East, W.M., in the County of Kittitas, State of Washington; bounded by a line described as follows:

Beginning at the northeast corner of said Parcel 7 of that certain survey recorded in Book 29 of Surveys at pages 21 and 22, said point being the true point of beginning for said described line; thence S 00°19'38" W, along the east boundary of said Parcel 7 and boundary extended, 78.00 feet to the northeast corner of Parcel 1 of that certain survey as recorded May 24, 2006, in Book 32 of Surveys at pages 186 and 187, under Auditor's File No. 200605240019, records of said county; thence along the north boundary of said Parcel 1, the following three courses:

S 86°36'48" W, 181.61 feet to the point of curvature for a 300.00 foot radius curve to the left; thence along said curve, through a central angle of 52°33'04", an arc distance of 275.16 feet, to a point of reverse curvature for a 260.00 foot radius curve to the right; thence along said curve, through a central angle of 48°00'48", an arc distance of 217.88 feet to the northeast corner of Parcel 2 of said survey, the chord for said curve bears S 58°04'09" W, chord length 211.56 feet; thence S 00°33'25" W, on a non-tangent line, along the east boundary of said Parcel 2, 171.58 feet; thence departing from said east boundary, N 42°13'31" W, 370.40 feet to a point on the northeast boundary of said Parcel 2; thence N 46°37'56" W, along the northeast boundaries of said Parcel 2 and Parcel 3 of said survey, 332.07 feet to an angle point in the northeast boundary of said Parcel 3; thence N 37°30'15" W, along northeast boundaries of said Parcel 3 and Parcel 4 of said survey, 311.73 feet to the northerly most corner of said Parcel 4; thence N 42°11'52" W, 2387.26 feet to a point on the north boundary of the Northeast Quarter of the Southwest Quarter of said Section 11; thence S 89°17'26" E, along said north boundary, 136.53 feet; thence S 42°11'52" E, 2961.90 feet to the point of curvature for a 179.56 foot radius curve to the left; thence along said curve, through a central angle of 102°01'37", an arc distance of 319.75 feet to a point of reverse curvature for a 380.44 foot radius curve to the right; thence along said curve, through a central angle of 50°50'17", an arc distance of 337.56 feet to a point on the north boundary of said Parcel 7 of said survey recorded in Book 29 of Surveys at pages 21 and 22, the chord for said curve bears N 61°11'40" E, chord length 326.59 feet; thence N 87°24'43" E, on a non-tangent line, along said north boundary of said Parcel 7, 186.68 feet to the true point of beginning and end of said line;

EXCEPT any portion thereof within the right of way of county road, known as Goodwin Road, along the North boundary of the Northeast Quarter of the Southwest Quarter of said Section 11.

The Access Easement is graphically depicted on Exhibit A attached hereto and incorporated herein by reference. (hereinafter referred to as the "Access Easement").

1.2. **Use of Access Easement.** The Access Easement shall be used by the real property benefited by the Access easement for the following purposes:

1.2.1 **Private Road for ingress and egress,** together with, but not limited to, the right to reconstruct, replace, repair, maintain and use said road. The private road is intended to be used by the Benefited Property for vehicular, pedestrian and aircraft access; and

1.2.2 **Pipes, conduits, cables and wires,** together with all reasonably necessary or convenient underground or ground-mounted appurtenances thereto for utilities, including, but not limited to, domestic water, power, communication, cable, and natural gas, together with, but not limited to, the right to install, replace, repair, maintain and use said utilities; and

1.2.3 **Underground irrigation pipeline(s),** together with, but not limited to, the right to install, replace, repair, maintain and use said pipeline(s).

1.3. **Property Burdened by Access Easement:** The real property described above in Recitals A, B, and C is burdened by the Access Easement.

1.4. **Property Benefited by Access Easement:** The real property described above in Recitals A, B, and C is benefited by the Access Easement.

1.5. **Restrictions on Use of Access Easement.** The area of the Access Easement shall not be used for long term parking, storage, staging of construction (except construction required for the Access Easement) or any other use that is not specifically identified above in Section 1.2.

1.6. No manmade or natural object which exceeds 18 inches in height may be constructed or located within a 100-foot strip of property within the Access Easement centered on the middle of the Access Easement.

1.7. **Use and Maintenance of the Access Easement:** Declarant has installed an asphalt road on the Access Easement, which has been assigned the name "Thorp Landing, LN" by Kittitas County. Declarant has no future or ongoing obligation to maintain, repair, or improve said road. All decisions concerning the use, repair, replacement, maintenance, reconstruction, or improvement of the easement improvements, including, but not limited to, the road, utilities, and/or pipelines (hereinafter the "Improvements"), shall be agreed upon by a majority vote of the owners of the Parcels benefited by the Easement or Improvement in question. For purposes of this Agreement, each separate parcel, now existing or hereinafter created, within the Recital A Property and Parcels 2, 3, 4, 5, 6, and 7, inclusive, shall each have one vote. In the event of future subdivision of the Recital A Property, then each legal tax parcel created within the Recital A Property shall also have one (1) vote. Benefited

1.7.1. In the event the Benefited Parcel Owners shall determine by majority vote that an Improvement needs repair, replacement, maintenance, modification, or reconstruction (hereinafter collectively "Maintenance"), the Benefited Parcel Owners shall share equally in the cost of such Maintenance, based upon the number of votes as provided hereinabove. Each vote shall equate to a share in said cost; provided, however, Declarant shall not be assessed any Maintenance Cost under the provisions of this Agreement. When a decision is made to perform Maintenance to the Easement or an Improvement, road located on the Easement, or utility within the easement, the Benefited Parcel Owners shall establish an account for said purpose. The account shall be managed by a Parcel Owner or a designated management company, as agreed upon by a majority of votes by the Benefited Parcel Owners. Each Benefited Parcel Owner shall pay its share of the estimated cost of the work into said account within thirty (30) days of written request. In the event the amount paid into the account is not enough to pay the actual cost of the approved Maintenance, each Benefited Parcel Owner shall pay its share of any shortage into the account. If any Benefited Parcel Owner fails to pay its share of the cost of Maintenance when due, the remaining Benefited Parcel Owners, individually or collectively, may pay the defaulting Parcel Owner's share and may record a lien against the defaulting Parcel Owner's real property in favor of the Parcel Owner(s) who advanced the payment. Said lien may be enforced pursuant to the law of the State of Washington. The lien does not have to be foreclosed or otherwise enforced within any specific time period.

1.7.2. No Parcel Owner(s) may upgrade or perform Maintenance on the Improvements on the Access Easement without majority approval by Benefited Parcel Owners.

1.7.3. In the event any Parcel Owner(s) disturb the surface of any Easement area set forth herein during the installation of utilities, storm water drainage or other improvements for the benefit of their own Parcel(s), or through excessive wear and tear, or for any reason damage the Improvements, the Parcel Owner(s) responsible for such damage shall be responsible for repairing and restoring such damaged Improvement to its prior condition, at that Parcel Owner(s)' sole cost and expense.

1.7.4. Declarant has caused utilities and irrigation systems to be located in the Access Easement. Any Parcel Owner who desires to access and use those utilities or irrigation systems shall be responsible for all costs associated with connecting the utilities and irrigation systems in the Access Easement to the Parcel Owner's Parcel. Declarant shall have no obligation to pay any costs associated with connecting a Parcel or a structure on a Parcel to the utilities or irrigation systems in the Access Easement.

2. **UTILITY EASEMENT.** A non-exclusive utility easement described as seven and one-half feet (7.5') in width along and adjacent to the side and rear lot lines of Parcels 2, 3, 4, 5, 6, and 7 exists for the purposes set forth below.

2.1. **Use of Utility Easement:** The Utility Easement shall only be used for the following purposes:

2.1.1. **Underground utilities, including, but not limited to, power, telephone, cable and natural gas, together with, but not limited to, the right to install, replace, repair, maintain and use said utilities; and**

2.1.2. **Underground irrigation pipeline(s), together with, but not limited to, the right to install, replace, repair, maintain and use said pipeline(s).**

2.2. **Parcels Burdened by the Utility Easement:** Parcels 2, 3, 4, 5, 6, and 7 are burdened by the Utility Easement.

2.3. **Parcels Benefited by the Utility Easement:** The Recital A Property and Parcels 2, 3, 4, 5, 6, and 7 are benefited by the Utility Easement.

2.4. **Restrictions on Use of the Utility Easement.** The following restrictions govern the use of the Utility Easement:

2.4.1. The Utility Easement described herein is for utilities only and no benefited Parcel Owner may use the Utility Easement for any other purpose, including, but not limited to, a trail, path, or other course of travel by foot, horse, bicycle, or wheeled vehicle.

2.4.2. Any fence placed within the Utility Easement area by the Owner(s) of a Parcel burdened by the Utility Easement must be constructed in such a manner so as to not interfere with and/or damage below ground infrastructure improvements within the Utility Easement area. In the event any fence is constructed within the Utility Easement area by the Owner(s) of a benefited Parcel and said fence or the construction of said fence results in damage to the below ground infrastructure improvements located within the Utility Easement area, then the Owner(s) of the Parcel causing said damage shall promptly repair the damage at their own cost and expense. Owner(s) of a Parcel burdened by the Utility Easement may be required to, at their own cost and expense, remove the fence if the fence interferes with the future use of the Utility Easement.

2.4.3. Fences are allowed on a property line but no other structure or improvements of any kind may be constructed on the surface of the Utility Easement.

2.5. **Use and Maintenance of Utility Easement:** All decisions concerning the use, repair, replacement, maintenance or reconstruction of the easement improvements, including, but not limited to the roads, utilities and/or pipelines (hereinafter the "Improvements"), shall be agreed upon by a majority vote of the owners of the Parcels benefited by the Easement or Improvement in question. For purposes of this Agreement, the Recital A property and Parcels 2, 3, 4, 5, 6, and 7, inclusive, shall each have one vote. Only Parcels having benefited by the Utility Easement or Improvement in question (hereinafter the "Benefited Parcel Owners") shall be entitled to vote on matters related thereto. In the event of future subdivision of the Recital A Property, then each legal tax parcel created within the Recital A Property shall also have one (1) vote.

2.5.1. In the event the Benefited Parcel Owners shall determine by majority vote that an Improvement is in need of repair, replacement, maintenance or reconstruction (hereinafter collectively "Maintenance"), the Benefited Parcel Owners shall share equally in the cost of such Maintenance, based upon the number of votes as provided hereinabove. Each vote shall equate to a share in said cost; provided, however, Declarant shall not be assessed any Maintenance Cost under the provisions of this Agreement. When a decision is made to perform Maintenance to an Improvement, the Benefited Parcel Owners shall establish an account for said purpose. The account shall be managed by a Parcel Owner or a designated management company, as agreed upon by a majority of votes by the Benefited Parcel Owners. Each Benefited Parcel Owner shall pay its share of the estimated cost of the work into said account within thirty (30) days of written request. In the event the amount paid into the account is not enough to pay the actual cost of the approved Maintenance, each Benefited Parcel Owner shall pay its share of any shortage into the account. If any Benefited Parcel Owner fails to pay its share of the cost of Maintenance when due, the remaining Benefited Parcel Owners, individually or collectively, may pay the defaulting Parcel Owner's share and may record a lien against the defaulting Parcel Owner's real property in favor of the Parcel Owner(s) who advanced

the payment. Said lien may be enforced pursuant to the law of the State of Washington. The lien does not have to be foreclosed or otherwise enforced within any specific time period.

2.5.2. No Parcel Owner(s) may upgrade or perform Maintenance on the Improvements within the Utility Easement without majority approval by Benefited Parcel Owners.

2.5.3. In the event any Parcel Owner(s) disturb the surface of any Easement area set forth herein during the installation of utilities, storm water drainage or other improvements for the benefit of their own Parcel(s), or through excessive wear and tear, or for any reason damage the Improvements, the Parcel Owner(s) responsible for such damage shall be responsible for repairing and restoring such damaged Improvement to its prior condition, at that Parcel Owner(s)' sole cost and expense.

**3. IRRIGATION EASEMENT.** Declarant hereby declares, creates, grants, establishes and conveys a non-exclusive irrigation easement legally described as follows:

A strip of property ten (10) feet in width commencing at the Southeast corner of Parcel 4 and running northerly along and adjacent to the easterly boundary of Parcel 4 to the Northeast corner of Parcel 4 where said easement terminates. (Hereinafter referred to as the "Irrigation Easement").

3.1. **Use of the Irrigation Easement:** The Irrigation Easement may only be used for underground irrigation pipeline(s), together with, but not limited to, the right to install, replace, repair, maintain and use said pipeline(s).

3.2. **Parcels Burdened by the Irrigation Easement:** Parcels 2, 3, 4, 5, 6, and 7 are burdened by the Irrigation Easement.

3.3. **Parcels Benefited by the Irrigation Easement:** Parcels 2, 3, 4, 5, 6, and 7 are benefited by the Irrigation Easement.

3.4. **Restrictions on Use of Irrigation Easement.** The following restrictions govern the use of the Irrigation Easement:

3.4.1. The Irrigation Easement described herein is for irrigation purposes only and no benefited Parcel Owner may use the Irrigation Easement for any other purpose, including, but not limited to, a trail, path, or other course of travel by foot, horse, bicycle, or wheeled vehicle.

3.4.2. Any fence placed with in the Irrigation Easement area by the Owner(s) of a Parcel benefited by the Irrigation Easement must be constructed in such a manner so as to not interfere with and/or damage below ground infrastructure improvements within the Irrigation Easement area. In the event any fence is constructed within the Irrigation Easement area by the Owner(s) of a benefited Parcel and said fence or the construction of said fence results in damage to the below ground infrastructure improvements located within the Irrigation Easement area, then the Owner(s) of the Parcel causing said damage shall promptly repair the damage at their own cost and expense. Owner(s) of a Burdened Parcel may be required to, at their own cost and expense, remove the fence if the fence interferes with the future use of the Irrigation Easement.

3.4.3. No structure or improvements of any kind may be constructed on the surface of the Irrigation Easement.

3.5. **Use and Maintenance of Irrigation Distribution System:** All decisions concerning the use, repair, replacement, maintenance, or reconstruction of the irrigation system components, including, but not limited to pipelines, gates, valves, measuring devices, diversion boxes, and other irrigation equipment (hereinafter the "Irrigation Improvements") designed to serve Parcels 2, 3, 4, 5, 6, and 7, shall be agreed upon by a majority vote of the owners of the Parcels benefited by the Easement or Irrigation Improvements in question. For purposes of this Agreement, Parcels 2, 3, 4, 5, 6, and 7, inclusive, shall each have one vote. Only Parcels having a beneficial use of the Easement

or Irrigation Improvements in question (hereinafter the "Benefited Parcel Owners") shall be entitled to vote on matters related thereto. For purposes of this paragraph, "beneficial use" of the Irrigation Improvements shall be deemed to begin upon connection to the Irrigation Improvements by a Parcel.

3.5.1. In the event the Benefited Parcel Owners shall determine by majority vote that an Irrigation Improvement is in need of repair, replacement, maintenance or reconstruction (hereinafter collectively "Maintenance"), the Benefited Parcel Owners shall share equally in the cost of such Maintenance, based upon the number of votes as provided hereinabove. Each vote shall equate to a share in said cost; provided, however, Declarant shall not be assessed any Maintenance Cost under the provisions of this Agreement. When a decision is made to perform Maintenance to an Improvement, the Benefited Parcel Owners shall establish an account for said purpose. The account shall be managed by a Parcel Owner or a designated management company, as agreed upon by a majority of votes by the Benefited Parcel Owners. Each Benefited Parcel Owner shall pay its share of the estimated cost of the work into said account within thirty (30) days of written request. In the event the amount paid into the account is not enough to pay the actual cost of the approved Maintenance, each Benefited Parcel Owner shall pay its share of any shortage into the account. If any Benefited Parcel Owner fails to pay its share of the cost of Maintenance when due, the remaining Benefited Parcel Owners, individually or collectively, may pay the defaulting Parcel Owner's share and may record a lien against the defaulting Parcel Owner's real property in favor of the Parcel Owner(s) who advanced the payment. Said lien may be enforced pursuant to the law of the State of Washington. The lien does not have to be foreclosed or otherwise enforced within any specific time period.

3.5.2. No Parcel Owner may upgrade or perform Maintenance on the Irrigation Improvements without majority approval by Benefited Parcel Owners.

3.5.3. In the event any Parcel Owner(s) disturb the surface above any of the Irrigation Improvements on the Easement for the benefit of their own Parcel(s), or through excessive wear and tear, or for any reason damage the Irrigation Improvements, the Parcel Owner(s) responsible for such damage shall be responsible for repairing and restoring such damaged Irrigation Improvement to its prior condition, at that Parcel Owner(s)' sole cost and expense.

4. **No Protest Clause.** No owner of all or any part of the Property may at any time in the future object to, protest or otherwise attempt to interfere with, prevent or block the use of any portion of the Easement for residential purposes. This paragraph is intended to prevent the owners of all or any portion of the burdened Property and any part thereof from bringing any claim that the use of the Easement by any portion of the benefited property will overburden the easement. This paragraph is intended to be construed as liberally as possible and is intended to ensure that all portions of the benefited Property have the ability to use any part of Easement H and Easement I for any purpose allowed herein including, but not limited to access and utilities for residential purposes regardless of the number of residential parcels created in the future.

5. **Hold Harmless and Indemnification.** Every owner of any Benefited or Burdened Property ("Indemnitor") shall defend, indemnify and hold the owners of the other Benefited or Burdened Properties ("Indemnitee") harmless from any and all damages, claims and causes of action which may accrue to or be suffered by any Indemnitee by reason of, arising out of, or resulting from the use by the Indemnitor of the above improvements or the Easement or the use by the Indemnitor's employees, agents, lessees, licensees, invitees, and guests, except to the extent caused by or results from the negligence of Indemnitee or its guests, lessees, agents, licensees, invitees or employees. In the event of concurrent negligence of any such property owner, or their respective guests, lessees, licensees, agents, invitees or employees, each such owner shall be responsible only to the extent of its own negligence and that of its guests, lessees, licensees, agents, invitees and employees.

6. **Eminent Domain.** If any Easement described herein, or any part thereof, is taken by any governmental agency in the exercise of its power of eminent domain, the award granted under such proceedings or any settlement in lieu thereof, for the taking of such property shall be payable to the fee owner of the portion of the Easement area which is taken. If all or any part of the Easement area is taken, this grant shall terminate with respect to the portion so taken and the obligations hereunder of the then owners of the Easement area shall automatically cease and terminate when possession is transferred to the condemning agency with respect to any portion of the Easement area so condemned;

provided, however, that nothing herein prevents the owner(s) of the Benefited Property from seeking compensation from the condemning agency, only, for loss of the Easement.

**7. Easement Runs with the Land and Binding Effect.** The Easement granted and the benefits, restrictions, obligations and covenants established herein shall run with and shall bind and be obligatory upon the properties described herein; provided that, anything herein to the contrary notwithstanding, no rights in or to the general public are created hereby. This Easement shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, successors, assigns and legal representatives.

**8. Legal Expenses.** If any party is required to bring or maintain any action (including assertion of any counterclaim or cross-claim, or claim in any proceedings in bankruptcy, receivership, or any other proceeding instituted by a party hereto or by others), or otherwise refers this Easement to an attorney for the enforcement of any of the terms and conditions of this , the substantially prevailing party shall, in addition to all other payments required, receive from the other all the costs incurred, including costs of title examination, discovery and reasonable attorney fees and including costs and reasonable attorney fees on any appeal.

**9. Governing Law.** This Easement shall be interpreted, construed and enforced according to the laws of the State of Washington.

**10. Time of Performance.** Time is of the essence of this Easement and of all acts required to be done and performed by the parties hereto, including, but not limited to, the proper tender of each of the sums required by the terms hereof to be paid.

**11. Invalidity.** In the event any portion of this Easement should be held to be invalid by any court of competent jurisdiction, such holding shall not affect the remaining provisions hereof unless the court's ruling includes a determination that the principal purpose and intent of this Easement are thereby defeated.

**12. Interpretation.** This Easement has been reviewed by both parties and each party has had the opportunity to consult with independent counsel with respect to the terms hereof and has done so to the extent that such party desired. No stricter construction or interpretation of the terms hereof shall be applied against either party as the drafter hereof.

**13. Counterparts.** This Easement may be executed in counterparts, each of which shall be deemed to be an original instrument. All such counterparts together shall constitute a fully executed Easement.

**14. Amendment.** This Easement may not be modified or amended except by the written agreement of the parties; provided, however, that so long as the Declarant owns any of the Recital A, Recital B or Recital C property Declarant shall be allowed and shall have the ability to modify and or amend this easement Declaration at any time for any purpose, including but not limited to adding benefited property, adding additional easements and adding purposes of use of easements, without the consent of any other owners of the property legally described in Recital A, Recital B and Recital C.

IN WITNESS WHEREOF, the parties have executed this Easement as of the day and year first above written.

**DECLARANT:**

THORP LANDING, LLC

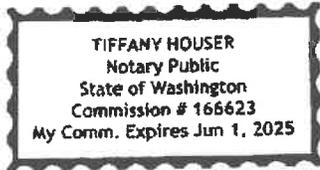
  
\_\_\_\_\_  
By: Joel Breear  
Its: Managing Member

STATE OF WASHINGTON )

County of Kittitas ) ss.  
)

I certify that I know or have satisfactory evidence that Jed Greear is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as a Managing Member of THORP LANDING, LLC, a Washington limited liability company, the company that executed this instrument as the free and voluntary act of said company for the uses and purposes mentioned in the instrument.

GIVEN under my hand and official seal this 25<sup>th</sup> day of May, 2022.



Printed Name: Tiffany Houser  
Notary Public in and for the State of Washington  
My commission expires: 6/1/2025

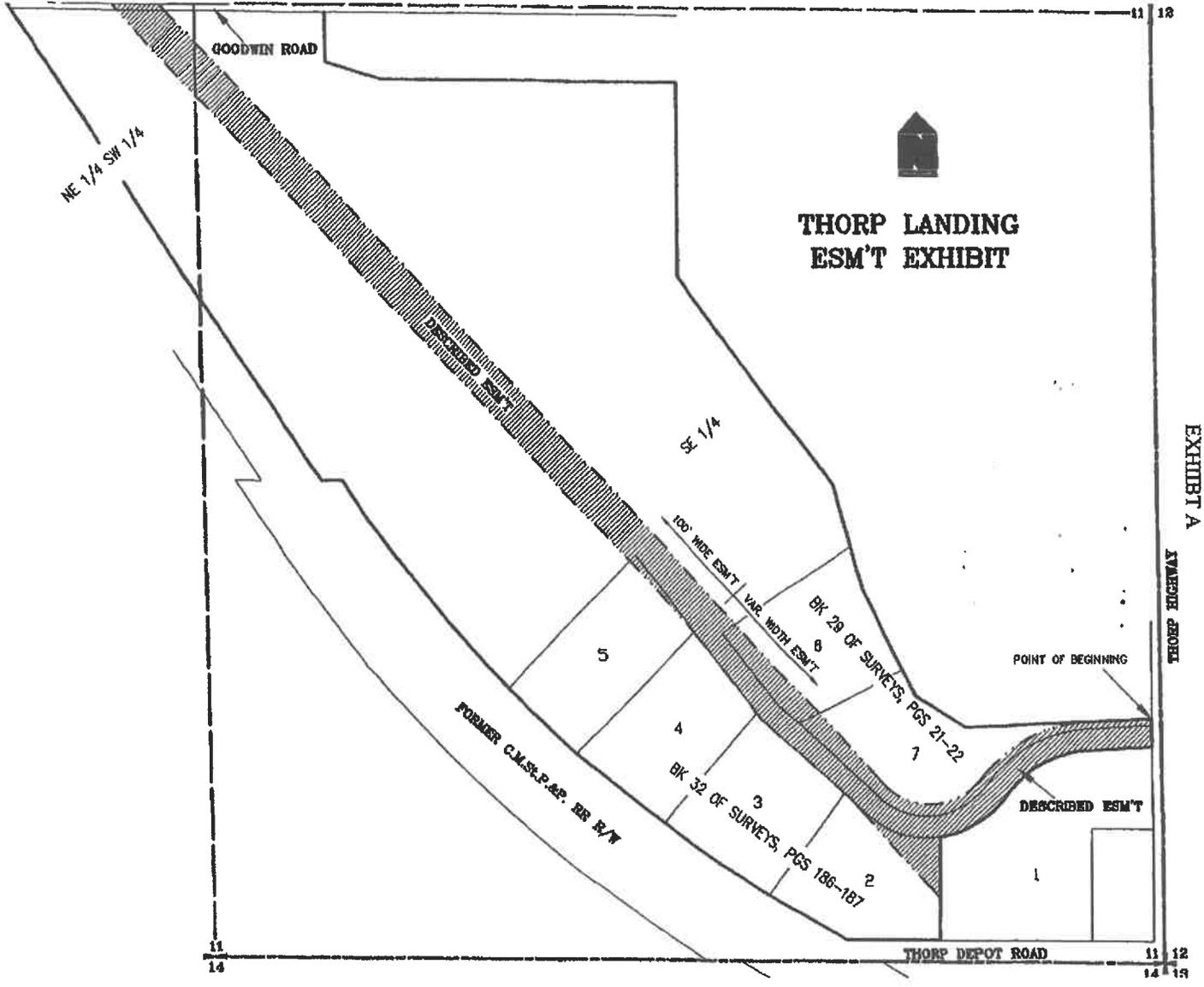


EXHIBIT A

AMBER JOHNS

Easement  
Page 11 of 11



## KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

### NOTICE OF DECISION

**To:** Interested Parties  
**From:** Community Development Services  
**Date:** December 27, 2022  
**Subject:** 2022 Kittitas County Annual Docket Amendments

---

Pursuant to KCC 15B.03.040(7) notice is hereby given that on December 20, 2022 the Kittitas County Board of County Commissioners approved the 2022 Annual Docketed Comprehensive Plan and Zoning Amendments. These amendments included five (5) citizen-initiated requests for comprehensive plan land use and zoning changes.

Copies of the Kittitas County Board of Commissioners Ordinance 2022-017 and related file documents may be examined at Kittitas County Community Development Services, 411 N. Ruby Suite 2, Ellensburg, WA 98926. (509) 962-7506. The approved ordinance can also be found on the Kittitas County website: <https://www.co.kittitas.wa.us/uploads/bocc/ordinances/2022-017-ordinance.pdf>

The Annual Docket items may be appealed by parties with standing by filing an appeal with the Growth Management Hearings Board pursuant to RCW 36.70A within sixty (60) of the publication of this decision.

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

**ORDINANCE**

NO. 2022 - 017

**REVISIONS OF KITTITAS COUNTY CODE AND COMPREHENSIVE PLAN  
AS PART OF THE 2022 ANNUAL COMPREHENSIVE PLAN AMENDMENT CYCLE.**

**Whereas,** this ordinance, revising Kittitas County Code and Comprehensive Plan, contains four sections of findings, as follows:

- Section I - Procedural Findings
- Section II - Board of County Commissioners Findings
- Section III - Final Decision and Signatures
- Exhibits A-T - Changes to Kittitas County Code and Comprehensive Plan

**SECTION I  
PROCEDURAL FINDINGS**

- Whereas,** Kittitas County opted into the Growth Management Act, RCW 36.70A, voluntarily on December 27, 1990, through Resolution 90-138; and
- Whereas,** The Kittitas County GMA Comprehensive Plan was originally adopted on July 26, 1996 by the Kittitas County Board of County Commissioners; and
- Whereas,** Kittitas County Code 15B.03.030 indicates that any interested person, including applicants, citizens, county commission and board members, and staff of other agencies may suggest plan or development regulation amendments for annual consideration by the Kittitas County Planning Commission and Board of County Commissioners; and
- Whereas,** Kittitas County Code 15B.03.030 requires amendments to the comprehensive plan or development regulations that are docketed by June 30<sup>th</sup> must be approved or denied by the Board of County Commissioners on or before December 31<sup>st</sup> of that same calendar year; and
- Whereas,** Kittitas County Community Development Services docketed a list of suggested changes to the Kittitas County Code and Comprehensive Plan and made these proposals readily available for review by the public in Community Development Services and within the County's official website; and
- Whereas,** Kittitas County submitted its proposed docketed items on October 19, 2022 to the Department of Commerce as required by statute and received a letter of receipt on October 19, 2022 that the docket proposal had been received and was sent to other agencies for comment; and
- Whereas,** Comments were received from state agencies and members of the public; and
- Whereas,** Kittitas County filed its overall docket SEPA checklist and SEPA checklist for five citizen-initiated comprehensive plan amendments and rezone applications on September 8, 2022 and issued a Determination of Non-significance (DNS) for the annual docket items on September 8, 2022 through authority of WAC 197-11-340; and
- Whereas,** One timely SEPA appeal was received for the Mardee Lake comprehensive plan amendment and rezone applications (CP-22-00005 & RZ-22-00005); and
- Whereas,** Due public notice was placed upon the County official website and in the Northern Kittitas County Tribune on October 27, 2022 and November 3, 2022, and in the Daily Record on October 27, 2022 and November 3, 2022 regarding the Planning Commission public hearing; and
- Whereas,** The Planning Commission conducted a public hearing on November 8, 2022 and November 9, 2022 to hear testimony and take public comment on the items considered for amendment and after deliberation made recommendations to the Board of County Commissioners, taking due consideration of the public benefit involved in the proposals; and

**Whereas,** After due notice and publication on official website and in the Northern Kittitas County Tribune on November 3, 2022 and November 10, 2022, and in the Daily Record on November 3, 2022 and November 10, 2022, the Kittitas County Board of County Commissioners held an open public hearing on November 29, 2022; and

**Whereas,** After deliberation, the Board of County Commissioners made decisions on each docket item presented; and

**Whereas,** Following the decisions on the docket items the Kittitas County Board of Commissioners instructed County staff to prepare an ordinance for their signature to adopt changes to the Kittitas County Code and Comprehensive Plan; and

**Whereas,** The Kittitas County Board of County Commissioners considered enabling documents before the public on December 20, 2022.

**SECTION II – BOARD OF COUNTY COMMISSIONERS FINDINGS**

**General Findings:**

The Kittitas County Board of County Commissioners held a public hearing on November 29, 2022, to hear testimony and accept written comments regarding proposed amendments to the Kittitas County Code and Comprehensive Plan. All members of the public who wanted to testify were allowed to speak or submit written correspondence into the record.

The docketed items discussed during the Board of County Commissioners public hearing included:

<b>2022 Proposed AMENDMENTS to Kittitas County Code and Comprehensive Plan</b>				
<i>Number</i>	<i>Applicant Name</i>	<i>Project Description</i>	<i>Planning Commission Recommendation</i>	<i>Staff Recommendation</i>
22-01	Kittitas County	Amend KCC 17.11, 17.08, 17.15, 17.16, 17.22, 17.24, 17.32, 17.36, 17.40, 17.44, 17.48, and 17.52 to implement Interlocal Agreement (ILA) between Kittitas County and the City of Ellensburg regarding development in the Ellensburg Urban Growth Area (Resolution 2022-013).	The Planning Commission unanimously recommended approval of the amendments as proposed and recommended that comments from Steve Willard be forwarded to the Board of County Commissioners for consideration.	Staff recommended approval of the amendment as proposed.
22-02	Kittitas County CDS Staff	Amend KCC 17.08 to add definitions of “Construction Business and Trades” and “Contractor Yard” and amend KCC 17.15 to add “Contractor Yard” to land use tables.	The Planning Commission unanimously recommended denial of the amendment as proposed.	Staff recommended approval of the amendment as proposed.

22-03	Kittitas County CDS Staff	Housekeeping amendments to KCC Title 15, 16, and 17.	The Planning Commission unanimously recommended approval of the amendment as proposed.	Staff recommended approval of the amendment as proposed.
22-04	Kittitas County CDS Staff	Amend KCC 17.08 to update definitions of "Accessory dwelling unit," "Accessory living quarters," and "Guesthouse."	The Planning Commission unanimously recommended approval of the amendment as proposed.	Staff recommended approval of the amendment as proposed.
22-05	Kittitas County CDS Staff	Amend KCC 17.08.195 to redefine "Daycare facilities" and amend KCC 17.15.070.1 and KCC 17.15 to allow daycare facilities in Residential, Residential 2, and Urban Residential zoning districts.	The Planning Commission unanimously recommended approval with a minor amendment and recommended these provisions be extended to the Rural 5 and Rural 3 zoning districts.	Staff recommended approval of the amendment as proposed.
22-06	Commissioner Osiadacz	Amend KCC 17.44.060 to increase maximum building height in the Highway Commercial Zone to 40 feet and remove the reference to "stories."	The Planning Commission unanimously recommended approval of the amendment as proposed	Staff recommended approval of the amendment as proposed.
22-07	Commissioner Wright	Amend KCC 12.05 to allow for vesting of exiting driveway accesses established prior to county road access permits.	The Planning Commission unanimously recommended approval of the amendment as proposed	Staff recommended approval of the amendment as proposed.
22-08	Commissioner Wright	Amend KCC 16.12.040 to allow for lots smaller than the zoning minimum lot size in Commercial Ag, Ag 5, and Ag 20 zones where a residence has existed for at least five years and where the lot has not been divided for at least 15 years.	The Planning Commission recommended approval as originally proposed but with a minor amendment, by a vote of 4 to 0 with one abstention.	Staff recommended a revision of the proposed amendment that would perpetually limit the remainder lot's use to agricultural purposes.
22-09	Kittitas County CDS Staff	Amend KCC 17.08 to exclude retaining walls of up to four feet in height from structural setbacks when necessary for access permits and to allow for a maximum 18-inch structural	The Planning Commission unanimously recommended approval of the amendment as proposed	Staff recommended approval of the amendment as proposed.

		encroachment into setbacks.		
22-10	WITHDRAWN			
22-11	Kittitas County CDS Staff	Amend KCC 17.80.010 to clarify that alterations or expansions of nonconforming residential structures shall not increase their nonconformity.	The Planning Commission unanimously recommended approval of the amendment as proposed.	Staff recommended approval of the amendment as proposed.
22-12	Kittitas County CDS Staff	Amend 17.16.080, 17.18.080, 17.28.060, 17.28A.060, 17.29.070, 17.31.070, and 17.56.060 to remove "to the main building" language.	The Planning Commission unanimously recommended approval of the amendment as proposed.	Staff recommended approval of the amendment as proposed.
22-13	WITHDRAWN			
22-14	Kittitas County CDS Staff	Amend KCC Title 15A Table A to include Reasonable Use and Public Agency and Utility Exception that were adopted with new critical areas ordinance in 2021.	The Planning Commission unanimously recommended approval with the proposed staff revision.	Staff recommended approval of the amendment with one minor revision.
22-15	Kittitas County Solid Waste	New Chapter 8.21 that would expand recycling and yard waste services in Kittitas County.	The Planning Commission unanimously recommended approval of the amendment with revisions.	Staff recommended approval of the amendment with revisions as proposed by Waste Management.
22-16	WITHDRAWN			
22-17	Kittitas County CDS Staff	Amend KCC 17.08 to clarify which lot lines and yards are considered "front."	The Planning Commission unanimously recommended approval of the amendment as proposed.	Staff recommended approval of the amendment as proposed.
22-18	Kittitas County CDS Staff	Amend KCC 17.84.010(4) to add definition of "substantial construction."	The Planning Commission unanimously recommended approval of the amendment with revision to allow extensions when conditions are outside of applicant's control.	Staff recommended approval of the amendment as proposed.
22-19	Kittitas County CDS Staff	Amend KCC 17.08.290 to provide limitations for employees and customers for home occupations.	The Planning Commission unanimously recommended denial of the amendment.	Staff recommended approval of the amendment as proposed.

22-20	Kittitas County Prosecutor and CDS Staff	Amend KCC 17.15.060(1) to be consistent with WAC 365-196-550(3)(a).	The Planning Commission unanimously recommended approval of the amendment as proposed.	Staff recommended approval of the amendment as proposed.
22-21 CP-22-00001 RZ-22-00001	Citizen Request – Fiorito Brothers	Comprehensive Plan Amendment from Rural Working to Commercial Agriculture and Rezone from Agriculture 20 to Commercial Agriculture.	The Planning Commission unanimously recommended approval of the proposed comprehensive plan amendment and rezone.	Staff recommended approval of the proposed comprehensive plan amendment and rezone.
22-22 CP-22-00002 RZ-22-00002	Citizen Request – Thorp Landing	Comprehensive Plan Amendment from Rural Working to Rural Residential and Rezone from Agriculture 20 to Agriculture 5.	The Planning Commission unanimously recommended approval of the proposed comprehensive plan amendment and rezone.	Staff recommended approval of the proposed comprehensive plan amendment and rezone.
22-23 CP-22-00003 RZ-22-00003	Citizen Request – Flying A Land	Comprehensive Plan Amendment from Rural Working to Rural Residential and Rezone from Agriculture 20 to Agriculture 5.	The Planning Commission unanimously recommended approval of the proposed comprehensive plan amendment and rezone.	Staff recommended approval of the proposed comprehensive plan amendment and rezone.
22-24 CP-22-00004 RZ-22-00004	Citizen Request – Teanaway Ridge	Comprehensive Plan Amendment from Rural Working to Rural Residential and Rezone from Forest & Range and Rural 5 to Rural 5.	The Planning Commission unanimously recommended approval of the proposed comprehensive plan amendment and rezone.	Staff recommended approval of the proposed comprehensive plan amendment and rezone.
22-25 CP-22-00005 RZ-22-00005	Citizen Request – Mardee Lake	Comprehensive Plan Amendment from Rural Working to Rural Recreation and Rezone from Forest & Range to Recreation.	The Planning Commission recommended approval of the proposed comprehensive plan amendment and rezone by a vote of 4 to 1.	Staff recommended approval of the proposed comprehensive plan amendment and rezone.
22-26	WITHDRAWN			

**22-01 Kittitas County Proposal:**

**Amend KCC 17.11, 17.08, 17.15, 17.16, 17.22, 17.24, 17.32, 17.36, 17.40, 17.44, 17.48, and 17.52 to implement Interlocal Agreement (ILA) between Kittitas County and the City of Ellensburg regarding development in the Ellensburg Urban Growth Area (Resolution 2022-013).**

The proposed amendments would implement Resolution 2022-013.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request with AMENDMENTS** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval as presented by staff to the Board of County Commissioners with a vote of 5-0.
- II. Public testimony was received for this proposal.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**22-02 Kittitas County Proposal:**

**Amend KCC 17.08 to add definitions of “Construction Business and Trades” and “Contractor Yard” and amend KCC 17.15 to add “Contractor Yard” to land use tables**

The proposed amendment to KCC 17.08 and KCC 17.15 would allow contractor yards by conditional use permit in the Ag 5, Rural 5, Ag 20, and Forest & Range zones and by administrative conditional use permit in the General Commercial and Highway Commercial zones. Contractor yards would be a permitted use in General Industrial zones. Contractor yards would be permitted in Light Industrial zones but would require an administrative conditional use permit when abutting a residential zoning district. Standards for contractor yards would be added to each land use table to minimize impacts to adjacent uses.

The Board of County Commissioners held a public hearing on November 29, 2022, and **denied the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended denial as presented by staff to the Board of County Commissioners with a vote of 5-0.
- II. Public testimony was received for this proposal.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

The Board of County Commissioners remanded this item for community outreach and to bring recommendations as a part of the 2023 Annual Docket.

**22-03 Kittitas County Proposal:**

**Housekeeping amendments to KCC Title 15, 16, and 17.**

The proposed amendments to KCC Title 15, 16, and 17 would revise the definition of “Family” for compliance with SB 5235 and correct typos and incorrect references.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the County’s Comprehensive Plan.

**22-04 Kittitas County Proposal:**

**Amend KCC 17.08 to update definitions of “Accessory dwelling unit,” “Accessory living quarters,” and “Guesthouse.”**

This amendment would amend these definitions to clarify that these uses contain an installed cook source.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**22-05 Kittitas County Proposal**

**Amend KCC 17.08.195 to redefine “Daycare facilities” and amend KCC 17.15.070.1 and KCC 17.15 to allow daycare facilities in Residential, Residential 2, and Urban Residential zoning districts.**

Daycare facilities serving less than 13 people in a 24-hour period would be permitted outright, and daycare facilities serving 13 or more people in a 24-hour period would require a conditional use permit.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the Planning Commission recommendation** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval with a minor revision and recommended that these provisions be extended to the Rural 5 and Rural 3 zoning districts by a vote of 5-0.
- II. Public testimony was received for this proposal.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**21-06 Kittitas County Proposal:**

**Amend KCC 17.44.060 to increase maximum building height in the Highway Commercial Zone to 40 feet and remove the reference to “stories.”**

Currently the maximum height is two and one-half stories, or 35 feet, whichever is less. The amendment would remove the references to stories, which are not a standard unit of measurement, and would increase the overall height limit from 35 feet to 40 feet.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**22-07 Kittitas County Proposal:**

**Amend KCC 12.05 to allow for vesting of exiting driveway accesses established prior to county road access permits.**

The proposed amendment to KCC 12.05 would allow for vesting of existing driveway accesses established prior to county road access permits.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval of the proposal to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**22-08 Kittitas County Proposal:**

**Amend KCC 16.12.040 to allow for lots smaller than the zoning minimum lot size in Commercial Ag, Ag 5, and Ag 20 zones.**

This amendment would allow for lots smaller than the zoning minimum lot size in Commercial Ag, Ag 5, and Ag 20 zones where a residence has existed for at least five years and where the lot has not been divided for at least 15 years.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request with AMENDMENTS** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 4-0 with one abstention.
- II. Public testimony was received for this proposal.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**22-09 Kittitas County Proposal:**

**Amend KCC 17.08 to exclude retaining walls of up to four feet in height from structural setbacks when necessary for access permits and to allow for a maximum 18-inch structural encroachment into setbacks.**

The overhang encroachment amendment would codify current practice. The retaining wall amendment would remove setback requirements for retaining walls for access permits which logically need to be located within required setbacks.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**22-10 WITHDRAWN**

**22-11 Kittitas County Proposal:**

**Amend KCC 17.80.010 to clarify that alterations or expansions of nonconforming residential structures shall not increase their nonconformity.**

Currently, this section of code does not allow nonconforming structures to be altered, expanded, etc., but this limitation does not apply to residential structures. The proposed amendment would still allow expansion of nonconforming residential structures but would not allow expansion that increased the nonconformity.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request as presented** finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**22-12 Kittitas County Proposal:**

**Amend 17.16.080, 17.18.080, 17.28.060, 17.28A.060, 17.29.070, 17.31.070, and 17.56.060 to remove “to the main building” language.**

The proposed amendments would establish a standard setback requirement.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**21-13 WITHDRAWN**

**22-14 Kittitas County Proposal:**

**Amend KCC Title 15A Table A to include Reasonable Use and Public Agency and Utility Exception that were adopted with new critical areas ordinance in 2021.**

The proposed amendment to KCC Title 15A Table would include Reasonable Use and Public Agency and Utility Exceptions that were adopted with new critical areas ordinance in 2021.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request with an AMENDMENT** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval with a staff-recommended revision to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**22-15 Kittitas County Proposal:**

**New Chapter 8.21 that would expand recycling and yard waste services in Kittitas County.**

The proposed amendment would create a new Chapter 8.21 that would expand recycling and yard waste services in Kittitas County.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request with revisions as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. Public testimony was received for this proposal.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**22-16 WITHDRAWN**

**22-17 Kittitas County Proposal:**

**Amend KCC 17.08 to clarify which lot lines and yards are considered “front.”**

The proposed amendment to KCC 17.08 would clarify which lot lines are considered front.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony was received for this proposal.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**22-18 Kittitas County Proposal:**

**Amend KCC 17.84.010(4) to add definition of “substantial construction.”**

The proposed amendment to KCC 17.84.010(4) would amend the variance criteria in KCC 17.84.010(4) to include a definition of “substantial construction.” Currently, an approved variance becomes void after one year if no substantial construction has taken place, but “substantial construction” is not defined. The new definition would require one or more building inspection approvals in order to be considered “substantial construction.”

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request as recommended** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0 with a revision to allow extensions where conditions are outside of applicant’s control.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**22-19 Kittitas County Proposal:**

**Amend KCC 17.08.290 to provide limitations for employees and customers for home occupations.**

The proposed amendment to KCC 17.08.290 would provide limitations for employees and customers for home occupations in order to limit impacts on surrounding residential uses.

The Board of County Commissioners held a public hearing on November 29, 2022, and **denied the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended denial to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**22-20 Kittitas County Proposal:**

**Amend KCC 17.15.060(1) to be consistent with WAC 365-196-550(3)(a).**

The proposed amendment to KCC 17.15.060(1) would remove footnote 58 because it is in conflict with WAC 365-196-550(3)(a), which states, "Cities and counties may not use their comprehensive plan or development regulations to preclude the siting of essential public facilities. Comprehensive plan provisions or development regulations preclude the siting of an essential public facility if their combined effects would make the siting of an essential public facility impossible or impracticable."

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony was received for this proposal.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**22-21 Citizen-Initiated Proposal:**

**Comprehensive Plan Amendment and Rezone**

This amendment was proposed by a private citizen and has been assigned file numbers CP-22-00001 and RZ-22-00001. Fiorito Brothers Inc. is proposing a comprehensive plan land use map amendment from Rural Working to Commercial Agriculture and a rezone of 27.20 acres from Agricultural 20 to Commercial Agriculture to match surrounding properties. A comprehensive plan amendment (CP-22-00001), rezone application (RZ-22-00001), and SEPA checklist were submitted as part of the application packet. The processing of this non-project specific rezone is consistent with Kittitas County Code 15B.03 Amendments to Comprehensive Plan.

The Board of County Commissioners held a public hearing on November 29, 2022 and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**22-22 Citizen-Initiated Proposal:  
Comprehensive Plan Amendment and Rezone**

This amendment was proposed by a private citizen and has been assigned file numbers CP-22-00002 and RZ-22-00002. Thorp Landing LLC is proposing a comprehensive plan land use amendment from Rural Working to Rural Residential and a rezone of 72.78 acres from Agricultural 20 to Agricultural 5. A comprehensive plan amendment (CP-22-00002), rezone application (RZ-22-00002), and SEPA checklist were submitted as part of the application packet. The processing of this non-project specific rezone is consistent with Kittitas County Code 15B.03 Amendments to Comprehensive Plan.

The Board of County Commissioners held a public hearing on November 29, 2022 and **approved the request as presented** by a 2-1 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. Public testimony was received for this proposal.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**22-23 Citizen-Initiated Proposal:  
Comprehensive Plan Amendment and Rezone**

This amendment was proposed by a private citizen and has been assigned file numbers CP-22-00003 and RZ-22-00003. Flying A Land LLC is proposing a comprehensive plan land use map amendment from Rural Working to Rural Residential and a rezone of 18 parcels, equaling 127.52 acres from Agriculture 20 to Agriculture 5 to match adjacent properties. The rezone will allow the current use of the property to be consistent and compatible with the zoning code, as well as allow future expansion of existing uses. A comprehensive plan amendment (CP-22-00003), rezone application (RZ-22-00003), and SEPA checklist were submitted as part of the application packet. The processing of this non-project specific rezone is consistent with Kittitas County Code 15B.03 Amendments to Comprehensive Plan.

The Board of County Commissioners held a public hearing on November 29, 2022 and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**22-24 Citizen-Initiated Proposal:  
Comprehensive Plan Amendment and Rezone**

This amendment was proposed by a private citizen and has been assigned file numbers CP-22-00004 and RZ-22-00004. Teanaway Ridge LLC is proposing a comprehensive plan land use map amendment from Rural Working to Rural Residential and a rezone of 2 parcels, equaling 86.58 acres, from Forest & Range and Rural 5 to Rural 5 to match adjacent properties. The rezone will allow the current use of the property to be consistent and compatible with the zoning code, as well as allow future expansion of existing uses. A comprehensive plan amendment (CP-22-00004), rezone application (RZ-22-00004), and SEPA checklist were submitted as part of the application packet. The processing of this non-project specific rezone is consistent with Kittitas County Code 15B.03 Amendments to Comprehensive Plan.

The Board of County Commissioners held a public hearing on November 29, 2022 and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 4-0.
- II. Public testimony was received for this proposal.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**22-25 Citizen-Initiated Proposal:  
Comprehensive Plan Amendment and Rezone**

This amendment was proposed by a private citizen and has been assigned file numbers CP-22-00005 and RZ-22-00005. Terra Design Group Inc. (Chad Bala), agent for Mardee Lake Inc., is proposing a rezone and map amendment to four parcels (808335, 818335, 828335 and 838335) currently zoned Forest and Range with a Rural Working Land Use, rezoned to Rural Recreation zoning and land use designation. The rezone will allow the current use of the property to be consistent and compatible with the zoning code of rural recreation, as well as allow future expansion of existing uses. A comprehensive plan amendment (CP-22-00005), rezone application (RZ-22-00005), and SEPA checklist were submitted as part of the application packet. Kittitas County issued a Determination of Non-Significance (DNS) on September 8, 2022. A timely SEPA appeal was filed on October 27, 2022. The SEPA appeal was considered by the Board of County Commissioners prior to considering comprehensive plan amendment and rezone applications. The processing of this non-project specific rezone is consistent with Kittitas County Code 15B.03 Amendments to Comprehensive Plan.

Prior to considering the comprehensive plan amendment and rezone applications, the Board of County Commissioners conducted an appeal hearing and **denied the SEPA appeal**, finding that:

- I. No public testimony was taken for this proposal
- II. The comprehensive plan amendment and rezone do not have environmental impacts.
- III. The County's Critical Areas Ordinance and other environmental regulations would still apply to future development of the property.
- IV. The County's authority to conduct SEPA reviews would still apply to future development of the property.
- V. Upholding the appeal would have negative effects on future non-project comprehensive plan and rezone applications.

The Board of County Commissioners then held a public hearing on November 29, 2022 and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 4-1.
- II. Public testimony was received for this proposal.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**SECTION III - FINAL DECISION AND SIGNATURES**

**BE IT ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.11, 17.08, 17.15, 17.16, 17.22, 17.24, 17.32, 17.36, 17.40, 17.44, 17.48, and 17.52, as shown in **Exhibit A**.

**BE IT FURTHER ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby approves housekeeping amendments to KCC Title 15, 16, and 17, as shown in **Exhibit B**.

**BE IT FURTHER ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to the KCC 17.08, as shown in **Exhibit C**.

**BE IT FURTHER ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.08 and 17.15, as shown in **Exhibit D**.

**BE IT FURTHER ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendment to 17.44.060, as shown in **Exhibit E**.

**BE IT FURTHER ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendment to KCC 12.05, as shown in **Exhibit F**.

**BE IT FURTHER ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 16.12.040, as shown in **Exhibit G**.

**BE IT FURTHER ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.08, as shown in **Exhibit H**.

**BE IT FURTHER ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.80.010, as shown in **Exhibit I**.

**BE IT FURTHER ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.16.080, 17.18.080, 17.28.060, 17.28A.060, 17.29.070, 17.31.070, and 17.56.060, as shown in **Exhibit J**.

**BE IT FURTHER ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to Title 15A Table A, as shown in **Exhibit K**.

**BE IT FURTHER ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby approves an amendment to KCC Title 8, creating a new KCC Chapter 8.21, as shown in **Exhibit L**.

**BE IT FURTHER ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.08, as shown in **Exhibit M**.

**BE IT FURTHER ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.84.010(4), as shown in **Exhibit N**.

**BE IT FURTHER ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.15.060(1), as shown in **Exhibit O**.

**BE IT FURTHER ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby approves a comprehensive map and rezone, as shown in **Exhibit P**.

**BE IT FURTHER ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby approves a comprehensive map and rezone, as shown in **Exhibit Q**.

**BE IT FURTHER ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby approves a comprehensive map and rezone, as shown in **Exhibit R**.

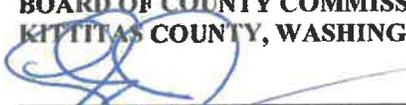
**BE IT FURTHER ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby approves a comprehensive map and rezone, as shown in **Exhibit S**.

**BE IT FURTHER ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby approves a comprehensive map and rezone, as shown in **Exhibit T**.

**NOW, BE IT FURTHER ORDAINED** that the Board of County Commissioners, after due deliberation, hereby approves the adoption of the 2022 Amendments to the Kittitas County Code as shown in Exhibits A through Q attached hereto and incorporated by reference. Information Services is hereby directed to make these changes to the regulations on the County website. The Community Development Services Director and Prosecuting Attorney are authorized to correct any scrivener's errors without Board approval.

Adopted this 20<sup>th</sup> day of December 2022, at Ellensburg, Washington.

**BOARD OF COUNTY COMMISSIONERS  
KITTTAS COUNTY, WASHINGTON**

  
\_\_\_\_\_  
Laura Osindacz, Chairman

  
\_\_\_\_\_  
Cory Wright, Vice-Chairman

  
\_\_\_\_\_  
Brett Wachsmith, Commissioner



- Clerk of the Board- Julie Kjorsvik
- Deputy Clerk of the Board- Mandy Buchholz

  
\_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Neil Caulkins, Deputy Prosecuting Attorney  
signing for Gregory L. Zempel Prosecuting Attorney

**17.28.130 Repealed.**

(Ord. 2013-001, 2013; Ord. 2012-009, 2012; Ord. 2009-25, 2009; Ord. 2007-22, 2007; Ord. O-2006-01, 2006; Ord. 93-6 (part), 1993; Ord. 9015 §§ 2, 3, 1990; Ord. 90-10 (part), 1990; Ord. 88-4 § 4, 1988; Ord. 87-9 § 3, 1987; Ord. 83-26, 1983; Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983)

**17.28.140 Repealed.** (Ord. 2013-001, 2013; Ord. 2007-22, 2007)



**Chapter 17.28A**

**A-5 – AGRICULTURE ZONE**

**Sections**

**17.28A.010 Purpose and intent.**

**17.28A.020 Allowed uses.**

**17.28A.030 Lot size required.**

**17.28A.040 Yard requirements – Front.**

**17.28A.050 Yard requirements – Side.**

**17.28A.060 Yard requirements – Rear.**

**17.28A.065 Yard requirements– Zones Adjacent to Commercial Forest Zone.**

**17.28A.080 Sale or conveyance of lot portion.**

**17.28A.090 Off-street parking.**

**17.28A.100 Access requirement.**

**17.28A.110 Setback lines.**

**17.28A.130 Conditional uses.**

**17.28A.140 Administrative uses.**

**17.28A.010 Purpose and intent.**

The purpose and intent of the agriculture (A-5) zone is to provide for an area where various agricultural activities and low density residential developments co-exist compatibly. A-5 zones are predominately agricultural-oriented lands and it is not the intent of this section to impose further restrictions on continued agricultural activities therein. (Ord. 2013-008, 2013; Ord. 2005-05, 2005)

**17.28A.020 Allowed uses.**

Allowed uses in the agriculture (A-5) zone include those uses pursuant to KCC Chapter 17.15. (Ord. 2013-008, 2013; Ord. 2013-001, 2013; Ord. 2011-013, 2011; Ord. 2007-22, 2007; Ord. O-2006-01, 2006; Ord. 2005-05, 2005)

**17.28A.030 Lot size required.**

1. The minimum residential lot size shall be five (5) acres in the agriculture zone, unless within a cluster plat as provided for in KCC Chapter 16.09, Cluster Platting and Conservation Platting. Lots within a cluster plat shall be a minimum of one-half (½) acre. The overall density of any residential development shall not exceed one (1) dwelling for each five (5) acres.
2. The minimum average lot width shall be two hundred fifty (250) feet. (Ord. 2013-008, 2013; Ord. 2013-001, 2013; Ord. 2007-22, 2007; Ord. 2005-05, 2005)

**17.28A.040 Yard requirements – Front.**

There shall be a minimum front yard of twenty-five (25) feet. (Ord. 2013-001, 2013; Ord. 2005-05, 2005)

**17.28A.050 Yard requirements – Side.**

Side yard shall be a minimum of five (5) feet. Side yard setbacks may be modified in accordance with KCC 16.10.065. (Ord. 2022-005, 2022; Ord. 2019-013, 2019; Ord. 2013-001, 2013; Ord. 2005-05, 2005)

**17.28A.060 Yard requirements – Rear.**

There shall be a rear yard with a minimum depth of twenty-five (25) feet to the main building. Rear yard setbacks may be modified in accordance with KCC 16.10.065. (Ord. 2022-005, 2022; Ord. 2013-001, 2013; Ord. 2005-05, 2005)

**17.28A.065 Yard requirements – Zones Adjacent to Commercial Forest Zone.**

Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200)-foot setback from the Commercial Forest Zone. (KCC 17.57.050(1)). For properties where such setback isn't feasible, development shall comply with KCC 17.57.050(2). (Ord. 2013-001, 2013; Ord. 2007-22, 2007)

**17.28A.080 Sale or conveyance of lot portion.**

No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure or the remainder of the lot with less than the minimum lot, yard or setback requirements of this zone. (Ord. 2013-001, 2013; Ord. 2005-05, 2005)

**17.28A.090 Off-street parking.**

One automobile parking space shall be provided for each dwelling unit and shall be located to the rear of the building setback line. (Ord. 2005-05, 2005)

**17.28A.100 Access requirement.**

No dwelling shall be constructed or located on a lot or parcel which is not served by a legal sixty-foot (60) right-of-way or existing county road. (Ord. 2013-001, 2013; Ord. 2005-05, 2005)

**17.28A.110 Setback lines.**

None of the following uses shall be located within the distances indicated of any public street or road, any school or public park, or any dwelling (except such dwelling as may exist upon the same property with the restricted use):

1. Within one and one-half (1½) miles:
  - a. (Publisher's note: this item intentionally left blank.)
  - b. Farms or establishments for feeding of garbage or other refuse to hogs or other animals:
    - i. Provision is made that all such operations of subsections 1 and 2 shall be conducted in compliance with all state and county health regulations, and
    - ii. Complete protection from any potential detrimental effects such use might have on surrounding properties and/or use zones will be provided;
2. (Publisher's note: this item intentionally left blank.)
3. Within one hundred (100) feet: barns, shelters or other buildings or structures for keeping or feeding of any livestock, poultry, or other animals or birds whether wild or domestic;
4. Feedlots containing fifty (50) to one hundred (100) head at a density of less than five hundred (500) square feet per head for a period of six (6) months or more shall be located no closer than three hundred (300) feet to any existing home, school or park. (Ord. 2013-001, 2013; Ord. 2005-05, 2005)

**17.28A.130 Repealed.**

(Ord. 2013-001, 2013; Ord. 2012-009, 2012; Ord. 2009-25, 2009; Ord. 2007-22, 2007; Ord. O-2006-01, 2006; Ord. 2005-05, 2005)

**17.28A.140 Repealed.**

(Ord. 2013-001, 2013; Ord. 2007-22, 2007)



**Chapter 17.29**

**A-20 – AGRICULTURE ZONE\***

**Sections**

17.29.010 Purpose and Intent.

17.29.020 Allowed uses.

17.29.030 Repealed.

17.29.040 Lot size required.

17.29.050 Yard requirements – Front yard.

17.29.060 Yard requirements – Side yard.

17.29.070 Yard requirements – Rear yard.

17.29.075 Yard requirements– Zones adjacent to Commercial Forest Zone.

17.29.080 Yard requirements – Sale or conveyance restrictions.

17.29.090 Dimensional requirements.

17.29.100 Repealed.

17.29.110 Access.

17.29.120 Special setback requirements.

17.29.130 Repealed.

\* For provisions on the right to farm for protection of agricultural activities, see Ch. 17.74. For provisions on the commercial agricultural and commercial agricultural overlay zones, see Ch. 17A.55.

Prior history: Ords. 81-Z-1, 80-Z-2, 68-1.

**17.29.010 Purpose and Intent.**

The agriculture (A-20) zone is an area wherein farming, ranching and rural life styles are dominant characteristics. The Intent of this zoning classification is to preserve fertile farmland from encroachment by nonagricultural land uses; and protect the rights and traditions of those engaged in agriculture. (Ord. 2013-008, 2013; Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983)

**17.29.020 Allowed uses.**

Uses allowed in the agriculture (A-20) zone include those uses pursuant to KCC Chapter 17.15. (Ord. 2013-008, 2013; Ord. 2013-001, 2013; Ord. 2012-009, 2012; Ord. 2011-013, 2011; Ord. 2009-25, 2009; Ord. 2007-22, 2007; Ord. 92-1 (part), 1992; Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983)

**17.29.030 Repealed.**

(Ord. 2013-001, 2013; Ord. 2012-009, 2012; Ord. 2009-25, 2009; Ord. 2007-22, 2007; Ord. 2001-13 (part), 2001; Ord. 93-6 (part), 1993; Ord. 92-1 (part), 1992; Ord. 90-10 (part), 1990; Res. 83-10, 1983)

**17.29.040 Lot size required.**

1. Minimum lot (homesite) requirements in the agricultural (A-20) zone are:
  - a. (20) acres, unless within a conservation plat as provided for in KCC Chapter 16.09, Cluster Platting and Conservation Platting
  - b. In no case shall there be more than one dwelling (residence) on any lot or tax parcel unless such parcel is twice the required minimum (twenty-(20)-acre) size.
  - c. One-half (½) acre for lots in a conservation plat.
2. Agriculture Study Overlay Zone: Properties containing prime farmland soils with capability grades between 1 and 4 shall be a minimum of twenty (20) acres in size. (Ord. 2016-023, 2016; Ord. 2013-001, 2013; Ord. 2010-014, 2010; Ord. 2009-25; 2009; Ord. 2007-22, 2007; Ord. 96-15 (part), 1996; Ord. 95-13 (part), 1995; Ord. 83Z-2 (part), 1983; Res. 83-10, 1983)

**17.29.050 Yard requirements – Front yard.**

There shall be a minimum front yard of twenty-five (25) feet. (Ord. 2013-001, 2013; Ord. 96-19 (part), 1996; Res. 83-10, 1983)

**17.29.060 Yard requirements – Side yard.**

Side yard shall be a minimum of five (5) feet. Side yard setbacks may be modified in accordance with KCC 16.10.065. (Ord. 2022-005, 2022; Ord. 2019-013, 2019; Ord. 2013-001, 2013; Res. 83-10, 1983)

17.15.060

17.15.060.1 Allowed Uses in Rural Non-LAMIRD Lands

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  <i>* See KCC Chapter 17.08                      Definitions</i>	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Ag 5 <sup>49</sup>	Rural 5 <sup>49</sup>	Ag 20 <sup>49</sup>	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
A. Agriculture								
Agricultural Enhanced Uses*			p55	p55		p55		
Agricultural direct marketing activities*	p62	p62	p62	p62				
Agricultural seasonal harvest festivities*	p63	p63	p63	p63				
Agricultural expanded seasonal harvest festivities*	C	C	C	C				
Animal boarding*	P	P	P	P		CU	CU	
Agriculture processing*	CU 23		CU 23	CU **		P		
Agriculture production*	p24	P	P	p24	p24	p24	p24	p24
Farm Stand,*	p22 / AC51	p22 / AC51	p22 / AC51	p22 / AC51	p22 / AC51	P	p22 / AC51	p22 / AC51
Agriculture Sales,*	CU		CU			P		
Dairy	CU	CU	CU	CU	CU	CU	CU	
Feedlot*			CU	CU **				
Grazing*	P	P	P	P	P	P	P	P
Marijuana processing*								
Marijuana production*								
Marijuana, retail sales*								
Nurseries	P	P	P	CU **		P	CU61	
Riding academies	CU		CU	CU	CU		CU	
Small-scale event facility*	AC 45 /CU	AC 45 /CU	AC 45 /CU	AC 45 /CU				
U-Pick/U-Cut Operations*	P / AC51	CU	P / AC51	P / AC51			CU	
Farm Visit	CU	CU	AC51	AC51	CU	Cu	CU	p52
Commercial Activities associated with agriculture*	AC		AC					
	Ag 5 <sup>51</sup>	Rural 5 <sup>51</sup>	Ag 20 <sup>51</sup>	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
B. Civic Uses/Community Services								
Cemetery	p 21	p 21	p 21	CU **	p 21	p 21	p 21	p 21
Clubhouses, fraternities and lodges*	AC 44	AC 44	AC 3	AC 35	AC		AC	
Cultural and education facilities					P		P	
Libraries			CU 3			CU		
Meeting facilities					P			

Museums and galleries						CU		
Religious institutions	CU		CU	CU	CU	CU	CU	
Schools, public or private*	p 25		p 25	CU			CU	
Interpretive Center*			AC	AC			AC	
	Ag 551	Rural 551	Ag 2051	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
<b>C. Commercial</b>								
Auction sales of non-agriculture products						CU		
Bank						CU		
Bed and breakfast*	AC	AC	AC	AC **			AC	
Clinic*								
Day care facilities*								
Funeral home/mortuary								
Hospital*								
Hospital, animal or veterinary*			CU			CU		
Hotel/motel					CU 6			
Office*						p 17		
Restaurant				CU 36	P	CU	CU	
Retail sales,* general				CU 36	P	CU 18	CU 18	
Retail sales,* lumber and building materials								
Retail sales,* vehicles								
Services					p 20	CU 50		
Shooting range*			CU 31	CU ** 31			CU 31	
Tavern				CU 36	P	CU		
Temporary sales office					P			
Vehicle/equipment service and repair*	p 16		p 16	CU 36	p 42	p 42		
	Ag 551	Rural 551	Ag 2051	Forest & Range 51	Master Planned	General Commercial	Rural Recreation	PUD
<b>D. Industrial</b>								
Airport*	CU		CU	CU	CU	CU	CU	
Asphalt/Concrete plants				CU 37				
Explosives, storage or manufacture								
Forest product processing* (portable)	P	P	CU	CU 35				
Forest product processing* (permanent)			CU	CU **				
Freighting and trucking yard or terminal*								
Hazardous waste storage*								
Hazardous waste treatment*								
Impound/towing yard*								

Junkyard*								
Manufacturing*								
Mini-Warehouse				CU 59		CU 14		
Refuse disposal/recycle*			CU 19	CU 58				
Research laboratories								
Wastewater treatment								
Warehousing and distribution	PA 47	PA 47	PA 47 /CU 46	PA 47				
Wholesale business								
	Ag 551	Rural 551	Ag 2051	Forest & Range51	Master Planned	General Commercial	Rural Recreation	PUD
E. Recreation								
Campground*	CU 12	CU 12	CU 12	CU 12 p 54 **	CU 13	CU 12	CU 12	CU
Golf course*	CU	CU	CU	CU **	CU		CU	
Guest ranch or guest farm*	CU	CU	CU	CU **			CU	
Parks and playgrounds*	P	P	p 3	P	P	P	P	P
Recreation, indoor*					P	CU	CU	p 26
Recreation , outdoor*	AC	AC	CU	CU	AC	AC	AC	p 26
Recreational vehicle park*	CU	CU			CU		CU	CU
Recreational vehicle/equipment service and repair*				CU 60				
Recreational vehicle storage				CU 26			CU 26	p 26
Stadiums								
Trails	PA	PA	PA	PA	PA	PA	PA	PA
	Ag 551	Rural 551	Ag 2051	Forest & Range51	Master Planned	General Commercial	Rural Recreation	PUD
F. Residential								
Accessory dwelling unit*	PA 27	PA 27	PA 27	PA 27 **			PA 27	PA 27
Accessory living quarters*	p 28	p 28	p 28	p 28 **	p 28		p 28	p 28
Adult family home*	p 41	p 41	p 41	p 41	p 41	p 41	p 41	p 41
Boarding house			CU 29	CU 29 **				
Convalescent home			CU	CU **				
Dwelling, single-family*	p 33	p 40	P	p 34	p 1	PA 2	P	P
Dwelling, two-family*	P		p 3	p 34	p 1		CU	P
Dwelling, multiple-family*					p 1			P
Farm labor shelter*	CU 4		CU 4	CU 4 **				
Group home*	CU	CU					CU	
Group Care Facility*	CU 56	CU	CU 56	CU			CU	
Home occupation*	P/CU 5	P/CU 5	P/CU 5	P/CU 5 **	P/CU 5		P/CU 5	P/CU 5
Manufactured home*	P	P	P	P **	P	PA 2	P	P
Manufactured home park								
Mobile home	p 38	p 38		p 34				
Special care dwelling*	p 30	p 30	p 30	p 30			CU 30	p 30

Temporary trailer	p Z	p Z	p Z	p Z **	p Z	p Z	p Z	p Z
	Ag 5 <sup>51</sup>	Rural 5 <sup>51</sup>	Ag 20 <sup>51</sup>	Forest & Range <sup>51</sup>	Master Planned	General Commercial	Rural Recreation	PUD
<b>G. Resource</b>								
Forestry*	P	P	P	p 34				
Forest product sales*				P				
Mining and excavation*	CU	CU 39	CU	p 34				
Rock crushing*		CU 39		p 34				
	Ag 5 <sup>51</sup>	Rural 5 <sup>51</sup>	Ag 20 <sup>51</sup>	Forest & Range <sup>51</sup>	Master Planned	General Commercial	Rural Recreation	PUD
<b>H. Utilities and Public Facilities</b>								
Electric vehicle infrastructure*	p 32	p 32	p 32	p 32	p 32	p 32	p 32	p 26
Public facilities*	PA <sup>53</sup>	PA <sup>53</sup>	PA <sup>53</sup>	PA <sup>53</sup>	PA <sup>53</sup>	PA <sup>53</sup>	PA <sup>53</sup>	PA <sup>53</sup>
Solar Power Production Facilities	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ
Utilities	p 9 /ACU 9 /CU 9	p 9 /ACU 9 /CU 9	p 10 /ACU 10 /CU 10	p 9 /ACU 9 /CU 9	p 11 /ACU 11 /CU 11	p 9 /ACU 9 /CU 9	p 9 /ACU 9 /CU 9	p 9 /ACU 9 /CU 9
Watershed management activities*	PA	PA	PA	PA	PA	PA	PA	

\*\* Publisher's Note: Footnote 37 was erroneously referenced in this section by Ordinance 2013-001.

**17.15.060.2 Footnotes Associated with Rural Non-LAMIRD Use Table.**

1. Provided use is integrated into and supports the on-site recreational nature of the master planned resort and short-term visitor accommodation units constitute greater than fifty percent (50%) of the total resort accommodation units.
2. No new residence shall be permitted except that related to the business or enterprises allowed in this zone such as janitor or night watchman. Any such residence shall meet the requirements of the residential zone.
3. Not permitted in the Agriculture Study Overlay Zone. Clubhouses, fraternities and lodges limited to facilities that serve traditional rural or resource activities (such as granges).
4. Provided:
  - a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
  - b. The shelters must conform with all applicable building and health regulations;
  - c. The number of shelters shall not exceed four (4) per twenty (20) contiguous acres of land area;
  - d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
  - e. Should the parent agricultural operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable buildings and health regulations.
5. No sign advertising a home occupation shall exceed sixteen (16) square feet in size. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. In-home daycares with six (6) or fewer individuals receiving care in a twenty-four (24) hour period are permitted; in-home daycares with seven to twelve (7-12) individuals receiving care in a twenty-four (24) hour period require a Conditional Use Permit.
6. Provided short-term visitor accommodation units constitute greater than fifty percent (50%) of the total resort accommodation units.
7. When used for temporary occupancy for a period not-to-exceed one (1) year related to permanent home construction or seasonal/temporary employment.
8. Public transportation deadhead stations permitted; passenger terminals are a Conditional Use.
9. Utilities are defined and regulated by KCC Chapter 17.61, Utilities.
10. Utilities are defined and regulated by KCC Chapter 17.61, Utilities. Not permitted in the Agriculture Study Overlay Zone.
11. Utilities are defined and regulated by KCC Chapter 17.61, Utilities. Limited to the capital facilities, utilities, and services necessary to maintain and operate the master planned resort.
12. In considering proposals for location of campgrounds, the Board shall consider at a minimum the following criteria:
  - a. Campgrounds should be located at sufficient distance from existing rural residential/residential development so as to avoid possible conflicts and disturbances;
  - b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow;
  - c. Landscaping or appropriate screening should be required and maintained where necessary for buffering;
  - d. Adequate and convenient vehicular access, circulation and parking should be provided;
  - e. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation).
13. Campgrounds and Recreational vehicle sites with power and water are permitted; campgrounds and recreational vehicle sites without power and water require a conditional use permit.
14. The following standards shall apply to the approval and construction of mini-warehouses:
  - a. A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;
  - b. All buildings with storage units facing property boundaries shall have a minimum setback of thirty-five (35) feet;

- c. No commercial or manufacturing activities will be permitted within any building or storage unit;
  - d. Lease documents shall spell out all conditions and restrictions of the use;
  - e. Signs, other than on-site direction aids, shall number not more than two (2) and shall not exceed forty (40) square feet each in area.
15. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).
  16. Limited to farm implement repair and maintenance.
  17. Limited to offices directly related to tourism and recreation.
  18. Retail sales are limited to groceries and sales directly related to tourism and recreation. Structural footprint containing all of these activities may not exceed 4,000 square feet.
  19. Limited to composting facilities.
  20. Limited to those services typically found on other destination resort properties and designed to serve the convenience needs of the users and employees of the master planned resort. Shall be designed to discourage use from non-resort users by locating such services well within the site rather than on its perimeter.
  21. No new cemeteries. Existing cemeteries may expand or enlarge within established cemetery boundaries as of the date of amendment adoption, and in compliance with applicable standards and regulations.
  22. When located no more than forty-five (45) feet from the centerline of the public street or highway and selling goods produced on site.
  23. Hay processing, and small-scale processing of agricultural products produced on the premises are permitted without a conditional use permit.
  24. Excluding swine and mink, provided a minimum of one (1) acre is available. When located in the Liberty Historic Overlay Zone, this use is subject to the provisions of KCC Chapter 17.59.
  25. Existing schools are permitted; new schools require a conditional use permit. Not permitted in the Agriculture Study Overlay Zone.
  26. Recreational vehicle storage may be enclosed or outdoor storage of recreational vehicles or both. Permitted where the use is only serving a residential PUD or in the Rural Recreation and Forest and Range zoning districts and subject to the following standards and conditions:
    - a. All stored vehicles must be licensed if required by law, and operational. This land use does not include vehicle sales.
    - b. Unless it is limited to serving a residential PUD and otherwise permitted or authorized, recreational vehicles shall not be stored outside when the site is contiguous to a residential zoning district.
    - c. No commercial or manufacturing activities are permitted except when recreational vehicle/equipment service and repair has been permitted subject to the requirements of KCC 17.15.060.2 Footnote 60.
    - d. In the Forest and Range zoning district, and when not limited to serving a recreational planned unit development, the site shall either be:
      - i. Contiguous to a State Highway, or
      - ii. Contiguous to a designated urban arterial or rural collector road located near a highway intersection or freeway interchange.
      - iii. It is not necessary for the site to have direct access to such arterial, collector or highway to meet this requirement.
    - e. Recreational vehicle storage shall be designed to be compatible with the surrounding rural character, subject to the following standards:
      - i. Storage areas shall be enclosed with a minimum five-foot-high, security fence. The applicant may be required to provide additional plans for aesthetic improvements and/or site-screening.
      - ii. Additional setbacks, physical barriers or site-screening may be required on sites that border resource lands in the Commercial Agriculture or Commercial Forest zoning districts.
      - iii. Findings shall be made that the proposal does not require urban governmental services such as municipal sewer or water service and does not compromise the long-term viability of designated resource lands.
      - iv. Measures shall be taken to protect ground and surface water.
- Electric Vehicle Infrastructure subject to provisions of KCC Chapter 17.66.
27. Subject to the following requirements:
    - a. ADUs shall be allowed as a permitted use within designated UGAs;
    - b. ADUs shall be subject to obtaining an Administrative Use permit in areas outside UGAs;
    - c. Only one ADU shall be allowed per lot;
    - d. Owner of the property must reside in either the primary residence or the ADU;
    - e. The ADU shall not exceed the square footage of the habitable area of the primary residence;
    - f. All setback requirements for the zone in which the ADU is located shall apply;
    - g. The ADU shall meet the applicable health department standards for potable water and sewage disposal;
    - h. No mobile homes or recreational vehicles shall be allowed as an ADU;
    - i. The ADU shall provide additional off-street parking;
    - j. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists.
    - k. An ADU must have adequate acreage to meet maximum density within the zone classification.
  28. Subject to the following requirements:
    - a. Accessory Living Quarters shall be located within an owner-occupied primary residence;
    - b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence;
    - c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal;
    - d. Only one (1) Accessory Living Quarters shall be allowed per lot;
    - e. Accessory Living Quarters are to provide additional off-street parking;
    - f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists.
  29. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.
  30. Subject to the following requirements:
    - a. The Special Care Dwelling must meet all setback requirements for the zone in which it is located;
    - b. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal;
    - c. Placement is subject to obtaining a building permit for the manufactured home;
    - d. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements;
    - e. The Special Care Dwelling unit cannot be used as a rental unit;
    - f. The Special Care Dwelling unit must be removed when the need for care ceases;
    - g. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists.
    - h. Park model trailers shall obtain the same building permit as for placement of a manufactured home.
    - i. Park model trailers shall be inspected and approved by Washington State Department of Labor and Industries.

31. Structures and facilities associated with the operation of shooting ranges are permitted and subject to all associated Kittitas County building codes and regulations. Shooting Ranges may be operated in conjunction with other permitted or conditional uses for the specified zone. Shooting Ranges are subject to periodic inspection and certification as deemed necessary by the Kittitas County Sheriff's Department. In considering proposals for the location of Shooting Ranges a detailed site plan shall be required; the Board's review of said site plan and the proposal as a whole shall include, but not be limited, to the following criteria:
  - a. The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.
  - b. Adherence to the practices and recommendations of the "NRA Range Sourcebook."
  - c. Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."
  - d. Proposed shooting ranges in areas designated as agricultural land of long-term commercial significance shall comply with RCW 36.70A.177(3) as currently existing or hereafter amended, and shall be limited to lands with poor soils or those unsuitable for agriculture.
32. Subject to the provisions of KCC Chapter 17.66, Electric Vehicle Infrastructure.
33. Single family homes located in Twin Pines Trailer Park, Central Mobile Home Park, or Swiftwater shall be subject to the provisions of KCC Chapter 17.24, Historic Trailer Court Zone.
34. When located in the Liberty Historic Overlay Zone, this use is subject to the provisions of KCC Chapter 17.59.
35. Limited to facilities that serve traditional rural or resource activities (such as granges). Allowed as a permitted use in the Liberty Historic Overlay Zone, subject to the provisions of KCC Chapter 17.59.
36. Allowed only as a conditional use in the Liberty Historic Overlay Zone, subject to the provisions of KCC Chapter 17.59.
37. Prohibited in the Liberty Historic Overlay Zone. Temporary asphalt plants only.
38. As of September 1, 1998, mobile homes are no longer allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries. Mobile homes located in Twin Pines Trailer Park, Central Mobile Home Park, or Swiftwater shall be subject to the provisions of KCC Chapter 17.24, Historic Trailer Court Zone.
39. Permitted when located within an established mining district; conditional use permit required when located outside established mining district.
40. Single family homes located in Twin Pines Trailer Park, Central Mobile Home Park, or Swiftwater shall be subject to the provisions of KCC Chapter 17.24, Historic Trailer Court Zone.
41. Pursuant to RCW 70.128.140.
42. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).
43. Includes truck stop operations. Minor repair work permitted.
44. Limited to facilities that serve traditional rural or resource activities (such as granges).
45. Use shall not exceed 10,000 square feet and no more than eight (8) events shall occur within a calendar year.
46. Existing facilities are permitted; new facilities require a conditional use permit. Limited to agricultural products.
47. Limited to seasonal, non-structural hay storage.
48. Services limited to resource based industries
49. All lots greater than one-half (1/2) acre will not have more than fifty percent (50%) of the lot covered by impervious surface.
50. An administrative conditional use permit is required when enhanced agricultural sales or sales of goods produced offsite are provided and/or when the farm stand is located more than forty-five (45) feet from the centerline of the public street or highway.
51. When enhanced agricultural sales are provided.
52. When approved as part of the PUD development plan.
53. Pursuant to KCC Chapter 17.62, Public Facilities Permits.
54. Limited to primitive campgrounds as defined by KCC 17.08.155A.
55. Agricultural Enhanced Uses which include eating and drinking establishments and/or event facilities for seminars or other social gatherings are limited to 4,000 square feet of total indoor floor area.
56. Only allowed as a conditional use when primary use of land is agriculture.
57. Pursuant to KCC 17.61C.050 and 17.61C.060.
58. Limited to expansion of existing county owned and/or operated facilities. New facilities are prohibited. (Note: A scrivener's error in O-2018-021 lists this footnote as number 57)
59. The following standards shall apply to the approval and construction of mini warehouses in the Forest and Range zone:
  - a. The site shall either be contiguous to a State Highway or contiguous to a designated urban arterial or rural collector road located near a highway intersection or freeway interchange. It is not necessary for the site to have direct access to such arterial, collector or highway to meet this requirement;
  - b. Findings shall be made that the use does not require urban government services such as municipal sewer or water service and does not compromise the long-term viability of designated resource lands;
  - c. Additional setbacks, physical barriers or site-screening may be required on sites that border resource lands in the Commercial Agriculture or Commercial Forest zoning districts;
  - d. Measures shall be taken to protect ground and surface water;
  - e. A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;
  - f. All buildings with storage units facing property boundaries shall have a minimum setback of thirty-five (35) feet;
  - g. No commercial or manufacturing activities will be permitted within any building or storage unit except for RV storage when authorized under KCC 17.15.060.2, Footnote 60;
  - h. Lease documents shall spell out all conditions and restriction of the use;
    - i. Signs, other than on-site direction aids, shall number not more than two (2) and shall not exceed forty (40) square feet each in area.
60. Recreational vehicle/equipment service and repair is permitted by conditional use permit in the Forest and Range zoning district. The site shall either be:
  - a. Contiguous to a State Highway, or
  - b. Contiguous to a designated urban arterial or rural collector road located near a highway intersection or freeway interchange.
  - c. It is not necessary for the site to have direct access to such arterial, collector or highway to meet this requirement.

Vehicles under repair shall either be kept inside buildings or visually screened from surrounding areas. No on-street vehicle parking shall be allowed associated with the use. All vehicles, including recreational vehicles and customer and employee automobiles shall be stored or parked on-site at all times. Maintenance and repair activities shall not take place in RV storage enclosures or spaces, except limited maintenance and minor repairs may be performed on RV's that are already being stored at the site in order to avoid having to move them, when such maintenance and repair activities can be

completed in two hours or less and only in the enclosures or spaces in which the RV's are already being kept. This use shall be designed to be compatible with the surrounding rural character, subject to the following standards:

- a. Findings shall be made that the use does not require urban governmental services such as municipal sewer or water service and does not compromise the long-term viability of designated resource lands.
  - b. Additional setbacks, physical barriers or site-screening may be required on sites that border resource lands in the Commercial Agriculture or Commercial Forest zoning districts.
  - c. Measures shall be taken to protect ground and surface water.
61. Nurseries limited to the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting. Sale of bulk landscape materials such as rock, bark, mulch and topsoil shall not be permitted in this zone. Pre-packaged landscape materials are excluded from this restriction.
62. Agricultural direct marketing activities shall comply with all of the following standards:
- a. The subject property shall be actively farmed by the property owner.
  - b. Retail structures shall not total more than three thousand (3,000) square feet.
  - c. The parcel, or adjacent parcel, shall include the residence of the owner or operator of the farm.
  - d. Carnival rides, helicopter rides, inflatable features and other typical amusement park games, facilities and structures are not permitted.
  - e. The use shall be operated in accordance with all applicable federal, state, and local ordinances.
  - f. New structures or existing structures converted for public use shall meet current building and fire codes.
  - g. Adequate sanitary facilities shall be provided in accordance with Kittitas County Public Health Department requirements.
  - h. Adequate ingress/egress shall be provided to and from the site in accordance with Kittitas County Public Works requirements.
  - i. Sufficient land area is provided to accommodate the proposed use and related parking, and the use and any appurtenant structures shall be so arranged on the land as to minimize any adverse effects on surrounding properties. The use shall not create particular hazards to adjacent properties.
63. Agricultural seasonal harvest festivities shall comply with all of the following standards:
- a. The site shall conform to the requirements for "agricultural direct marketing activities" except as provide for herein.
  - b. Hours of operation shall occur between 8:00 a.m. and 6:00 p.m.
  - c. Seasonal harvest festivities are prohibited on vacant property, unless the vacant land adjoins property occupied by the owner/operator of the festivities.
  - d. Seasonal harvest festivities shall be limited to Friday, Saturday, Sunday, and Monday, from the second weekend of June through the December 31.
  - e. Inflatable amusement devices, such as moonwalks, slides, or other inflatable games for children, shall be limited to a maximum of five (5) per seasonal harvest festivities event.

(Ord. 2021-015, 2021; Ord. 2019-013, 2019; Ord. 2018-021, 2018; Ord. 2018-018, 2018; Ord. 2018-001, 2018; Ord. 2016-023, 2016; Ord. 2015-010, 2015; Ord. 2014-015, 2014; Ord. 2014-005, 2014; Ord. 2014-004, 2014; Ord. 2013-012, 2013; Ord. 2013-008, 2013; Ord. 2013-001, 2013)

**17.15.070 Allowed Uses in Rural LAMIRD Lands**

Note to Reader: All allowed uses within Type 3 LAMIRDs, other than manufacturing, outdoor recreation, and natural resource processing will be limited to 30,000 square feet in area, and that impervious surfaces on lots greater than one acre in size are limited to one third (1/3) of the lot.

**17.15.070.1 Rural LAMIRD Use Table**

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  <i>*See KCC Chapter 17.08 Definitions</i>	Rural LAMIRD <sup>49</sup> (Type 1 LAMIRDs)										Rural Employment Centers <sup>50, 52</sup> (Type 3 LAMIRDs)			
	Residential 1	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Indust
A. Agriculture														
Animal boarding*	CU <sup>1</sup>	P	P	P	P			P				P		
Agriculture processing*				P <sup>2</sup>	P/CU <sup>4</sup>		P/CU <sup>4</sup>	P/CU <sup>4</sup>	CU		P/CU <sup>4</sup>	P/CU <sup>4</sup>	P/CU <sup>4</sup>	P/CU
Agriculture production*	CU <sup>1</sup>		P	P <sup>5</sup>			P <sup>4</sup>	P <sup>4</sup>	P <sup>5</sup>					P <sup>4</sup>
Agriculture sales,* Farm stand*				P <sup>7</sup> /AC	P	P					P	P	P	
Agriculture sales				CU										
Feedlot*														
Grazing*			P	P	P	P	P	P	P		P	P	P	P
Marijuana Processing*							ACU <sup>56</sup>	ACU <sup>56</sup>						



*To Protect and Promote the Health and the Environment of the People of Kittitas County*

November 22, 2022

Joel Greear  
1410 W Dolarway Rd.  
Ellensburg, WA. 98926

RE: Approval of Thorp Landing Group B Water System,  
6 connection public water system located off of Thorp Highway  
ID# Pending Kittitas County

Mr. Miller,

The Group B Water System Application and Information Package for the above referenced project received in this office has been reviewed, and in accordance with the provisions of WAC 246-291, is hereby **FULLY APPROVED** by the Kittitas County Health Department.

Approval of this water system has been conditioned upon the agreement that management or ownership of the water system is being provided by a Satellite Management Agency.

**Our approval of your Group B public water system design under Chapter 246-291 WAC does not confer or guarantee any right to withdraw or divert ground water. Contact our local planning department or the Washington State Department of Ecology for more information about your legal rights to use groundwater. Our approved number of service connections is based on your representation of available water quantity and may be reduced commensurate with your actual legal right to withdraw groundwater.**

A Water Facilities Inventory form has been completed, and we have requested that the Washington State Department of Health assign this system an identification number. This



507 N. Nanum Street, St. 102 · Ellensburg, WA 98926  
T: 509.962.7515 · F: 509.962.7581  
[www.co.kittitas.wa.us/health/](http://www.co.kittitas.wa.us/health/)



*To Protect and Promote the Health and the Environment of the People of Kittitas County*

number must be used on all future water samples to ensure proper credit toward your sampling requirements. At least one coliform drinking water sample every twelve months and one nitrate sample every thirty-six months is required to be submitted to a certified laboratory.

Sincerely,

A handwritten signature in black ink that reads "Holly Erdman".

Holly Erdman, BS, Environmental Health Specialist II  
Kittitas County Public Health Department

Cc: Washington State Department of Health  
file



507 N. Nanum Street, St. 102 · Ellensburg, WA 98926  
T: 509.962.7515 · F: 509.962.7581  
[www.co.kittitas.wa.us/health/](http://www.co.kittitas.wa.us/health/)

**Satellite Management Contract  
For Management and Operations of  
Thorp Landing Water System  
Group B Community Water System in Kittitas County**

THIS CONTRACT made and entered into this 12th day of July, 2022, by and between **Thorp Landing LLC**, a Washington Limited Liability Company, the owner of a Group B Community public water system in the State of Washington, hereinafter called the Satellite Water System (“SWS”), whose address is 1410 Dollarway Rd Suite 301 Ellensburg WA 98926 and **LCU, Inc.** (dba Evergreen Valley Utilities, a Washington Corporation) (“LCU”) approved by the Washington State Department of Health as an approved Satellite Management Agency (“SMA”), whose address is P.O. Box 394, Cle Elum WA 98922 hereinafter called the Satellite Management Agency (SMA).

**Whereas**, the SWS is owned by System Owner;

**Whereas**, System Owner is responsible for providing domestic water service to the property described on Exhibit A;

**Whereas**, the SWS owned by System Owner is operated as an independent water system;

**Whereas**, the SWS owned by System Owner is located within the SMA’s Washington State Department of Health (“DOH”) approved service area as identified in the Evergreen Valley Utilities SMA Plan and on file with Kittitas County;

**Whereas**, System Owner desires to contract with SMA to operate and maintain the SWS.

**NOW**, therefore, for and in consideration of the payment of fees and the mutual covenants set forth herein, the parties agree to the following:

1. **Definitions:** The following words, when used in this Contract, shall have the following meanings unless otherwise expressly provided herein:
  - 1.1. “Satellite Water System” (SWS) means a public water system owned by System Owner located in the State of Washington capable of being served by an approved SMA.
  - 1.2. “Satellite Management Agency” (SMA) means LCU, an entity that is approved by the Secretary of the Washington State Department of Health to own or operate more than one public water system on a regional or countywide basis, without the necessity for a physical connection between such systems.

- 1.3. “Fee Schedule” means those rates charged by the SMA to the System Owner and/or the Customers which may be modified from time to time by the SMA.
  - 1.4. “As Built” means a construction drawing that depicts the final installed configuration and location of components of the SWS.
  - 1.5. “Property” means a parcel of land served by or containing components of the SWS.
  - 1.6. “WFI” means the Water Facilities Inventory form # 331-011 from the DOH.
  - 1.7. “Initial Term” shall mean a term of sixty (60) months beginning at the signature of this Agreement
2. **Legal Description of Property Served:** The property served by the SWS is located within Kittitas County, Washington, and is legally described in Exhibit A attached hereto.
  3. **SMA Services:** The SMA shall provide the following services, identified as the Basic Service Package (BSP), to the System Owner:
    - 3.1. **Operation and Maintenance:** The SMA will ensure that all of the water system’s daily operational and maintenance activities are completed according to acceptable public health practices and water industry standards. The SMA, shall conduct an initial review of the SWS. Based on the initial review, the SMA may create an Operation and Maintenance Plan (OMP). If created, the OMP will detail the routine operation of the SWS and provide a schedule for operations and basic maintenance of the SWS. If said OMP is completed, it will be attached as Exhibit B. The SMA shall thereafter operate and maintain the SWS for the benefit of the Customers served by the SWS according to instructions from the SWS and/or the OMP as it may be amended from time to time.
    - 3.2. **Administrative Services:** The SMA shall provide the following services to System Owner connected with the operation and maintenance of the SWS owned by System Owner:
      - 3.2.1. Respond to communications from System Owner regarding operation and maintenance of the SWS.
      - 3.2.2. Establish a Fee Schedule for services provided by the SMA to the System Owner. Said Fee Schedule is attached as Exhibit C.
      - 3.2.3. If expenses are incurred by the SMA that are billable to the SWS or system owner, the SMA shall maintain accurate records to verify said expenses.
      - 3.2.4. Create and maintain records of any operation and maintenance procedures performed by the SMA for the SWS.
    - 3.3. **Reporting Services:** Perform water quality monitoring, maintain adequate records and take follow-up action, if necessary, to comply with state and federal drinking water regulations. This will be accomplished through the following:
      - 3.3.1. Prepare and file reports and other data (including water sample testing) required by governmental agencies including but not limited to the Satellite Water System’s WFI form.

- 3.3.2. Provide for and meet public notification requirements.
- 3.4. **Plan Retention:** Keep on file copies of current As Builts (if provided by the SWS or engineer) of the SWS as required by new construction or other modifications to the existing SWS.
4. **Additional Services:** In addition to the BSP referenced in Section 3 the SMA will perform the following services as required by Washington State Department of Health (DOH). All parties agree that costs that may be incurred during performance of these additional services are the sole responsibility of the SWS.
- 4.1. **Preventive Maintenance:** Implement preventative maintenance programs; and inspect treatment and other system components for malfunctions; keep adequate records; and make needed repairs. All parties agree costs of said repairs are the responsibility of the SWS.
  - 4.2. **Data Analysis and Review:** Analyze and review recording-instrument readings and laboratory tests; determine sites and causes of any malfunctions; adjust various treatment processes or other components accordingly; and maintain a record of these.
  - 4.3. **Cross-Connection Program:** Implement an existing cross-connection control program. All parties agree that all costs of creating and implementing a cross-connection program are the responsibility of the SWS and are not part of the BSP referenced in Section 3.
  - 4.4. **Emergency Responses:** Determine and implement remedial actions in emergencies. This includes following directives DOH issues to address the situation. All parties agree that the SMA is under no obligation to pay for these actions or directives. Responsibility for said payment is solely that of the Water System.
  - 4.5. **Availability:** The SMA will be available to consult with the SWS or DOH 24 hours per day through voicemail or cell phone.
5. **Planning and Technical Assistance:** In addition to the BSP the SMA will also provide the following services *only if requested by System Owner*. The SMA will be compensated for these services based upon the Fee Schedule or as negotiated between System Owner and the SMA.
- 5.1. Design annual maintenance strategies.
  - 5.2. Advise System Owner on development of capital improvement programs.
  - 5.3. Coordinate with the System Owner for implementation of any existing Capital Improvement Program.
  - 5.4. Advise System Owner on design of capital improvement projects.
  - 5.5. Coordinate the preparation of any required SWS Plan.
6. **SMA To Act as Agent:** The System Owner hereby appoints the SMA to act as its agent to the extent necessary for SMA to fulfill its obligations under this Contract.
7. **SMA Charges and Payments:**
- 7.1. **Basic Service Charge:** System Owner agrees that SMA, as compensation for

receipt of services included in the BSP, shall collect a fee from the System Owner as provided for in the Fee Schedule, which is attached as Exhibit C. Said Fee Schedule shall be established by the SMA and approved by System Owner and may be modified from time to time by the SMA.

- 7.2. **Additional Services:** SMA will charge for any additional services not included in the Basic Service Package (BSP), on a time, materials, and administrative overhead basis at a rate mutually agreed to by the System Owner and SMA. *All additional services other than emergency responses must be pre-approved by the System Owner.*
- 7.3. **Administrative Fee:** System Owner will pay to the SMA within ten (10) days of signing this Contract \$ 100.00 for the SMA's initial administrative and record keeping setup charges.
8. **Repairs:** The SMA is authorized by the System Owner to perform emergency repairs the SMA considers necessary, and will be reimbursed according to the Fee Schedule.
9. **Terms and Conditions:** Without limiting the foregoing, it is further agreed as follows:
  - 9.1. The SMA does not own the SWS. The SMA's responsibility is limited to the services set forth above.
  - 9.2. The SMA has no responsibility in the event that the SWS water source is interrupted, the volume thereof is reduced, or the water is contaminated, unless through SMA's negligence, or if the water source is insufficient to meet demand.
  - 9.3. The System Owner hereby grants the SMA a license and access for so long as this Contract is in full force and effect to enter onto the well site and any properties that contain any and all SWS treatment, distribution, or other water system facilities in performance of the SMA's responsibilities. The System Owner grants to the SMA the rights to enter all locations where SWS facilities are located for the purpose of operating and maintaining the SWS.
  - 9.4. System Owner shall indemnify, protect and hold SMA, and its respective agents, employees, invitees, heirs, successors and assigns (collectively, the "SMA Indemnitees"), harmless from and against any and all Claims arising as a result of the design, construction and installation of the SWS and the operation of the SWS prior to the effective date of this agreement. "Claims" shall include all claims, causes of action, damages, including all costs and attorney's fees, arising from the design, construction and installation of the SWS and the operation of the SWS, prior to the effective date of this agreement, by System Owner and System Owner's contactors, sub contractors and employees and System Owner's Predecessors in interest and their contactors, sub contractors and employees. In the event that any action or proceeding is brought against any SMA Indemnitee by reason of such Claim, System Owner upon notice from such SMA Indemnitee, shall defend the same at System Owner's expense by Owner's counsel satisfactory to such SMA

Indemnitee in SMA Indemnitee's reasonable discretion.

- 9.5. Each Party to this agreement and their successors and assigns respectively agree to defend, indemnify and hold each other harmless from and against any claim, cause of action, or other assertions of liability, including attorney fees and costs, arising as a result of their negligence or intentional acts or omissions or the negligent or intentional act or omission of their authorized agents, employees, or contractors relating to or arising out of this agreement or either parties performance of their duties and obligations pursuant to this agreement. Notwithstanding the indemnity provisions of this section, in the event of the concurrent negligence of any party hereto, their successor, and/or their agents, employees, or contractors which concurrent negligence results in injury or damage to persons or property relating to or arising out of this agreement or either parties performance of their duties and obligations pursuant to this agreement, each such party's obligation to defend, indemnify and hold harmless the other shall be limited to the extent of such party's own negligence, and that of its agents', employees', or contractors' damage.
10. **Duration:** This Contract shall remain in force and effect for an initial term of thirty-six (36) months and shall remain in effect thereafter until terminated in writing by either party as provided herein.
- 10.1. **Termination by SMA during Initial Term:** If an action is commenced under Section 11 of this document the SMA may, at its sole discretion, terminate this contract after providing the System Owner sixty (60) business days notice. Service will expire after sixty (60) business days from the date the notice is mailed unless other mutually agreed upon arrangements have been made and confirmed in writing by the SMA. If mutually accepted arrangements are not kept, the SMA may discontinue service without further notice.
- 10.2. **Termination by SMA after Initial Term:** A minimum of sixty (60) business days written notice will be given by the SMA before service is discontinued. Service will expire after sixty (60) business days from the date the notice is mailed unless other mutually agreed upon arrangements have been made and confirmed in writing by the SMA. If mutually accepted arrangements are not kept, the SMA may discontinue service without further notice.
- 10.3. **Termination by System Owner after Initial Term:** The System Owner must give written notice one-year prior to terminating the Contract with the SMA. The SMA shall forward a copy of the Contract termination notification to DOH.

## 11. **Miscellaneous Terms:**

- 11.1. **Resolution of Disputes:** If any dispute arises between the parties, the parties agree to the following dispute resolution procedures:
- 11.1.1. A director or other senior representative of each party will first, at the request of either party, meet in a good faith effort to resolve the dispute. If

the dispute is not resolved at that meeting or if no such meeting takes place within ten (10) days of it being requested, either party may propose in writing that the dispute be referred to mediation and the other party will consider this proposal in good faith. The mediator shall be appointed by agreement between the parties. The rules of procedure for the mediation shall be determined by the mediator in consultation with the parties. The cost of the mediation shall be paid by the substantially prevailing party.

11.1.2. If no mediation occurs within thirty (30) days of a written request for mediation or if the dispute is not resolved within thirty (30) days of the conclusion of the mediation, either party may then pursue resolution of the dispute through legal process.

- 11.2. **Attorney Fees:** If either party hereto is required to retain an attorney to enforce any provision of this Agreement, whether or not a legal proceeding is commenced, the substantially prevailing party shall be entitled to reasonable attorneys' fees regardless of whether at trial, on appeal, in any bankruptcy proceeding, arbitration matter or without resort to suit.
- 11.3. **Governing Law:** This Contract shall be interpreted, construed and enforced according to the laws of the State of Washington of any disputes arising out of or as a result of this agreement in Kittitas County, Washington.
- 11.4. **Notices:** Subject to the requirements of any applicable statute, any notices required or permitted by law or under this Agreement shall be in writing and shall be (i) personally delivered, (ii) sent by first class certified or registered mail, return receipt requested, with postage prepaid, or (iii) dispatched by facsimile transmission (accompanied with reasonable evidence of receipt of transmission and with a confirmation copy mailed no later than the day after transmission) to the parties' addresses set forth above. Either party may change such address for notice. All notices which are so addressed and paid for shall be deemed effective when personally delivered, or, if mailed, on the earlier of receipt or two (2) days after deposit thereof in the U.S. mail.
- 11.5. **Time of Performance:** Time is of the essence of this Agreement and of all acts required to be done and performed by the parties hereto, including, but not limited to, the proper tender of each of the sums required by the terms hereof to be paid.
- 11.6. **Section Headings:** The word or words appearing at the commencement of sections and subsections of this Agreement are included only as a guide to the contents thereof and are not to be considered as controlling, enlarging or restricting the language or meaning of those sections or subsections.
- 11.7. **Invalidity:** In the event any portion of this Agreement should be held to be invalid by any court of competent jurisdiction, such holding shall not affect the remaining provisions hereof unless the court's ruling includes a determination that the principal purpose and intent of this Agreement are thereby defeated.

- 11.8. **Legal Relationships:** No partnership, joint venture or joint undertaking shall be construed from these presents, and except as herein specifically provided, neither party shall have the right to make any representation for, act on behalf of, or be liable for the debts of the other. All terms, covenants and conditions to be observed and performed by either of the parties hereto shall be joining and several if entered into by more than one person on behalf of such party, and a default by any one or more of such persons shall be deemed a default on the part of the party with whom said personal or personas are identified. Any married person executing this Agreement hereby pledges his or her separate property and such person's and his or her spouse's marital communities in satisfaction hereof.
- 11.9. **Assignment; Successors:** Neither the SMA nor System Owner may sell, transfer, assign, pledge or encumber its interest in this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld. Subject to the restrictions contained herein, the rights and obligations of the parties shall inure to the benefit of and be binding upon their respective estates, heirs, executors administrators, successors, successors-in-trust and assigns.
- 11.10. **Entire Agreement:** All understandings and agreements previously existing between the parties, if any, are merged into this Agreement, which alone fully and completely expresses their agreement, and the same is entered into after full investigation, neither party relying upon any statement or representation made by the other not embodied herein. This Agreement may be modified only by a written amendment executed by all parties.
- 11.11. **Interpretation.** This Agreement has been reviewed by both parties and each party has had the opportunity to consult with independent counsel with respect to the terms hereof and has done so to the extent that such party desired. No strict construction or interpretation of the terms hereof shall be applied against either party as the drafter hereof.
- 11.12. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed to be an original instrument. All such counterparts together shall constitute a fully executed Agreement.
- 11.13. **Amendment.** This Agreement may not be modified or amended except by the written agreement of the parties.

IN WITNESS WHEREOF, We have executed this Contract effective the day and year first written above.

LCU, Inc., dba Evergreen Valley Utilities

Thorp Landing

Satellite Management Agency Name

Satellite Water System Name

By:



By:



Title: Manager

Title: Managing Member

Date: 7/12/2022

Date: 7/12/2022

**Exhibit A**  
**Legal Description Of Property Served By Water System**

Parcel #443233

**Exhibit B**

<b>Operation and Maintenance Plan</b>		
<b>Thorp Landing Water System</b>		
<b>June 12, 2022</b>		
<b>Water Sampling</b>		
<b>Yes</b>	<b>No</b>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Take Bacteriological Water Samples as mandated by the State Department of Health
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Take follow-up Bacteriological Water Samples as needed
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Take additional water test samples as required by DOH
<b>Wellhouse/Pumphouse</b>		
<input type="checkbox"/>	<input type="checkbox"/>	Check for proper operation, vandalism, leaks, building temperature, oil levels in motors and discharge pressure. Frequency:       times per       .
<input type="checkbox"/>	<input type="checkbox"/>	Monitor storage tank levels if applicable Frequency:       times per       .
<input type="checkbox"/>	<input type="checkbox"/>	Check indicator lamps on control panels if applicable Frequency:       times per       .
<input type="checkbox"/>	<input type="checkbox"/>	Check and record readings of static level monitors for well if applicable Frequency:       times per       .
<input type="checkbox"/>	<input type="checkbox"/>	Calculate and record total system production Frequency:       times per       .
<input type="checkbox"/>	<input type="checkbox"/>	Check water storage tanks for leaks and security if applicable Frequency:       times per       .
<input type="checkbox"/>	<input type="checkbox"/>	Check pump house heaters for proper operation and settings Frequency:       times per       in       .
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Read and record source meter readings Frequency:       times per       in       .
<b>Distribution System</b>		
<input type="checkbox"/>	<input type="checkbox"/>	Read service meters if applicable. Frequency:       times per       .
<input type="checkbox"/>	<input type="checkbox"/>	Check for nonworking meters if applicable. Frequency:       times per       .
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Check for leaks Frequency:       times per       .
<input type="checkbox"/>	<input type="checkbox"/>	Check for broken meter box or other distribution system components Frequency:       times per       .
<input type="checkbox"/>	<input type="checkbox"/>	Exercise all critical valves through a full close and full open cycle. Record data for each valve including number of turns to open and ease of operation. Frequency:       times per       .
<input type="checkbox"/>	<input type="checkbox"/>	Exercise all non-critical valves. Record data for each valve including number of turns to open and ease of operation. Frequency:       times per       .
<input type="checkbox"/>	<input type="checkbox"/>	Exercise all hydrants through a full open and full close cycle and check for leaks

		and proper drainage of hydrant barrels if applicable. Record data including any maintenance work that needs to be done. Frequency:       times per       .
<input type="checkbox"/>	<input type="checkbox"/>	On metered systems, at the end of each year, summarize consumption records and compare with production records to determine unaccounted for water. Frequency:       times per       .
<input type="checkbox"/>	<input type="checkbox"/>	On metered systems check insulation of shallow meters . Frequency:       times per       in       .
<input type="checkbox"/>	<input type="checkbox"/>	On metered systems test service meters suspected, either by the Customer or by SMA, of reading inaccurately. Limit       meters per       .
<input type="checkbox"/>	<input type="checkbox"/>	Flush distribution system through hydrants and blowoffs if applicable Frequency:       times per       .
<b>Pressure Reducing Stations</b>		
<input type="checkbox"/>	<input type="checkbox"/>	Check pressure settings Frequency:       times per       .
<input type="checkbox"/>	<input type="checkbox"/>	Check pressure reducing valve operation including inspecting the disc retainers in the CRD pilot controls, exercising the main valves, checking and cleaning the strainers, and recalibration of the valve. Frequency:       times per       .
<input type="checkbox"/>	<input type="checkbox"/>	Rebuild main valve and pilot Frequency:       times per       .
<b>Storage Reservoirs</b>		
<input type="checkbox"/>	<input type="checkbox"/>	Visually inspect reservoir for leakage, vandalism, or exterior irregularities Frequency:       times per       .
<input type="checkbox"/>	<input type="checkbox"/>	Visually inspect the interior of each reservoir above the water surface for corrosion or spawling concrete. Check water surface for signs of contamination or debris. Inspect vent screen and roof hatch integrity Frequency:       times per       .
<input type="checkbox"/>	<input type="checkbox"/>	Drain, clean and inspect Frequency:       times per       .
<b>Other</b>		
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

## Exhibit C

### Evergreen Valley Utilities Satellite Management Agency #149 Fee Schedule

#### Basic Service Package (BSP) Fee

##### Fee to System Owner

*This rate does not include the monthly power bill for the pump-house or laboratory costs for any water tests.*

\$ 200.00 per month

during months when testing is required by Washington State Department of Health.

# WETLAND AND STREAM CRITICAL AREAS REPORT

---

Parcels 19588, 19589, 19590, 19591, 19592, 19593,  
443233, 493233  
Thorp Hwy North / Thorp Depot Rd / Goodwin Rd  
Kittitas County, Washington

**Prepared for:**

**Jeff Greear**  
1410 W Dolarway Road, Suite 301 | Ellensburg, WA 98926  
509-607-3235 | jeff@centralpavingllc.com

**Prepared by:**

**GG Environmental**  
Geoffrey Gray, MA, PWS  
151 Poulin Rd. Selah, WA 98942  
gg@gg-env.com | (509) 426-5645

May 17, 2022



**GG Environmental**

WETLANDS • FISH • WILDLIFE

## Summary

On May 10, 2022, Geoffrey Gray, MA, PWS (GG Environmental) completed a wetland and stream critical areas investigation for Kittitas County parcels 19588, 19589, 19590, 19591, 19592, 19593, 443233, and 493233 (“project footprint”), northwest of the intersection of Thorp Highway North and Thorp Depot Road, south of Goodwin Road, in unincorporated Kittitas County, Washington. The investigation included all areas within a 250-foot (ft) radius of the parcel boundaries (“study area”).

The study area has been flood irrigated and managed for hay and pasture since at least 1954, although this practice likely began decades earlier. Water arrives via the West Side Canal upgradient of the study area. Water is released from the canal and is distributed across the landscape via a complex network of irrigation ditches, irrigation swales, lateral dikes, culverts, and gated pipes that collectively deliver surface water, via gravity flow, onto otherwise dry land. Irrigation was active during the investigation with irrigation ditches flowing and water being flooded across the northern portion of the study area and onto fields upgradient to the west.

The soils mapped within the project footprint are well-drained and not characterized as hydric soils. Depth to groundwater is listed at 30 to over 80 inches (in) depending on location. Irrigation water flooded across the landscape infiltrates into the soil profile, serving to raise the groundwater level. Dominant soil units mapped upgradient of the study area exhibit a depth to impervious duripan from 20 to 40 in. As such, irrigation water applied upgradient of the study area likely results in hyporheic flow that contributes toward downgradient groundwater elevations.

Vegetation on irrigated land consists of cultivated hay and pasture grasses. Irrigation ditch banks and bottoms within the study area are dominated by non-native reed canarygrass with stands of poison hemlock (Kittitas County Class A Noxious Weed) and small patches of cattails. Infiltration from irrigation ditches along the west boundary supports a band of woody vegetation along the ditches, colonized by a variety of native shrubs and trees, including both upland species and species typically associated with wetlands.

Based upon best available science, the vicinity was likely xeric, lacking wetlands, prior to the advent of irrigation. Observed hydrology within the study area is best explained by ongoing irrigation practices. The artificial management of irrigation water on uplands can support wetland vegetation and result in hydric soil indicators, especially in the bottoms of irrigation ditches and irrigation swales. However, according to the Kittitas County (county) Critical Areas Ordinance (CAO) Sections 17A.02.840 and 17A.07.020(1), *wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities.* Although these irrigation-related features may delineate as *biological* wetlands, they are not regulated by the county. Based upon best available science, no jurisdictional wetlands are present within the study area.

The county maps an unnamed Type 2 (F) (fish-bearing) stream along the south shoulder of Goodwin Road for which it assigns a regulatory buffer of 100 feet (ft)<sup>1</sup> per CAO Section 17A.04.030 – *Riparian Management Zones and Buffers* plus a 15-ft building setback per CAO 17A.01.090(4) – *Building Setbacks*. No other streams are mapped within the study area.

The northeast corner of the study area intersects the mapped FEMA<sup>2</sup> floodplain and channel migration zone of the Yakima River.

---

<sup>1</sup> For the Columbia Plateau Ecoregion  
<sup>2</sup> Federal Emergency Management Agency

# Table of Contents

1.	Introduction .....	1
2.	Location.....	1
3.	Methods .....	2
3.1.	Project Footprint and Study Area .....	2
3.2.	Background Research.....	3
3.3.	Field Investigation.....	4
3.4.	Wetland Delineation Guidance, Regulatory Jurisdiction .....	4
3.5.	Geospatial Documentation.....	4
4.	Existing Conditions .....	4
4.1.	Topography .....	4
4.2.	Geology.....	4
4.3.	Soils.....	5
4.3.1.	Soils mapped upon glacial drift .....	5
4.3.2.	Soils mapped within the project footprint .....	5
4.4.	Irrigation Regime .....	6
4.5.	Plants .....	7
4.6.	Precipitation and Hydrology.....	7
4.7.	Growing Season .....	7
4.8.	Mapped Wetlands.....	7
4.9.	Mapped Streams.....	7
4.10.	100-year Floodplain and Channel Migration Zone.....	8
5.	Findings and Discussion.....	8
5.1.	Wetlands.....	8
5.2.	Streams.....	8
5.3.	Floodplain and Channel Migration Zone.....	9
6.	Limitations.....	9
7.	Consultant Qualifications .....	10
8.	References .....	11

# Figures

Figure 1. Project Location .....	1
Figure 2. USGS Topographic Map .....	2
Figure 3. Project Footprint and Study Area .....	3
Figure 4. Irrigation Regime.....	6

# Appendices

Appendix A. Background Information.....	13
Appendix A-1. USFWS NWI and Kittitas County Wetlands.....	15
Appendix A-2. NRCS Soil Survey Map .....	17
Appendix A-3. 1954 Historic Aerial Image.....	19
Appendix A-4. Kittitas County Stream Map and Regulatory Buffer.....	21
Appendix A-5. USGS 1902 Topographic Map and NHD .....	23
Appendix A-6. FEMA Floodplain and CMZ.....	25
Appendix B. Precipitation Analysis .....	27
Appendix C. Photos .....	29



# Acronyms and Abbreviations

AgACIS	Agricultural Applied Climate Information System
CAO	Critical Areas Ordinance
Corps	United States Army Corps of Engineers
CMZ	Channel migration zone
County	Kittitas County
DNR	Washington State Department of Natural Resources
Ecology	Washington State Department of Ecology
FEMA	Federal Emergency Management Agency
GIS	Geographic Information System
GNSS	Global Navigation Satellite System
GPS	Global Positioning System
LIDAR	Light Detection and Ranging
NHD	National Hydrography Dataset
NRCS	Natural Resources Conservation Service
NOAA	National Oceanic and Atmospheric Administration
NWI	National Wetlands Inventory
PWS	Professional Wetland Scientist
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
WDFW	Washington Department of Fish and Wildlife
WETS	Climate Analysis for Wetlands Tables
WGS84	World Geodetic System 1984



This page is purposefully blank.



# 1. Introduction

GG Environmental (Geoffrey Gray, MA, PWS) was retained by Jeff Greear (client) to complete a wetland and stream critical areas investigation for parcels 19588, 19589, 19590, 19591, 19592, 19593, 443233, and 493233 in unincorporated Kittitas County (county), Washington (project).

# 2. Location

The project is located between Thorp and Interstate 90, northwest of the intersection of Thorp Highway North and Thorp Depot Road and south of Goodwin Road (Figure 1). Ranging in elevation from 1,624 to 1,652 feet (ft) (Google 2022), topography is generally sloped at less than one percent toward the east (Figure 2). Positioned within the SE ¼ of section 11 in Township 18 North, Range 17 East, the approximate center of the project footprint is located at latitude 47°3'41.85" North and longitude 120°40'23.00" West (WGS84).

Figure 1. Project Location

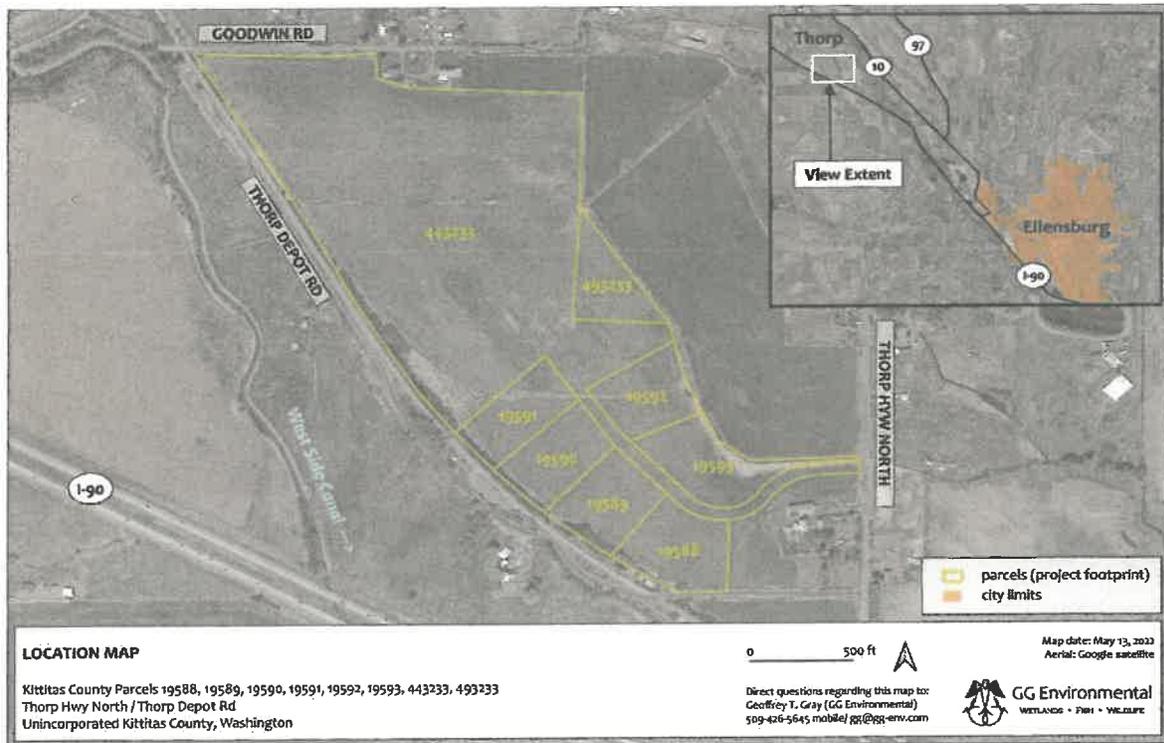
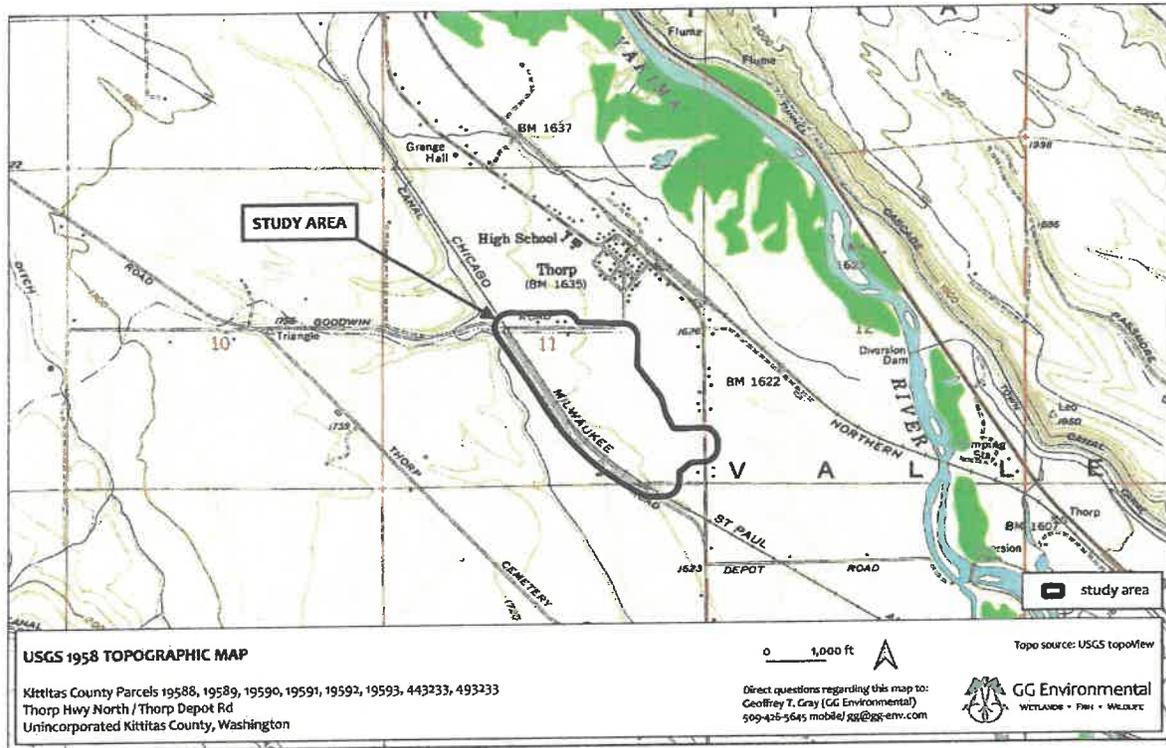


Figure 2. USGS Topographic Map



The project occurs within United States Department of Agriculture (USDA) Land Resource Region B and USDA Major Land Resource Area 8 (Columbia Plateau) (NRCS 2006), Water Resource Inventory Area 39 (Upper Yakima), and Robinson Creek-Yakima River subwatershed (12<sup>th</sup> Hydrologic Unit Code 170300010507).

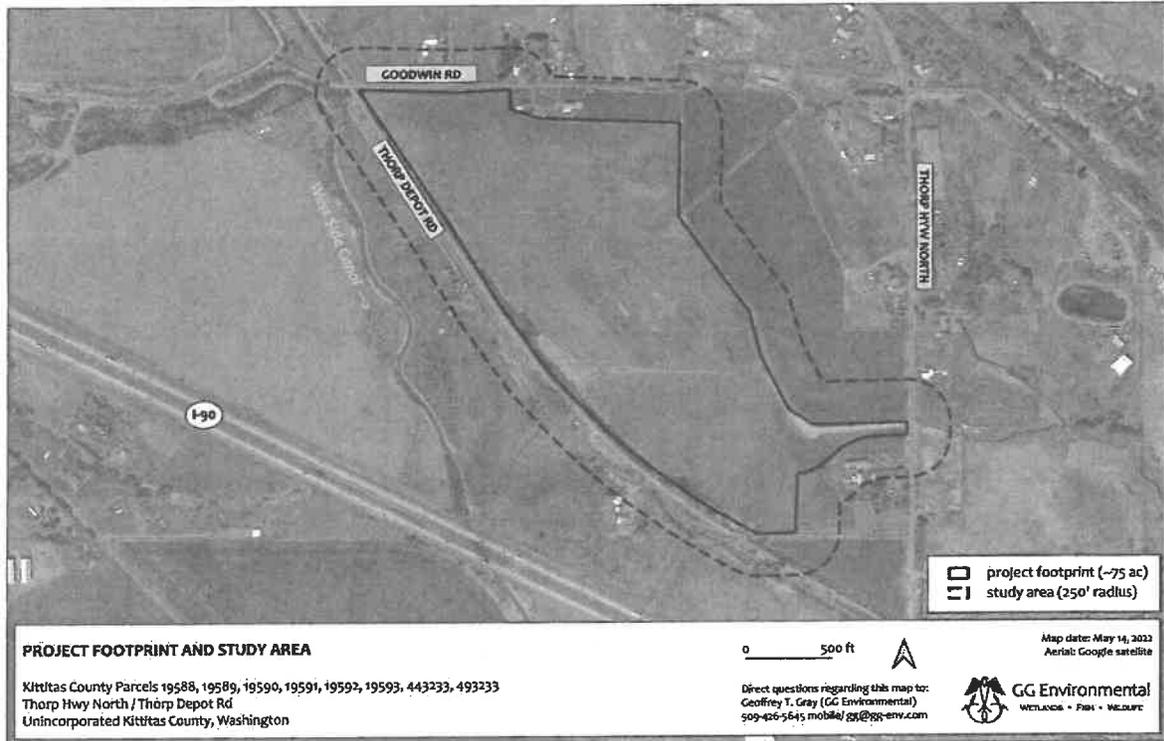
### 3. Methods

An overview of the methods employed to investigate wetlands and streams is presented in this section.

#### 3.1. Project Footprint and Study Area

The project footprint is limited to land within the parcel boundaries. The study area includes the project footprint as well as a 250-foot (ft) radius from the project footprint consistent with county Critical Areas Ordinance (CAO) Section 17A.07.060(2)(a) – Reporting/Contents (Kittitas County 2022a) (Figure 3).

**Figure 3. Project Footprint and Study Area**



### 3.2. Background Research

Available data for the study area, including information on soils, topography, vegetation, precipitation, wetlands, streams, floodplains, CMZ, LIDAR, historic aerial imagery, irrigation history and infrastructure, and the county code were researched:

- National Wetlands Inventory (NWI) (USFWS 2022a) (**Appendix A-1**);
- Kittitas County Code (Kittitas County 2022a);
- Kittitas County COMPAS (Kittitas County 2022b);
- Wetlands and Plants of High Conservation Value (DNR 2022a);
- NRCS soil survey data (NRCS 2022a) (**Appendix A-2**);
- AgACIS climate data (NRCS 2022b). (**Appendix B**);
- USGS National Hydrography Dataset (NHD) (USGS 2022a);
- USGS historic topographic maps (USGS 2022b);
- Historic aerial photography: 1954 (CWU 2022) (**Appendix A-3**) and 1985-2021 (Google 2022);
- Light Detection and Ranging (LIDAR) data (DNR 2022b);
- Washington Geologic Information Portal (DNR 2022c).

### 3.3. Field Investigation

Fieldwork was completed on May 10, 2022 by GG Environmental (Geoffrey Gray, MA, PWS). The project footprint was traversed on foot. The study area was visually observed from within the parcel boundaries and from publicly-accessible roads, complimented by a review of historic aerial imagery. Representative photos are presented in **Appendix C**.

### 3.4. Wetland Delineation Guidance, Regulatory Jurisdiction

The wetland investigation was performed in reference to routine methods described in the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)* (Corps 2008). Plants were identified by scientific name and wetland indicator status per Corps (2020).

Since the project occurs within unincorporated Kittitas County and is located outside shoreline jurisdiction, jurisdictional wetlands and streams are regulated under CAO Chapter 17A – *Critical Areas* (Kittitas County 2022a).

### 3.5. Geospatial Documentation

Features were geospatially surveyed with a Motorola G7 Power mobile phone, running the Mapit Spatial GIS application paired via Bluetooth® with a Juniper Systems Geode™ Multi-Global Navigation Satellite System (Multi-GNSS) receiver capable of sub-meter horizontal accuracy.

## 4. Existing Conditions

---

### 4.1. Topography

The west boundary of the project footprint begins at the toe of an escarpment of glacial outwash materials (DNR 2022c). However, topography within the project footprint is relatively flat, slightly undulating, and generally sloped at approximately one percent toward the east. Decades of management for hay production has eliminated any finer topographic variation, resulting in smooth slopes that are plowed, graded, and cultivated to uniformly direct flood irrigation waters across the hayfields. Highest elevations are to the north and south, and opposing slope aspects meet in a slight east-west swale within which an excavated tailwater ditch drains excess irrigation water toward the east.

### 4.2. Geology

The Thorp Prairie, extending southeast to Thorp, lies upon aggraded till materials deposited by glaciers (“Pleistocene alpine glacial drift”) (DNR 2022c). The west boundary of the project footprint occurs at the eastern escarpment toe of these raised glacial till materials. The project footprint lies upon a lower terrace of alluvial sediment comprised of clay, silt, sand, gravel and/or cobble deposits (“Quaternary alluvium”).



## 4.3. Soils

### 4.3.1. Soils mapped upon glacial drift

West of the project footprint, the two dominant soil map units east of I-90 include Reeser-Reelow-Sketter complex, 2 to 5 percent slopes and Reeser ashy clay loam, 2 to 5 percent slopes (NRCS 2022a) (Appendix A-2). These map units are similar in their geomorphic association, composition, profile, permeability, and shallow depth to restrictive feature (duripan).

**Reeser-Reelow-Sketter complex, 2 to 5 percent slopes:** Reeser is associated with fan remnants. Comprised of alluvium and glacial drift with an influence of loess and volcanic ash, the typical profile includes ashy clay loam and clay to 22 in with cemented material and cemented extremely gravelly sandy loam below 22 in. It is well drained, with depth to the water table at more than 80 in, but it exhibits a depth to duripan of 20 to 40 in. It does not flood or pond and is not listed as a hydric soil. **Reelow** is associated with fan remnants and terraces. Comprised of alluvium and glacial drift with an influence of loess and volcanic ash, the typical profile includes ashy clay loam and gravelly clay to 14 in with cemented material and cemented extremely gravelly sandy loam below 14 in. It is well drained, with depth to the water table at more than 80 in, but it exhibits a depth to duripan of 10 to 20 in. It does not flood or pond and is not listed as a hydric soil. **Sketter** is associated with terraces and fan remnants. Comprised of alluvium and glacial drift over a duripan with an influence of loess mixed with volcanic ash at the surface, the typical profile includes cobbly ashy loam, gravelly ashy loam, and extremely cobbly sandy clay to 21 in with cemented material and cemented extremely gravelly sandy loam below 21 in. It is well drained, with depth to the water table at more than 80 in, but it exhibits a depth to duripan of 20 to 40 in. It does not flood or pond and is not listed as a hydric soil.

**Reeser ashy clay loam, 2 to 5 percent slopes,** is associated with fan remnants. Comprised of alluvium and glacial drift with an influence of loess and volcanic ash, the typical profile includes ashy clay loam and clay to 22 in with cemented material and cemented extremely gravelly sandy loam below 22 in. It is well drained, with depth to the water table at more than 80 in, but it exhibits a depth to duripan of 20 to 40 in. It does not flood or pond and is not listed as a hydric soil. Minor components include **Sketter** (5 percent) and **Reelow**, (5 percent), neither of which is listed as a hydric soil.

### 4.3.2. Soils mapped within the project footprint

Two soil units underlie the project footprint. **Metser clay loam, 2 to 5 percent slopes,** is associated with alluvial fans and terraces. Comprised of alluvium with an influence of volcanic ash in the upper part, the typical profile includes clay loam and clay to 30 in with very gravelly sandy clay and extremely gravelly sandy clay below 30 in. It is moderately well-drained and exhibits a depth to water table of about 30 to 37 in. It does not flood or pond and is not listed as a hydric soil. Minor components include **Vanderbilt** (10 percent) and **Ackna**, (5 percent), neither of which is listed as a hydric soil.

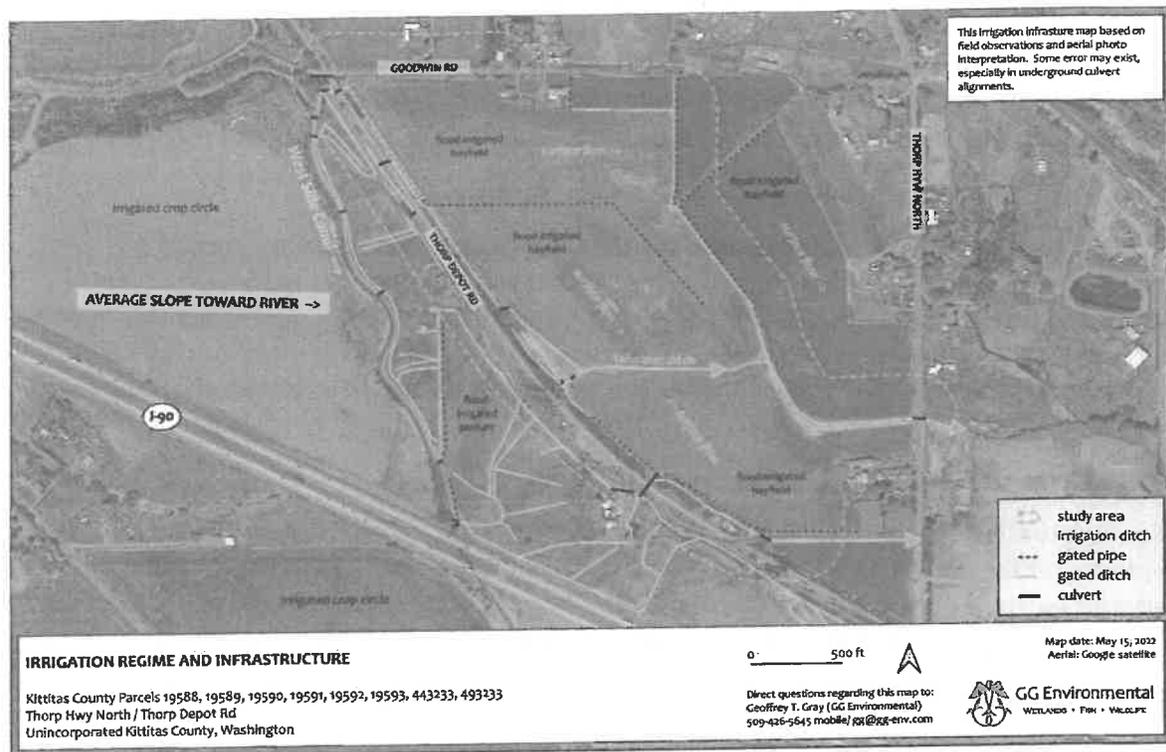
**Vanderbilt ashy loam, 0 to 2 percent slopes** is associated with alluvial fans. Comprised of alluvium with an influence of volcanic ash in the surface, the typical profile includes ashy loam to 28 in and clay loam below 28 in. It is well-drained and exhibits a depth to water table of greater than 80 in. It does

not flood or pond and is not listed as a hydric soil. Minor components include **Mitta** (5 percent), **Nosel** (5 percent), and **Umtanum**, (5 percent), none of which is listed as a hydric soil.

#### 4.4. Irrigation Regime

According to historic aerial imagery, the study area and surrounding landscape has been irrigated since at least 1954 (CWU 2022, Google 2022) (Figure 4) although this practice likely began decades earlier.

**Figure 4. Irrigation Regime**



Water arrives via the unlined West Side Canal from which water is diverted across the landscape via a complex network of excavated irrigation ditches, lateral dikes, weirs, culverts, and pipes. This infrastructure is maintained and managed to collectively distribute water, via gravity flow, onto otherwise dry land.

In lower areas where flood irrigation surface flow can temporarily impound, irrigation tailwater ditches are cut to direct water downslope, thereby maximizing farmable acreage.

Regional irrigation practices can artificially raise the groundwater table. Groundwater in the project footprint is not only influenced by immediate flood irrigation practices, but likely by upgradient irrigation as well. The sources of upgradient hydrology west of Thorp Depot Rd include seepage from the unlined West Side Canal, multiple irrigated crop circles, and a maze of unlined irrigation

ditches, dikes and swales. Given the shallow depth to impervious duripan in these areas, combined with an average topographic slope toward the east, a significant amount of irrigation water likely flows, both surface and subsurface, down-gradient toward the project footprint.

#### 4.5. Plants

Vegetation on irrigated land includes cultivated hay and pasture forage species. Irrigation ditch banks and bottoms are commonly dominated by non-native reed canarygrass (*Phalaris arundinaceae*) (FACW<sup>3</sup>) with small patches of cattails (*Typha latifolia*) (OBL<sup>4</sup>). Non-native and noxious weeds are also present, including poison hemlock (*Conium maculatum*) (Kittitas County Class A Noxious Weed). Irrigation ditches excavated at the escarpment toe support a woody overstory colonized by a variety of native shrubs and trees, including both upland species and species associated with wetlands including black elder (*Sambucus nigra*) (FACU<sup>5</sup>), choke cherry (*Prunus virginiana*) (FAC<sup>6</sup>), Nootka rose (*Rosa nutkana*) (FACU), red osier (*Cornus alba*) (FACW), narrow-leaf willow (*Salix exigua*) (FACW), quaking aspen (*Populus tremuloides*) (FACU), and cottonwood (*Populus balsamifera*) (FAC).

#### 4.6. Precipitation and Hydrology

Chapter 19 of the Engineering Field Handbook (NRCS 2015) was referenced in determining if precipitation that fell within three months of the site visit was within the normal range (30-year average). Normal climatic conditions prevailed the aggregate three months prior to the May 10 field visit (**Appendix B**). However, due to the geomorphic character of the vicinity, pervious soils, and local irrigation practices, the relative contribution of precipitation toward soil moisture in the study area during the growing season is low.

#### 4.7. Growing Season

According to Climate Analysis for Wetlands Tables (WETS) (NRCS 2022b), the growing season (28 °F or greater) at the nearest AgACIS station (Ellensburg) demonstrates a 70 percent probability of occurring between April 16 and October 14 (181 days) and 50 percent between April 20 and October 10 (173 days). Fieldwork was completed during the growing season.

#### 4.8. Mapped Wetlands

The NWI and county both map wetlands within the study area including Palustrine Forested/Scrub-shrub, Riverine, and Palustrine Emergent wetlands (**Appendix A-1**).

#### 4.9. Mapped Streams

Kittitas County maps an unnamed Type 2 (F) (fish-bearing) stream within the study area and along the south shoulder of Goodwin Road (**Appendix A-4**).

---

<sup>3</sup> FACW (Facultative Wetland Plants) – usually occur in wetlands, but may occur in non-wetlands.

<sup>4</sup> OBL (Obligate Wetland Plants) – almost always occur in wetlands.

<sup>5</sup> FACU (Facultative Upland Plants) – usually occur in non-wetlands, but may occur in wetlands.

<sup>6</sup> FAC (Facultative Wetland Plants) – occur in wetlands and non-wetlands.



#### 4.10. 100-year Floodplain and Channel Migration Zone

Kittitas County maps the FEMA<sup>7</sup> floodplain and channel migration zone (CMZ) of the Yakima River in the northeast corner of the study area (Appendix A-6).

## 5. Findings and Discussion

---

### 5.1. Wetlands

Irrigation ditches were flowing, thereby exhibiting wetland hydrology, albeit, artificial. Hydrophytic wetland vegetation is rooted in some irrigation ditch reaches, but its spatial location is closely correlated to, and dependent upon, the moisture ditches provide during the growing season via seepage and, perhaps, elevated groundwater, during the growing season. The confluence of irrigation ditch flow and flood irrigation water results in significant hydrologic buildup where opposing slope aspects meet, but a representative soil sample evaluated in a patch of cattails just downgradient of observed surface water in the ditches failed to show hydrology and soil indicators. This observation can be explained in that the presence of cattails (and other wetland-associated plants) is common where water is consistently irrigated on uplands/permeable soils during the growing season. The development of hydric soil indicators can be inhibited where soils are well-drained and water moves quickly through the soil profile. The lack of hydrology at the sample location demonstrates that water infiltrates quickly into the upper 12-16 in of the soil profile. Therefore, given the pervious character of soils, irrigation as a primary hydrology source during the growing season, and correlation between wetland vegetation and ditch location, it is concluded that the sole reason wetland vegetation is present within the study area is probably due to ongoing irrigation practices.

Although irrigation ditches can delineate as *biological wetlands*, the county does not regulate those *artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities* per CAO Sections 17A.02.840 and 17A.07.020(1). Given the best available science in the context of the CAO, it is determined that no jurisdictional wetlands are present within the study area.

### 5.2. Streams

The county maps an unnamed Type 2 (F) (fish-bearing) stream parallel to the south shoulder of Goodwin Road (Kittitas County 2022b) for which it assigns a regulatory buffer of 100 feet (ft)<sup>8</sup> per CAO Section 17A.04.030 – *Riparian Management Zones and Buffers* plus a 15-ft building setback per CAO 17A.01.090(4) – *Building Setbacks* (Appendix A-4). The stream is not designated as critical

---

<sup>7</sup> Federal Emergency Management Agency

<sup>8</sup> For the Columbia Plateau Ecoregion

habitat for Mid-Columbia River Distinct Population Segment steelhead (NOAA 2022) or bull trout (USFWS 2022b). Although StreamNet (WDFW 2022a) does not identify it as supporting fish, it is presumed by WDFW that fish can access the creek (WDFW 2022b).

No other streams are mapped within the study area in the 1902 USGS topographic map (Appendix A-5), 1958 USGS topographic map (Figure 2), or by the NHD (Appendix A-5).

### 5.3. Floodplain and Channel Migration Zone

The county maps the FEMA 100-year floodplain, FEMA 500-year floodplain, and CMZ of the Yakima River as intersecting parcel 443233. The FEMA 500-year floodplain overlaps the boundary of parcel 493233 (Appendix A-6).

## 6. Limitations

---

The data presented herein reflect site conditions encountered on May 10, 2022. Work was performed in accordance with accepted standards for professional wetland biologists and applicable and current federal, state, and local ordinances. Although this report is accurate and complete to the best of available scientific knowledge, it should be considered a preliminary determination, with no warranty, express or implied, until it has been reviewed, and approved in writing, by appropriate jurisdictional authorities.

## 7. Consultant Qualifications

---

Geoffrey Gray is a professional biologist and wetland scientist whose 25-year career has provided him with a unique breadth of experience that can readily assist you in moving your project forward.

Investing eight years in higher education, he earned a Bachelor's Degree in Business Management and a Master's degree in Biology from California State University at Fresno.

Geoffrey has earned 12.4 credit hours of certified professional wetland training, including completion of the 38-hour *Army Corps of Engineers (Corps) Wetland Delineation and Management Training Program*, as well as *Corps Advanced Wetland Delineation*, *Corps Delineation Manual Regional Supplements*, *Washington State Department of Ecology (Ecology) 2014 Wetland Rating System*, *Ecology Credit-Debit Method for Estimating Mitigation Needs*, *Ecology Selecting Wetland Mitigation Sites Using a Watershed Approach*, and multiple courses in wetland plant identification.

Continuously employed as a wetland, fish, and wildlife biologist since 1997, while serving tenures in field research, a large environmental consulting firm, state agencies in both California and Washington, and as an independent environmental consultant, Geoff's resume includes over 16 years of full-time duty as a wetland biologist, with experience ranging from the unique vernal pool wetland habitats of California's Central Valley to the diverse wetlands of Eastern Washington State, stretching from the Cascade crest to Idaho. Spanning his career, Geoff has performed over 90 wetland delineations and has managed 40 wetland mitigation/riparian restoration sites. As a fish and wildlife biologist, he has evaluated over 620 projects for compliance under the Endangered Species Act, including over 120 federal consultations.

Geoff founded GG Environmental in 2015, and has since served a diverse palette of clients including habitat restoration groups, private landowners, commercial businesses, developers, and local governments who need assistance in overcoming the challenges of Critical Areas/Shorelines permitting and Endangered Species Act consultation.

A professional-level GPS/GIS user for over 20 years, Geoff employs cutting-edge GPS technology in the field and is proficient in GIS mapping with ArcGIS and QGIS.

Certified as a Professional Wetland Scientist by the Society of Wetland Scientists, Geoff's work is performed to the highest standards and is fully insured.



## 8. References

---

- [Corps]. 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0), Wakeley JS, Lichvar RW, Noble CV, editors. Vicksburg (MS): US Army Engineer Research and Development Center. ERDC/EL TR-08-28. Available at: [https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/reg\\_supp/](https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/reg_supp/)
- [Corps]. 2020. National Wetland Plant List, version 3.5. U.S. Army Corps of Engineers, Engineer Research and Development Center, Cold Regions Research and Engineering Laboratory, Hanover, NH. Available at: <http://wetland-plants.usace.army.mil/>
- [CWU]. Central Washington University [CWU]. 2022. Department of Geology. Central Washington Historical Aerial Photograph Project [Internet]. Available at: [https://www.gis.cwu.edu/geog/historical\\_airphotos/](https://www.gis.cwu.edu/geog/historical_airphotos/)
- [DNR] 2022a. Washington Wetlands and Plants of High Conservation Value Map Viewer. Available at: <https://wadnr.maps.arcgis.com/apps/webappviewer/index.html?id=5cf9e5b22f584ad7a4e2aebc63c47bda>
- [DNR] 2022b. Washington LIDAR Portal. Division of Geology and Earth Resources. Available at: <https://lidarportal.dnr.wa.gov/#47.33743:-121.32236:12>
- [DNR] 2022c. Washington Geologic Information Portal. Available at: [https://geologyportal.dnr.wa.gov/2d-view#wigm?-13909936,-13029381,5817998,6230146?Surface\\_Geology,500k\\_Surface\\_Geology,Map\\_Units](https://geologyportal.dnr.wa.gov/2d-view#wigm?-13909936,-13029381,5817998,6230146?Surface_Geology,500k_Surface_Geology,Map_Units)
- Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Vicksburg (MS): US Army Engineer Waterways Experiment Station. Technical Report Y-87-1. Available at: <http://www.swl.usace.army.mil/Portals/50/docs/regulatory/wlman87.pdf>
- Google. 2022. Google Earth Pro - Historic Aerial Imagery [Software Program]. Download available at: <https://www.google.com/earth/versions/>
- Kittitas County. 2022a. Kittitas County Code, Title 17A Critical Areas. Available at: <https://www.co.kittitas.wa.us/boc/countycode/title17a.aspx>
- Kittitas County. 2022b. COMPAS. Mapped critical areas including FEMA floodplain, CMZ, wetlands and streams. Available at: <https://kitcogis.maps.arcgis.com/apps/webappviewer/index.html?id=8bcc146d9c2847acb2e9aa239187c25e>
- [NOAA]. 2022. National Oceanic and Atmospheric Administration. ESA Designated Critical Habitat Mapper. Available at: <https://www.arcgis.com/apps/MapJournal/index.html?appid=75e5f6b4387f4809b5a6b1f251e38bda#>
- [NRCS] Natural Resource Conservation Service. 2006. Land Resource Regions and Major Land Resources Areas of the United States, the Caribbean, and the Pacific Basin. United States Department of Agriculture, Natural Resources Conservation Service. United States Department of Agriculture Handbook 296. Issued 2006. Available at: [https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcs142p2\\_050898.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_050898.pdf)

- [NRCS] 2015. Hydrology Tools for Wetland Identification and Analysis. Chapter 19 in Part 650 Engineering Field Handbook. Pages 19-85 through 19-89. US. Department of Agriculture, NRCS. Available at:  
<https://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=37808.wba>
- [NRCS] 2022a. Web Soil Survey [Internet]. Available at:  
<https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>
- [NRCS] 2022b. Field Office Technical Guide. Agricultural Applied Climate Information System (AgACIS). Climate Data for Kittitas County, Station Ellensburg, including WETS tables. Available at: <http://agacis.rcc-acis.org/?fips=53037>
- [USFWS] US Fish and Wildlife Service. 2022a. National Wetland Inventory (NWI) mapper [Internet]. Available at: <https://www.fws.gov/wetlands/data/Mapper.html>
- [USFWS] 2022b. Critical Habitat Mapper [Internet]. Available at:  
[https://www.arcgis.com/home/webmap/viewer.html?url=https://services.arcgis.com/QVENGdaPbd4LUklV/ArcGIS/rest/services/USFWS\\_Critical\\_Habitat/FeatureServer/0&source=sd](https://www.arcgis.com/home/webmap/viewer.html?url=https://services.arcgis.com/QVENGdaPbd4LUklV/ArcGIS/rest/services/USFWS_Critical_Habitat/FeatureServer/0&source=sd)
- [USGS] 2022a. United States Geological Survey. National Geospatial Program. National Hydrography Dataset. Available at: <https://ecology.wa.gov/Research-Data/Data-resources/Geographic-Information-Systems-GIS/Data#s>
- [USGS] 2022b. United States Geological Survey. topoView. Historic topographic maps. Available at: <https://ngmdb.usgs.gov/topoview/>
- [WDFW] 2022a. StreamNet. Available at:  
<https://psmfc.maps.arcgis.com/apps/webappviewer/index.html?id=3be91b0a32a9488a901c3885bbfc2b0b>
- [WDFW] 2022b. E-mail exchange with Jennifer Nelson (WDFW) regarding fish presence in the mapped Type 2 (F) stream. Email date: 5-16-2022 (8:29AM).



# Appendix A. Background Information

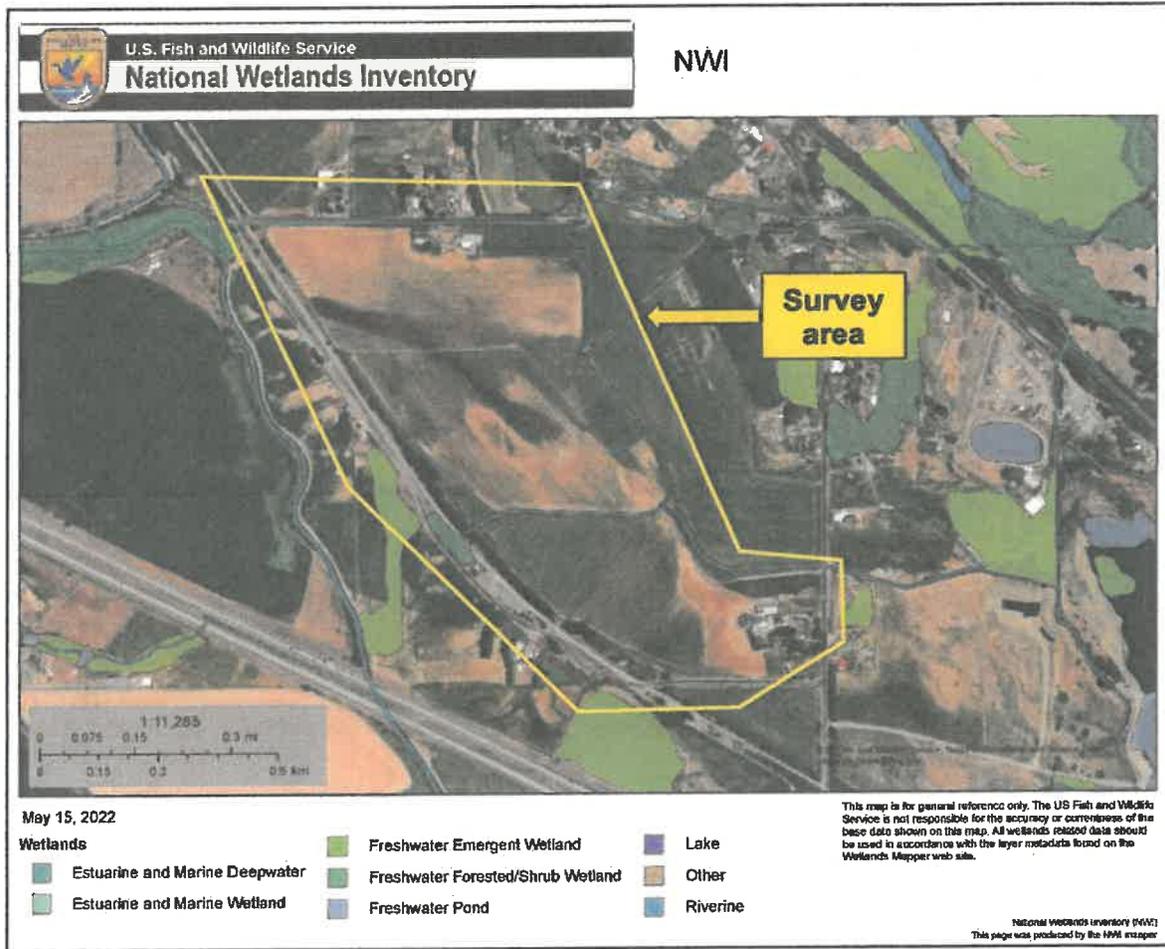
---

Appendix A includes the following sub-appendices:

- A-1 USFWS NWI and Kittitas County Wetlands
- A-2 NRCS Soil Survey Map
- A-3 1954 Historic Aerial Image
- A-4 Kittitas County Stream Map and Regulatory Buffer
- A-5 USGS 1902 Topographic Map and NHD
- A-6 FEMA Floodplain and CMZ

This page is intentionally blank.

## Appendix A-1. USFWS NWI and Kittitas County Wetlands



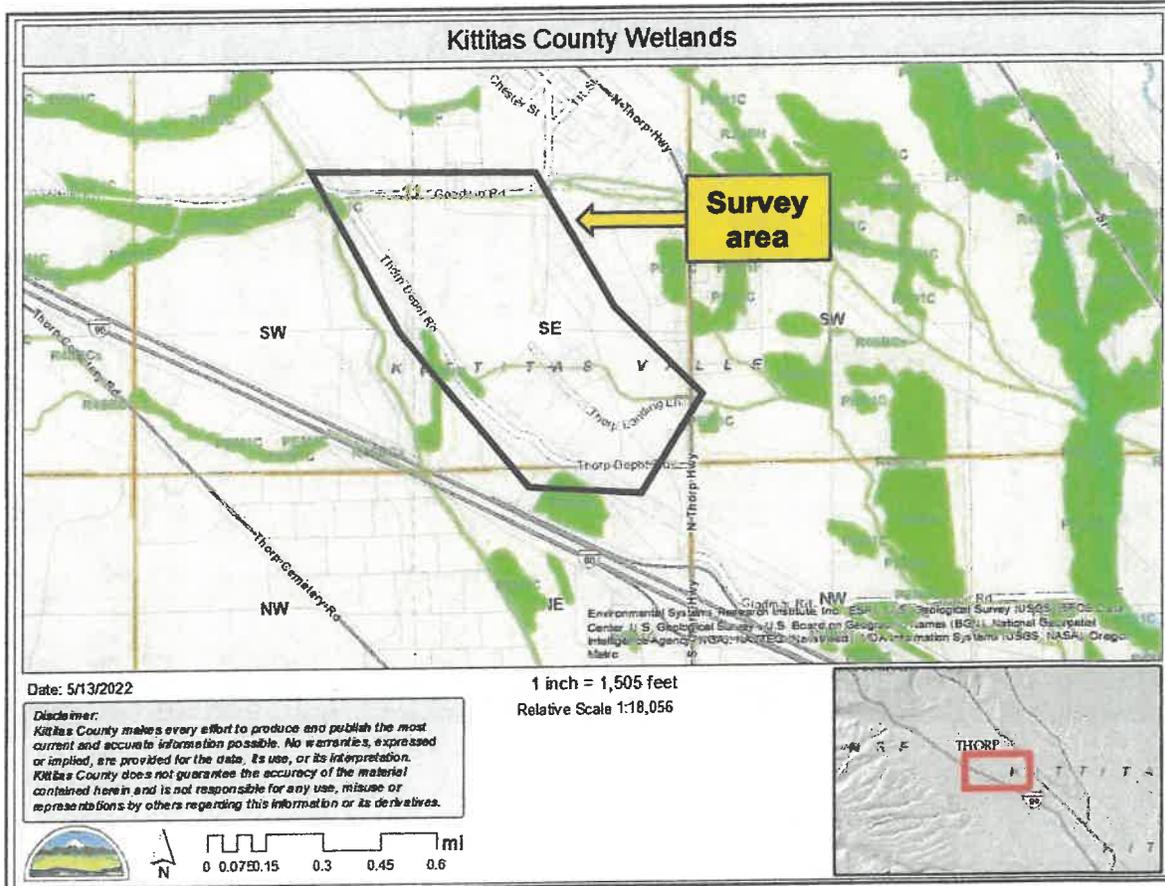
Wetland and Stream Critical Areas Report  
Parcels 19588, 19589, 19590, 19591, 19592, 19593, 443233, 493233  
Thorp Hwy North/Thorp Depot Rd/Goodwin Rd | Kittitas County

May 17, 2022

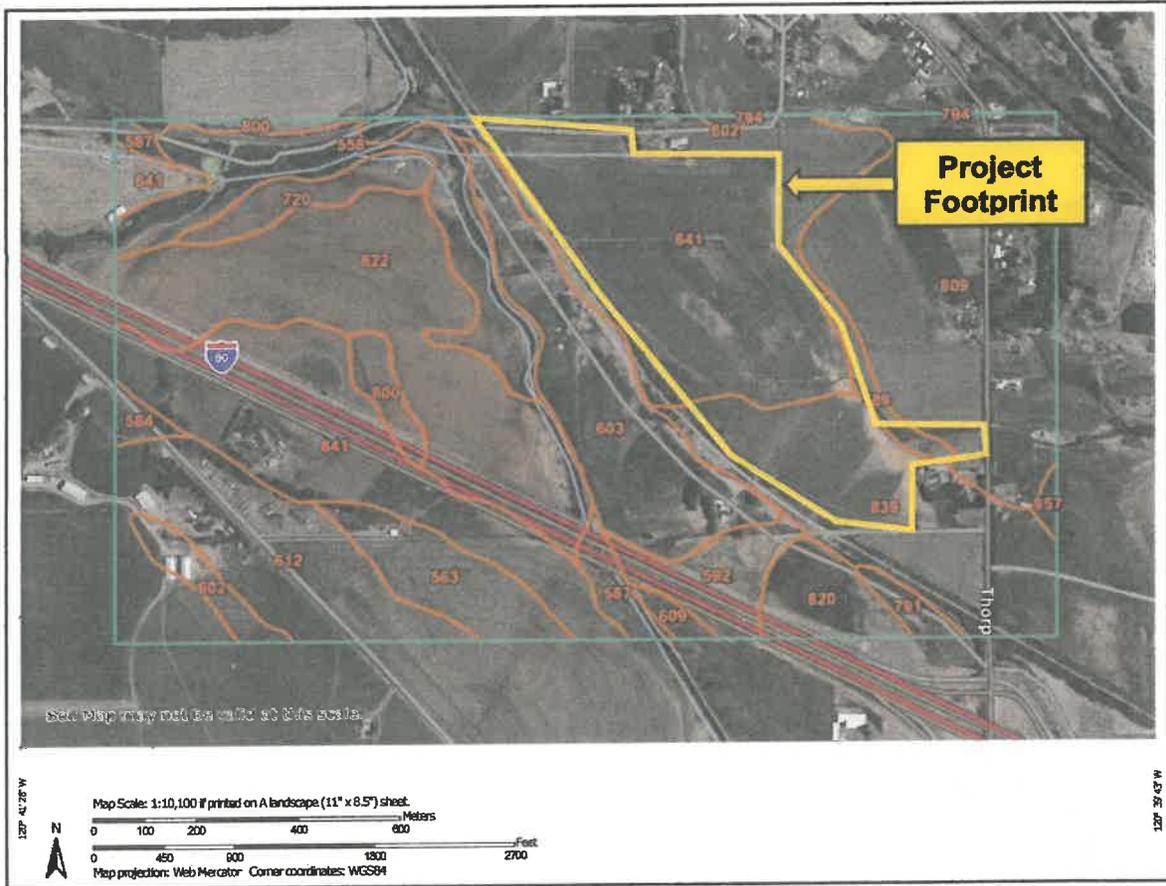
15



GG Environmental  
WETLANDS • FISH • WILDLIFE



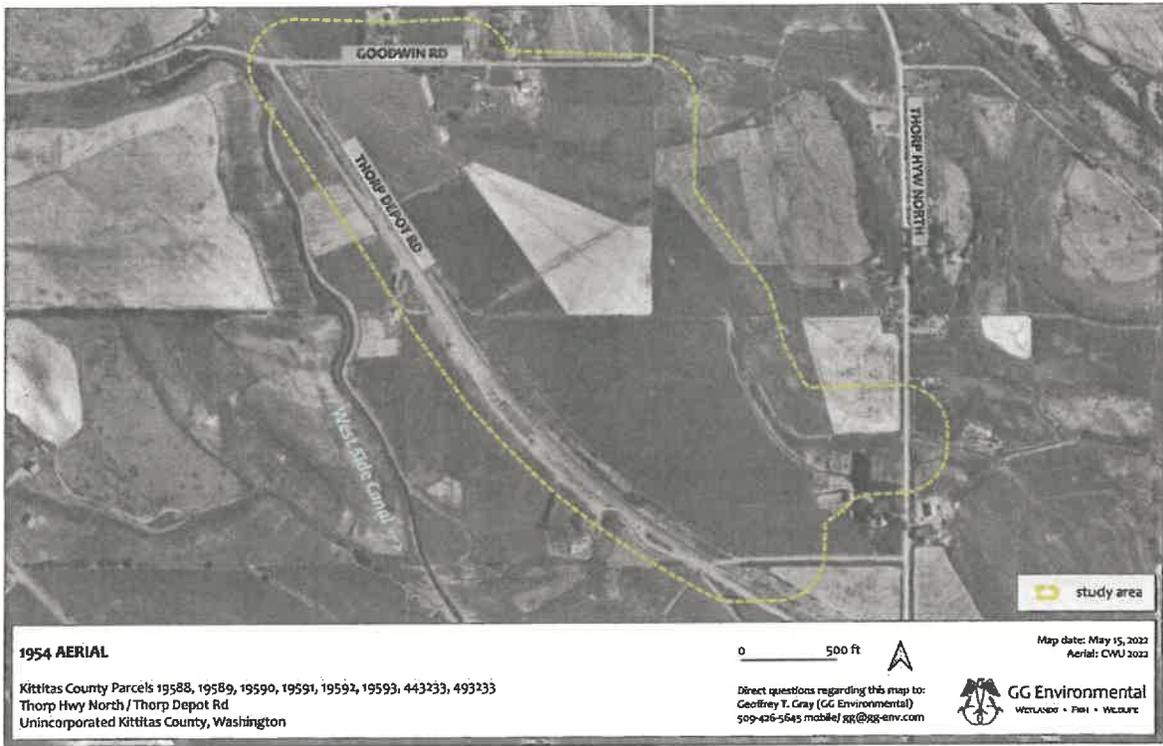
## Appendix A-2. NRCS Soil Survey Map



## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
558	Argixerolls-Durixerolls complex, 30 to 70 percent north slopes	27.1	5.7%
563	Mendian very fine sandy loam, 0 to 2 percent slopes	14.1	3.0%
584	Varodale clay, 0 to 2 percent slopes	2.1	0.5%
587	Argixerolls, 15 to 30 percent slopes	5.5	1.2%
589	Nack-Brickmill complex, 0 to 5 percent slopes	3.8	0.8%
592	Umtanum ashy silt loam, 2 to 5 percent slopes	10.9	2.3%
602	Brickmill gravelly ashy loam, 2 to 5 percent slopes	5.6	1.2%
603	Reeser ashy clay loam, 2 to 5 percent slopes	35.2	7.4%
609	Ackna ashy loam, 0 to 2 percent slopes	1.8	0.4%
612	Nitcha ashy loam, 0 to 2 percent slopes	39.3	8.3%
720	Nanum ashy sandy clay loam, 0 to 2 percent slopes	7.9	1.7%
791	Mitta ashy silt loam, drained, 0 to 2 percent slopes	2.8	0.6%
794	Kayak-Weirman complex, 0 to 2 percent slopes	0.1	0.0%
800	Brysil gravelly ashy loam, 2 to 5 percent slopes	6.7	1.4%
809	Weirman-Kayak-Zillah complex, 0 to 2 percent slopes	68.9	14.6%
820	Modsel complex, 0 to 5 percent slopes	9.8	2.1%
822	Reeser-Reelow-Sketter complex, 2 to 5 percent slopes	58.9	12.5%
839	Vanderbill ashy loam, 0 to 2 percent slopes	45.0	9.5%
841	Metser clay loam, 2 to 5 percent slopes	125.9	26.7%
957	Kayak-Weirman complex, rarely flooded, 0 to 2 percent slopes	1.0	0.2%
<b>Totals for Area of Interest</b>		<b>472.4</b>	<b>100.0%</b>

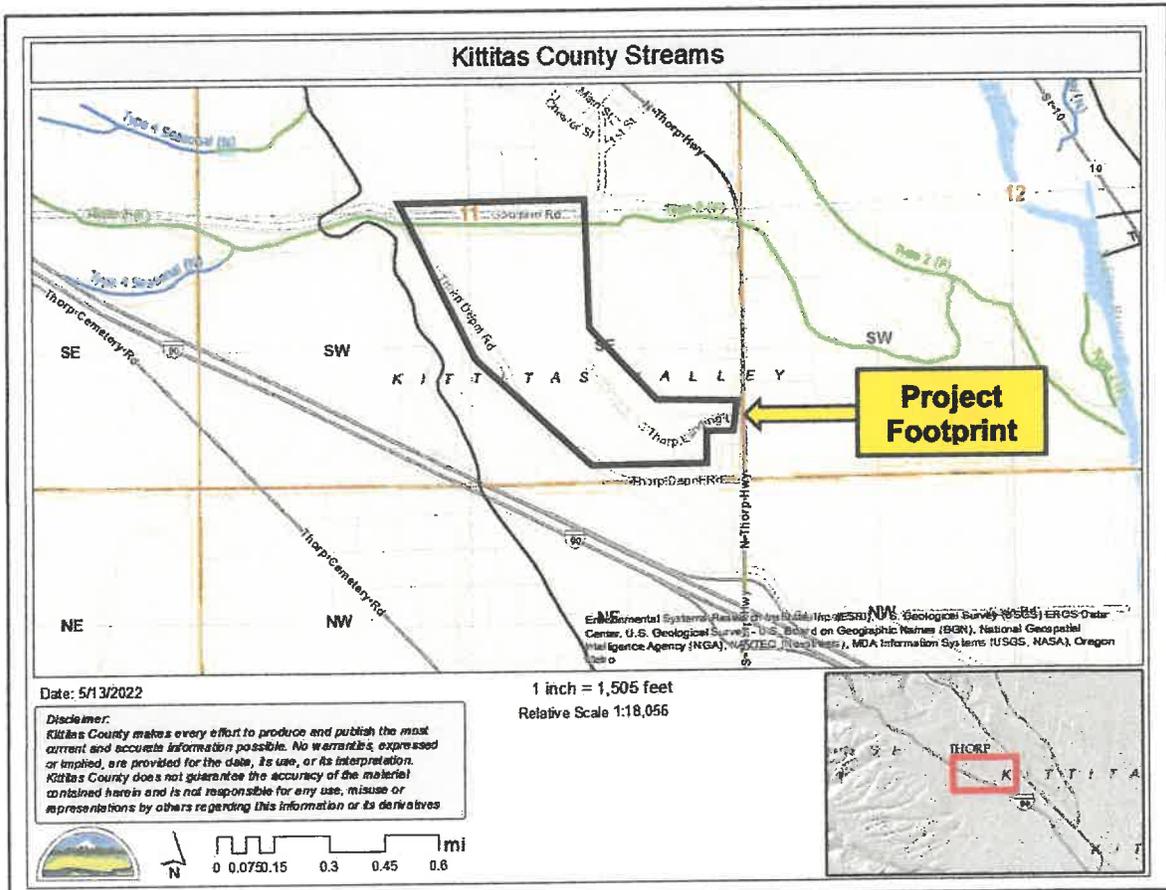
## Appendix A-3. 1954 Historic Aerial Image

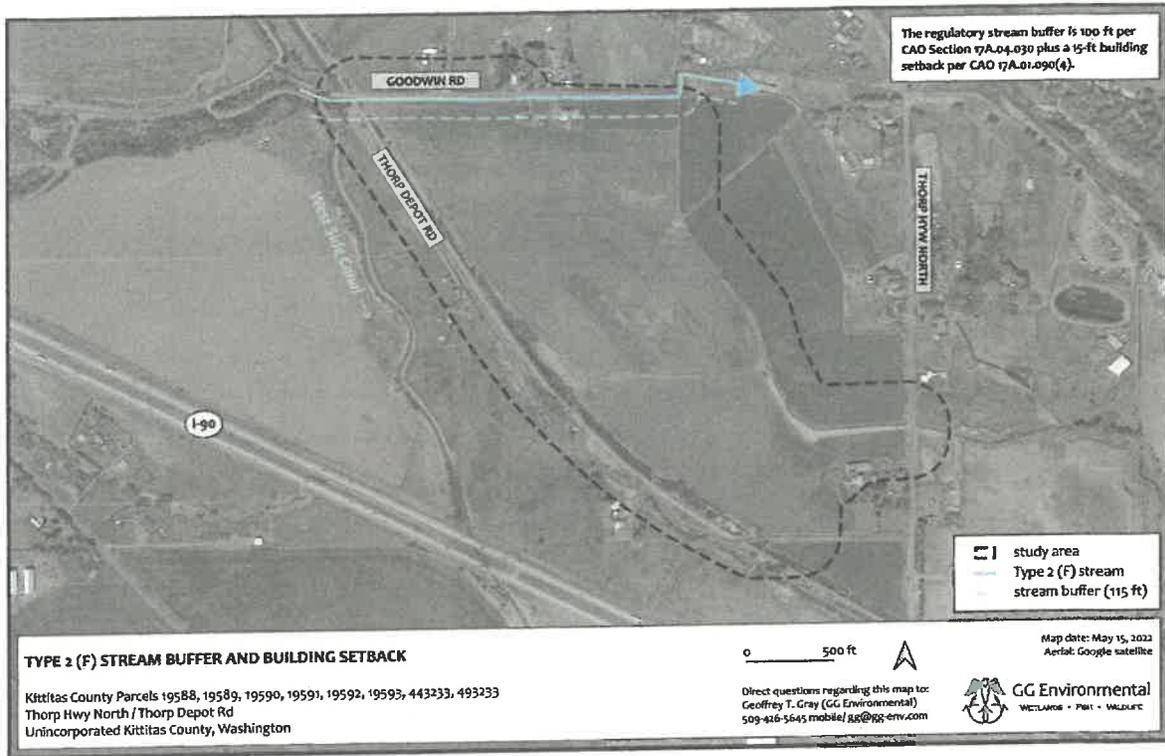


This page is intentionally blank.



## Appendix A-4. Kittitas County Stream Map and Regulatory Buffer

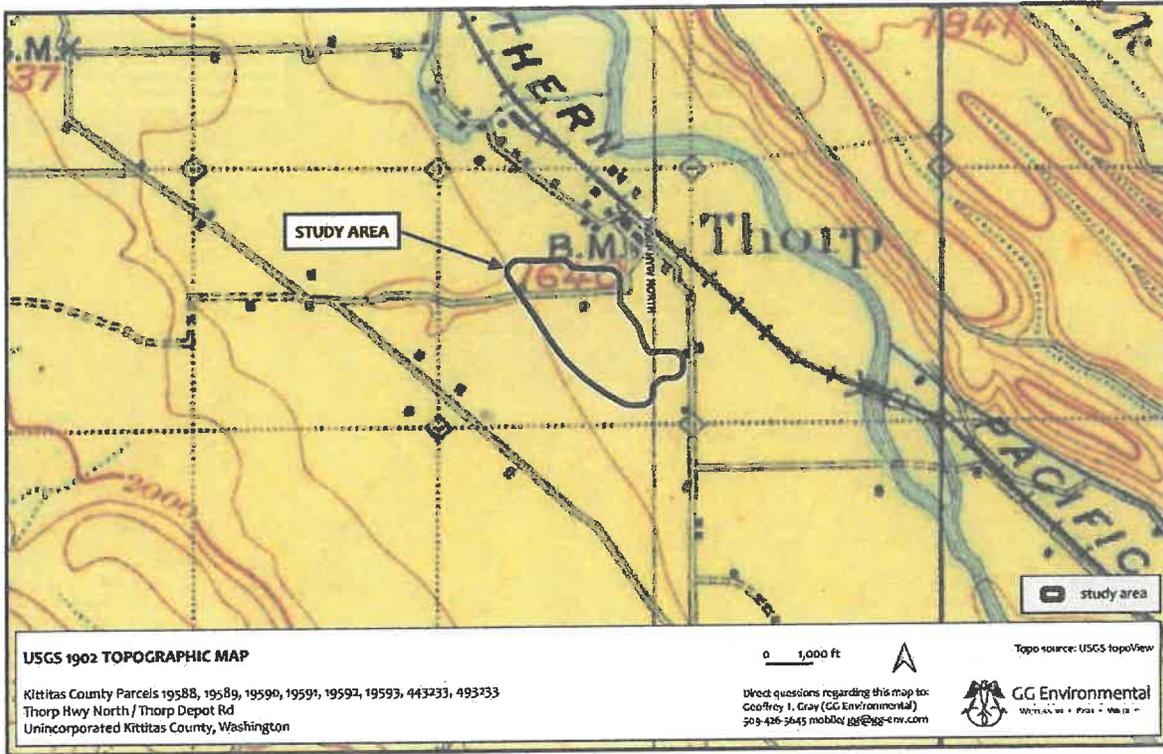


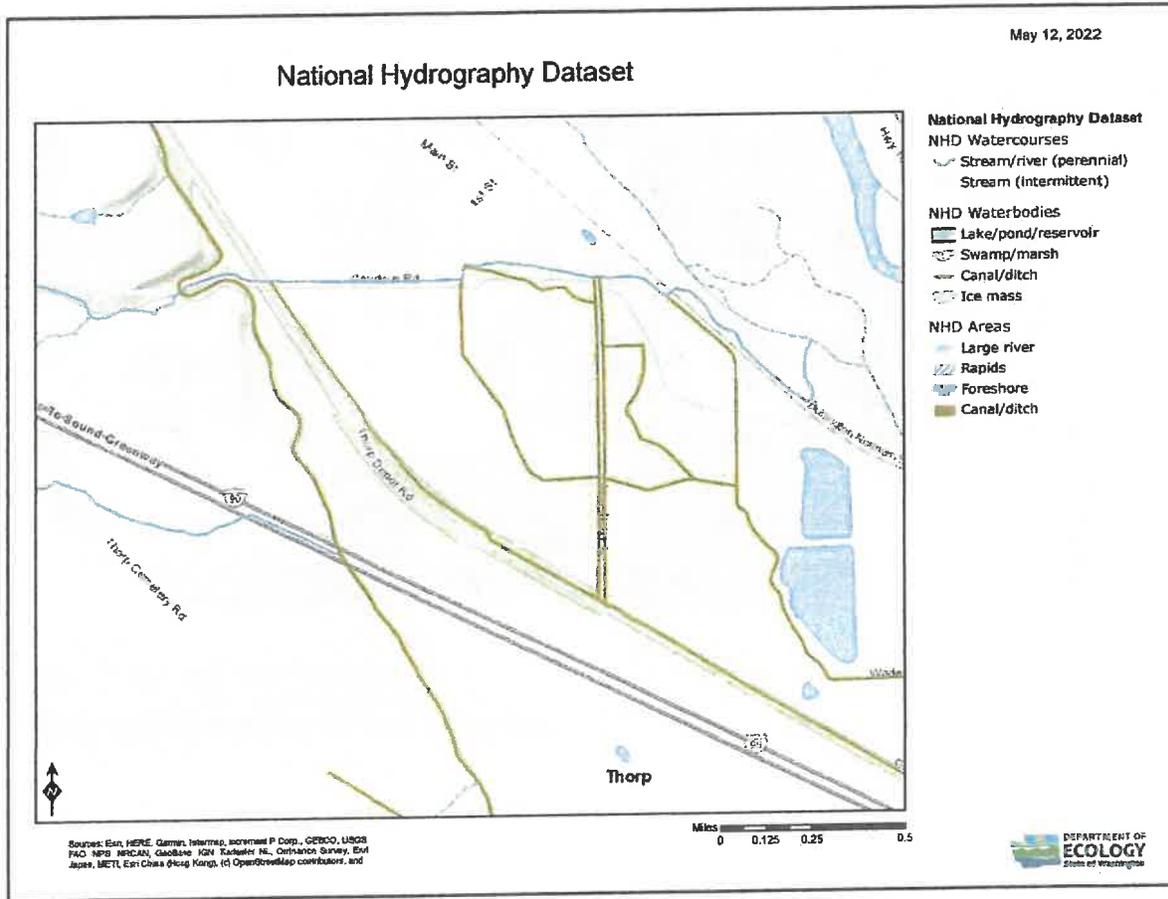


**TYPE 2 (F) STREAM BUFFER AND BUILDING SETBACK**

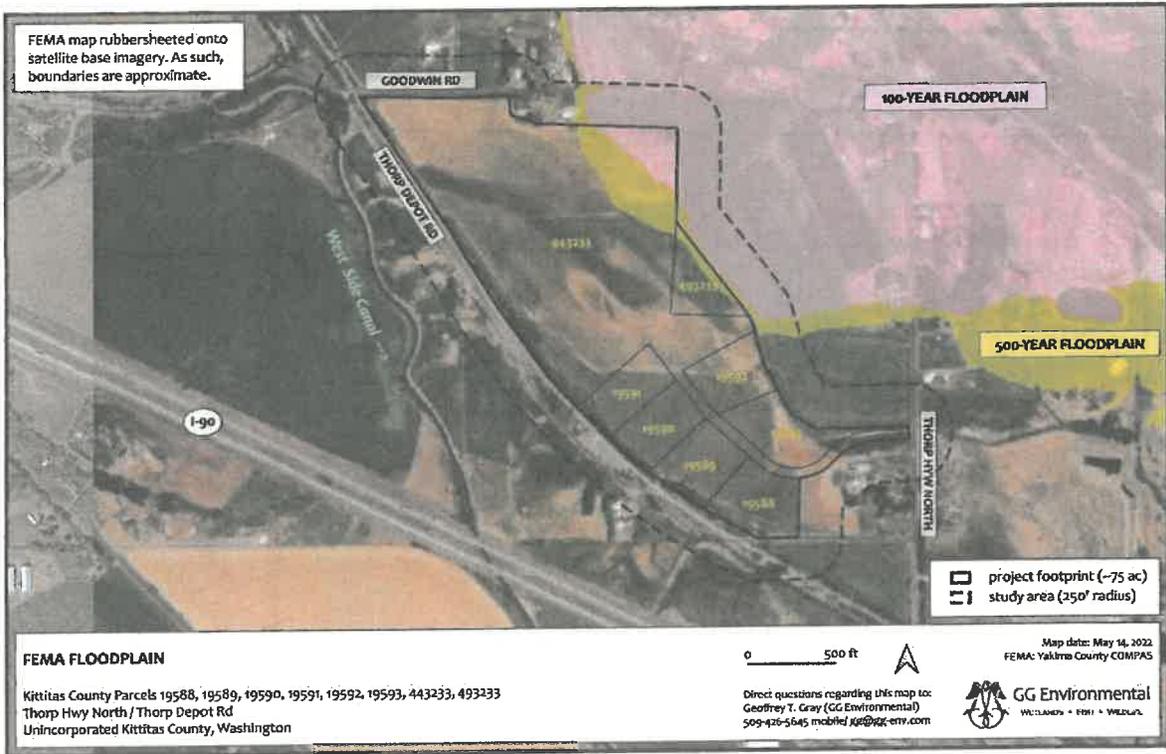
Kittitas County Parcels 19588, 19589, 19590, 19591, 19592, 19593, 443233, 493233  
 Thorp Hwy North / Thorp Depot Rd  
 Unincorporated Kittitas County, Washington

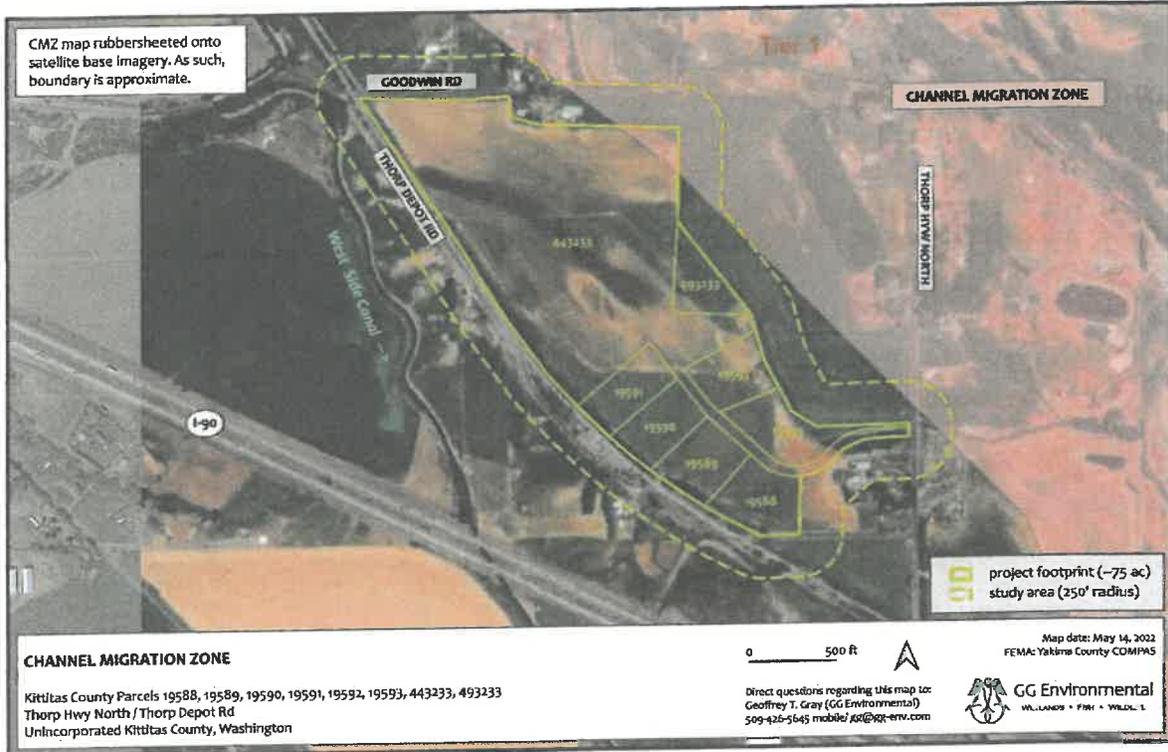
## Appendix A-5. USGS 1902 Topographic Map and NHD





## Appendix A-6. FEMA Floodplain and CMZ





## Appendix B. Precipitation Analysis

Precipitation analysis per NRCS (2015). All data were obtained from the AgACIS weather station<sup>9</sup> at Ellensburg. Fieldwork was completed on May 10, 2022.

Normal climatic conditions prevailed the previous three months prior to fieldwork (March to April). Shortly before fieldwork, 0.69 inches of rain fell within the prior 10 days.

	Long-term rainfall records <sup>1</sup> (Inches)			Total Rainfall Obs. <sup>2</sup>	Condition dry, wet, normal <sup>3</sup>	Condition Value	Month weight value <sup>4</sup>	Product of previous two columns	
	Month	3 yrs. in 10 less than	Average						3 yrs. in 10 more than
1 <sup>st</sup> prior month	Apr	0.35	0.59	0.71	1.07	Wet	3	3	9
2 <sup>nd</sup> prior month	Mar	0.36	0.76	0.93	0.44	Normal	2	2	4
3 <sup>rd</sup> prior month	Feb	0.59	0.91	1.10	T	Dry	1	1	1
<b>Sum</b>								<b>14<sup>5</sup></b>	

<sup>1</sup> WETS table (NRCS 2022b); <sup>2</sup> Accumulated Daily Precipitation (NRCS 2022b); <sup>3</sup> WETS table "30% more than and 30% less than values are referenced to compare recorded rainfall to statistically-normal precipitation; <sup>4</sup> Value: Dry = 1; Normal = 2; Wet = 3; <sup>5</sup> 6-9: drier than normal, 10-14: normal, 15-18: wetter than normal.

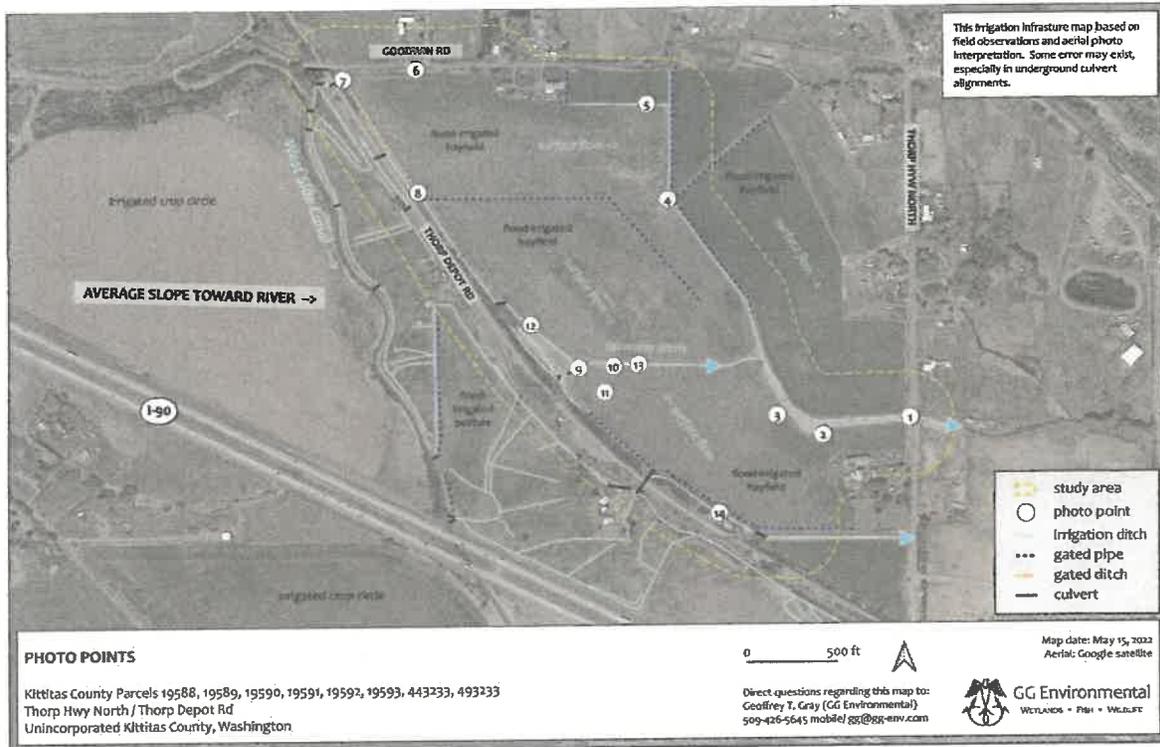
Date (2022)	Precipitation Total (Inches)
May 10 (fieldwork)	0
April 30 – May 9 (prior 10 days)	0.69

<sup>9</sup> (NRCS 2022b). AgACIS station: Ellensburg, Kittitas County (FIPS 53037).

This page is intentionally blank.



# Appendix C. Photos





**Photo 1**  
Irrigation ditch. View toward W.



**Photo 2**  
Excavated pond. Groundwater at ~7 ft.  
View toward SW.



**Photo 3**  
Test pit. No groundwater to 3 ft.



**Photo 4**  
Irrigation weir and pipes.  
View toward E.



**Photo 5**  
Irrigation ditch.  
View toward W.



**Photo 6**  
Type 2 (F) stream along Goodwin Rd.  
View toward W.



**Photo 7**  
Gated concrete irrigation ditch.  
View toward S.



**Photo 8**  
Gated concrete irrigation ditch to gated pipe.  
View toward S.



**Photo 9**  
Irrigation tailwater ditch convergence.  
View toward NW.



**Photo 10**  
Cattails near irrigation tailwater ditch.  
View toward W.



**Photo 11**  
Test pit with groundwater at 3 ft.  
View toward NE.



**Photo 12**  
Woody vegetation along irrigation ditch. View  
toward NW.



**Photo 13**  
Irrigation tailwater ditch.  
View toward E.



**Photo 14**  
Irrigation ditch supporting woody vegetation.  
View toward SE.







## KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

## SEPA ENVIRONMENTAL CHECKLIST

### **Purpose of checklist:**

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

### **Instructions for applicants:**

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. **Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.**

The checklist questions apply to **all parts of your proposal**, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

### **Instructions for Lead Agencies:**

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

### **Use of checklist for nonproject proposals:** [\[help\]](#)

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

### **APPLICATION FEES:**

\$600.00 Kittitas County Community Development Services (KCCDS)\*\*  
 \$950.00\* Kittitas County Department of Public Works\*\*  
 \$260.00 Kittitas County Public Health

**\$1,810.00 Total fees due for this application** (One check made payable to KCCDS)

\*2 hours of review included in Public Works Fee. Additional review hours will be billed at \$243 per hour.

\*\* Note:KCCDS and PW fees are waived if project is a VSP sponsored fish enhancement project.

FOR STAFF USE ONLY

Application Received by (CDS Staff Signature): <u>Joel Weyand</u>	DATE: <u>1-10-22</u>	RECEIPT# <u>0023-00055</u>	<b>RECEIVED</b> JAN 10 2023 Kittitas County CDS DATE STAMP IN BOX
--	-------------------------	-------------------------------	--

**A. Background** [\[help\]](#)

1. Name of proposed project, if applicable: [\[help\]](#)  
**Thorp Landing Plat**

2. Name of applicant: [\[help\]](#)  
**Thorp Landing LLC,**

3. Address and phone number of applicant and contact person: [\[help\]](#)  
**Joel Greear, 1410 W Dollary Way Road, Suite 301, Ellensburg WA 98926**

4. Date checklist prepared: [\[help\]](#)  
**1-2-23**

5. Agency requesting checklist: [\[help\]](#)  
**Kittitas County Community Development Services Department**

6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)  
**As soon as approvals are granted.**

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)  
**There are no future plans at the current time. There is future activity associated with the approval of this plat in the form of future home construction etc.**

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)  
**A previous SEPA (SE-22-00015) was reviewed and approved by Kittitas County (See Exhibit # 13). A critical areas report has also been completed for the subject property (See Exhibit # 12).**

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [\[help\]](#)  
**There is an existing SEPA completed, as part of the annual comprehensive plan docket cycle (See Exhibit # 8).**

10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)  
**There are no known governmental approvals or permits needed for this proposed subdivision. If this ten lot subdivision gets approved there will be future permits needed for septic systems, address permits, and home construction for each lot. Kittitas County will also need to approved a group b water system serving this plat.**

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [\[help\]](#)

**This is a ten (10) lot subdivision proposal. Please see the project narrative describing the project in greater detail.**

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [\[help\]](#)

**Please see the Exhibit # 2 regarding the plat map, legal description, boundaries of the site, and vicinity map. With Exhibit # 12 you can access the topography map along with other vicinity maps and photos of the site.**

## **B. ENVIRONMENTAL ELEMENTS** [\[help\]](#)

### **1. Earth** [\[help\]](#)

a. General description of the site: [\[help\]](#)  
**The subject property is fairly flat.**

(circle one) **Flat**, rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_

b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)  
**The subject property contains a slope of less than 1%.**

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [\[help\]](#)  
**The subject property contains two soil types, Metser clay loam and Vanderbilt ashy loam (See Exhibit # 12).**

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)  
**There are no indications or history of unstable soils in the immediate vicinity to our knowledge.**

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#)  
**Road construction of 3,950 feet in length at 24" wide will consist of 12" base rock with 3" of top course and 3" of asphalt. Excavation and grading will occur on site using material from on site. Please note that this road construction was reviewed and approved under the existing SEPA (SE-22-00015, See Exhibit # 13). It is important to note that a portion of this road has been built along with an approved Road certification (See Exhibit # 15) and Grading permit (See Exhibit # 14) by Kittitas County.**

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)  
Erosion could possibly occur during a storm event. Pleaes note that the road design includes a road side ditch that will handle run off or erosion from road construction. Please note that this Road Construction is located within an areas that satisfied the Erosivity Wiaver Certificatin through the WA Dept. of Ecology (See Exhibit # 16).

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [\[help\]](#)  
It is estimated that less than 3% will be covered with impervious surfaces after project construction.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)  
Other than the road side ditches that will handing erosion and run off water there are no other measures needed. See Exhibit # 16 for the Erosivity Waiver with the WA ST Dept. of Ecology.

## 2. Air [\[help\]](#)

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [\[help\]](#)

Air emissions could occur from the general construction activities that could occur with continued road building and home construction.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)  
None that we are aware of.

c. Proposed measures to reduce or control emissions or other impacts to air, if any: [\[help\]](#)

No measures are needed.

## 3. Water [\[help\]](#)

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [\[help\]](#)  
There is a type 2 stream that runs along the southern shoulder of Goodwin Road (the northern most property boundary (See Exhibit # 12). there is a manmade irrigation ditch on the southern side of the property that convey irrigation water.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [\[help\]](#)  
This project will not require any work over, in, or adjacent to the Type 2 Stream. Within the Critical Area report a buffer has been established consistent with the Kittitas County Critical Areas Ordinance (See Exhibit # 12).

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [\[help\]](#)

None.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

The subject property receives irrigation water from the Westside Ditch. This irrigation water applies to the proposed ten lot plat and irrigation water will be provided to each lot.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [\[help\]](#)

The Yakima River is about .85 of mile away from this proposed plat. The Yakima floodplain expands across these areas and over these obstacles such as, the railroad, Thorp Hwy, irrigation ditches etc., before reaching the back portions of lots 6,7,8,9, & 10 of the proposed plat. These lots mostly contain 500yr floodplain with some lots containing both 500yr and 100yr floodplain. See Exhibit # 2 showing the floodplain on the proposed plat and also see Exhibit # 4.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [\[help\]](#)

No. There will be individual septic systems associated new single family homes that will be designed by a Licensed Engineer and approved by Kittitas County Env. Health. These septic system designs are based off of the number of rooms within a home and soil types.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

Currently there is an approved and operating Group B water system serving lots (See Exhibit # 10). This existing system will serve two (2) lots of the proposed plat. The existing well is located on proposed lot 10 of this proposal. The remaining lots will be served by a new Group B water system. The well for this new system will be located on Lot 7 of this proposed plat and will serve the remaining 8 lots. This system will be designed and reviewed and approved by Kittitas County.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [\[help\]](#)

Each lot would contain its own individual septic system for a total of 10 septic systems for this proposal. Each individual septic system would be designed to the appropriate number of bedrooms within each residence. These individual septic systems could vary from pressurized systems to gravity systems, all of which would be approved through the Kittitas County Department of Environmental Health.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [\[help\]](#)

Water runoff (including stormwater) could be generated from the access road, in which storm water runoff will be channeled into roadside ditches for infiltration. This property has received a Erosivity Waiver, applied through the WA Dept. of Ecology, due to the size and lack of percipitation in the area therefore a construction stormwater permit is not required (See Exhibit # 16).

2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#)  
**Waste materials are not expected to enter ground or surface waters. As this proposal progresses, there will be individual domestic septic systems associated with home construction. These will be designed and constructed in such a manner as to protect surface and ground waters, and meet all requirements of Kittitas County.**

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. [\[help\]](#)

**Not to our knowledge.**

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: [\[help\]](#)

**No measures are needed.**

#### 4. Plants [\[help\]](#)

a. Check the types of vegetation found on the site: [\[help\]](#)

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered? [\[help\]](#)

**In general vegetation will not be removed as part of the creation of lots. Since road construction has started under the approval of SE-22-00015 (See Exhibit # 13) existing hay ground as been graded off of the road width area, with a portion of the road already completed. See pictures in Exhibit # 15. The rest of the road will be continued to be built in spring or summer under the approval of Exhibit #13.**

c. List threatened and endangered species known to be on or near the site. [\[help\]](#)

**No threatened and endangered species were identified to be on site per the Critical Area Report (See Exhibit # 12). Please note that the Yakima River, which is estimated at .85 miles away from the proposed plat, contains possible threatened and endangered species. Along this Yakima River corridor it is not uncommon to see bald eagles.**

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)

**The landscaping on this project will be the standard landscaping, but not limited to xerophytic types of landscaping, that is associated with single family residences.**

e. List all noxious weeds and invasive species known to be on or near the site. [\[help\]](#)

Poison hemlock has been identified to be on site and is known as a Kittitas County Class A Noxious Weed (See Exhibit # 12).

## 5. Animals [\[help\]](#)

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. [\[help\]](#)

Examples include:

birds: hawk, heron, eagle, songbirds, other:  
mammals: deer, bear, elk, beaver, other:  
fish: bass, salmon, trout, herring, shellfish, other \_\_\_\_\_

**Hawks, herons, and songbirds have been identified on site, with eagles being near the site and along the Yakima River.**

- b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)

**No threatened and endangered species were identified to be on site per the Critical Area Report (See Exhibit # 12). Please note that the Yakima River, which is estimated at .85 miles away from the proposed plat, contains possible threatened and endangered species. Along this Yakima River corridor it is not uncommon to see bald eagles.**

- c. Is the site part of a migration route? If so, explain. [\[help\]](#)

Not our knowledge.

- d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)

None.

- e. List any invasive animal species known to be on or near the site. [\[help\]](#)

None to our knowledge.

## 6. Energy and Natural Resources [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [\[help\]](#)

**Energy needed for this project is electricity with the possibility of propane. During construction there will be diesel and gasoline used by the machines used to create the proposed project. Homeowners will have electricity and install a propane tank for everyday house needs, but wood stoves, wood fireplaces and solar panels are all available as energy sources for the owners to use at their discretion.**

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#)

No

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: [\[help\]](#)

**Energy conservation for this project will include water metering for the**

**Group B Water System that serves each lot. A Satellite Management Agency (SMA) will monitor the system for any leaks or excessive water use and water testing. See Exhibit # 11 for the existing SMA document for the existing Group B System.**

## **7. Environmental Health** [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [\[help\]](#)

**No. We do not foresee any environmental health hazards for this project. Structures that will eventually be built on the proposed plat will be required to abide by the cc&r's.**

- 1) Describe any known or possible contamination at the site from present or past uses. [\[help\]](#)

**None that we know.**

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. [\[help\]](#)

**None that we know.**

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [\[help\]](#)

**None that we know.**

- 4) Describe special emergency services that might be required. [\[help\]](#)

**Fire and Police emergency services will be served by local Fire district # 1 and the Kittitas County Sheriffs Department. Through 911 services, medical emergencies will be deployed from the county either to the Cle Elum or the Kittitas Valley Community Hospital in Ellensburg and local Urgent Care.**

- 5) Proposed measures to reduce or control environmental health hazards, if any: [\[help\]](#)

**None.**

- b. Noise [\[help\]](#)

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#)

**Traffic noise could be potential noise from I-90 and Thorp hwy.**

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [\[help\]](#)

Typical construction noise would be created with this project on a short term basis through equipment operation etc. Potential noise would begin no earlier than 7am and end no later than 7pm.

3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

Potential construction noise would begin no earlier than 7am and end no later than 7pm.

## 8. Land and Shoreline Use [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#)

The project site has been used as agricultural land and similar to the non conforming lots adjacent and nearby to the subject property.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#)

The project site has been used as agricultural land but is not designated as agricultural lands of long term commercial significance.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: [\[help\]](#)

No.

c. Describe any structures on the site. [\[help\]](#)

There is a pumphouse associated with an existing well located on the proposed lot 10.

d. Will any structures be demolished? If so, what? [\[help\]](#)

None.

e. What is the current zoning classification of the site? [\[help\]](#)

Agriculture – 5 (See Exhibit # 5 & #8).

f. What is the current comprehensive plan designation of the site? [\[help\]](#)

Rural Residential (See Exhibit # 5 & #8).

g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)

There is no shoreline designation on the subject property. (See Exhibit #4).

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#)

No.

i. Approximately how many people would reside or work in the completed project? [\[help\]](#)

**The future lots may result in people residing on site (# unknown).**

j. Approximately how many people would the completed project displace? [\[help\]](#)

None.

k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)

None.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)

None.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: [\[help\]](#)

None.

## 9. Housing [\[help\]](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)

**The plat will result in 10 lots being created.**

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)

**No units will be eliminated.**

c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)

**In order to reduce any negative housing impacts on the community, guidelines will be established in the CC&Rs to take into consideration housing style, colors, yards and the like. All conditions will help to enhance the sense of community in this area, while having the least amount of negative impact on surrounding neighborhoods.**

## 10. Aesthetics [\[help\]](#)

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)

**The tallest structure (home) will not exceed a height restriction within the zone or cc&rs.**

b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)

None.

- c. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)  
**The CC&Rs, will be guidelines for style of house, vegetation and siding materials for example, in order to help unify the neighborhood and those nearby.**

## 11. Light and Glare [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#)  
**None other than the standard house porch lighting etc, which would occur in the evening, morning, and nights.**

- b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)  
**No.**

- c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)  
**None to our knowledge.**

- d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)  
**None.**

## 12. Recreation [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)  
**The Polouse to Cascades Trail is near the subject proposal that provides for hiking and horseback riding along with cross country skiing. The Yakima River is nearby which provides for recreational activities such as boating and fishing.**

- b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)  
**No.**

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)  
**None.**

## 13. Historic and cultural preservation [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe. [\[help\]](#)

**There is nothing on site regarding buildings/structures or identified site (See Exhibit #17).**

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)

**None to our knowledge. (See Exhibit #17)**

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)

**The applicant hired RLR Archaeology and Cultural Resources who reviewed the site (See Exhibit #17).**

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. [\[help\]](#)

**As described in the Cultural Resource Report by RLR on cultural items were located there no measures are proposed.**

#### 14. Transportation [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [\[help\]](#)  
**Thorp Hwy serves as the main access, which provides access onto Thorp Landing Lane. Thorp Landing Lane provides immediate access the proposed 10 lot plat.**

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)

**No. The closest transit stop is at the Loves fuel station estimated to be 5 plus miles east.**

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)

**None**

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [\[help\]](#)\_\_\_\_\_

**Road construction has started under the approval of SE-22-00015 (See Exhibit # 13) with a portion of the road already completed establishing Thorp Landing Lane. See pictures in Exhibit # 15. Thorp Landing Lane will continue to be constructed this spring/summer establishing the rest of the road which will serve this proposed plat.**

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#)

**No.**

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [\[help\]](#)

**Upon approval of the ten (10) lot plat This project could generate 20 trips per day once complete. The peak volumes will occur before and after normal work hours.**

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. [\[help\]](#)

**No**

- h. Proposed measures to reduce or control transportation impacts, if any: [\[help\]](#)

None necessary.

### 15. Public Services [\[help\]](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [\[help\]](#)  
**This project will result in an increased need for public service, but the tax base generated by the addition of these homes would provide additional funds for Kittitas County to provide these services. Public services such as fire and police protection could possibly be increased, and potentially schools and health care services, but they are not yet known.**
- b. Proposed measures to reduce or control direct impacts on public services, if any. [\[help\]](#)  
**No measures are needed.**

### 16. Utilities [\[help\]](#)

- a. Circle utilities currently available at the site: [\[help\]](#)  
**electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,**  
other \_\_\_\_\_
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [\[help\]](#)  
**The utilities proposed for this project are: water, electricity, telephone, propane, and individual septic systems. The electricity will be extended from Thorp Landing Lane and provided by PSE, while the propane will be individually purchased by the homeowner. The Group B Water System that serves each lot will be designed by a Licensed Engineer and approved by the respective departments of the county. The use of individual septic systems will be the responsibility of the new owner to pursue and obtain the proper approvals from Kittitas County. Telephone, cable, internet etc. will be provided by the local provider serving the area.**

### C. Signature [\[help\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: \_\_\_\_\_

Name of signee Joel Greear

Position and Agency/Organization Thorp Landing LLC

Date Submitted: 1-4-23

### D. supplemental sheet for nonproject actions [\[help\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.



# KITTITAS COUNTY DEPARTMENT OF PUBLIC WORKS

## GRADING PERMIT

**Project:** GP-22-00008

**Description:** Grading of a private road.

**Landowner:** Thorp Landing LLC/Aaron Greear

**Engineer:** Theo Leonard

**Location:** This project is located on Thorp Hwy in Ellensburg, WA in a portion of section 11, T18N, R17E, WM, in Kittitas County, Washington. Parcel Numbers: 583233, 19588, 19589, 19590, 19591, 19593, 19592, and 443233.

**Permit Type:**  Regular  Engineered

**Critical Area:**  Yes  No

Permission is granted under the provisions of Kittitas County Code 14.05 to complete the proposed project. The permittee shall be responsible for performing the work in accordance with the approved plans and specifications and in conformance with KCC 14.05.

### Conditions of Approval:

1. This permit expires two years from the date of issuance.
2. Public Works may inspect the project in various stages of work.
3. Any deviations from the approved plans and specifications must be approved by the County Engineer.
4. Erosion and sedimentation control measures shall be utilized to prevent erosion during construction.
5. A final inspection from Public Works will be required prior to approval. Please call (509) 962-7523 when the work is complete to schedule the inspection.

**Signed:** 

**Date:** 7/7/22



8/09/2022

**GRANITE CIVIL SERVICES, LLC**

[WWW.GRANITECIVIL.COM](http://WWW.GRANITECIVIL.COM)

509-656-4909

**ROAD CERTIFICATION**

**PARCEL #'S 443233, 493233, 19588, 19589, 19590, 19591, 19592, 19593 WITHIN THORP LANDING**

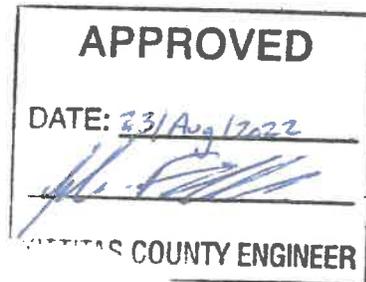
**Objective:** The objective of this report is to certify the Private Road from the existing access starting at Thorp Highway to the western extents of the first turn-around was constructed in conformance with AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads per Kittitas County Code (KCC) 12.04.070 – Private Road Design Requirements. See attached Vicinity Map for general location of the Private Road.

**Authority and Code Requirement:** Per KCC 12.04.080 for Private Road Design Criteria, the applicable Design Standards required are the 2020 Road Standards for a Private Road with Average Lot Size <= 10.0 acres serving 3-14 Parcels. See attached 2020 Table 4-4A – Private Road Minimum Design Standards.

This report accounts for certification from Thorp Highway to the western extents of the first turn-around in the development including Parcel #'s 443233, 493233, 19588, 19589, 19590, 19591, 19592, and 19593. See attached Civil Plan for extents of the certified road as part of this report.

**Lot/Parcel Numbers for Road Certification:** Parcel #'s 443233  
493233  
19588  
19589  
19590  
19591  
19592  
19593

**General Contractor:** Central Paving, LLC  
509-929-1044  
1401 W Dolarway Rd  
Ellensburg WA 98926



**Equipment:** Fiat-Allis FG85A Road Grader  
CAT 824K Front Loader  
CAT Vibratory Roller  
CAT 299D3 Skid Steer  
Dump Truck  
Water Truck

**Construction Date:** Construction was completed between July-August 2022.

**Inspection Date:** Inspection for existing conditions, construction, and as-built conditions were performed in July and August of 2022. See attached photographs for reference.

ROAD CERTIFICATION

**Compliance with Kittitas County Road Standards:**

The following is a bullet point summary demonstrating compliance with design elements from the 2020 Table 4-4A for Private Road Minimum Standards for Average Lot Size  $\leq$  10.0 acres serving 3-14 Parcels.

- *Number of Lots Served* – The portion of the private road certified by this report will serve a total of 8 lots.
- *Minimum Easement Width* – The easement width is a minimum 60-ft.
- *Paved Apron* – A paved apron was constructed at the access off Thorp Highway.
- *Roadway Width* – The constructed roadway width is a minimum of 20-ft.
- *Gravel Shoulder Width* – The constructed shoulder width on each side is a minimum of 1-ft.
- *Minimum Centerline Radius* – The road radii meets AASHTO requirements for low-volume road.
- *Surfacing Requirements* – Surfacing is 2.5-inch minimum thick asphalt paving for the road with gravel surfacing for the turn-around.
- *Minimum Crushed Stone Depth* – The minimum crushed stone depth is 6-inch.
- *Maximum Grade %* – The Private Road is flat and does not exceed 2% grade.
- *Turn-Around* – One out of the two turn-arounds was constructed due to the Private Rd being partially constructed. The turn-around was constructed to meet requirements for 96-ft diameter cul-de-sac per Appendix D of the International Fire Code.
- *County Road Approach Permit* – Previously permitted with the County.
- *Stopping Site Distance* – meets AASHTO requirements.
- *Entering Site Distance* – meets AASHTO requirements.
- *Ditch Slope* – A swale with max 2:1 side slope was provided along the north eastern portion of the Private Road. Drainage throughout the rest of the Private Road is provided by sheet flow and dispersion to the north.
- *Additional Design Elements:*
  - A road maintenance agreement has been drafted and included with this certification.

**List of Attachments:**

1. Photographs during and after construction
2. Vicinity Map – General location of the Private Road
3. KCC Table 4-4A – Private Road Minimum Design Standards
4. Extents of Road Certification overlaid on permitted Civil Plan
5. Copy of International Fire Code Appendix D for Cul-De-Sac Turn-Around



**Stripping and Grading to Start Construction**



**Water and Compact Sub-Grade and Base Rock**



**Compacted Base Rock**



**As-Built Paved Conditions**



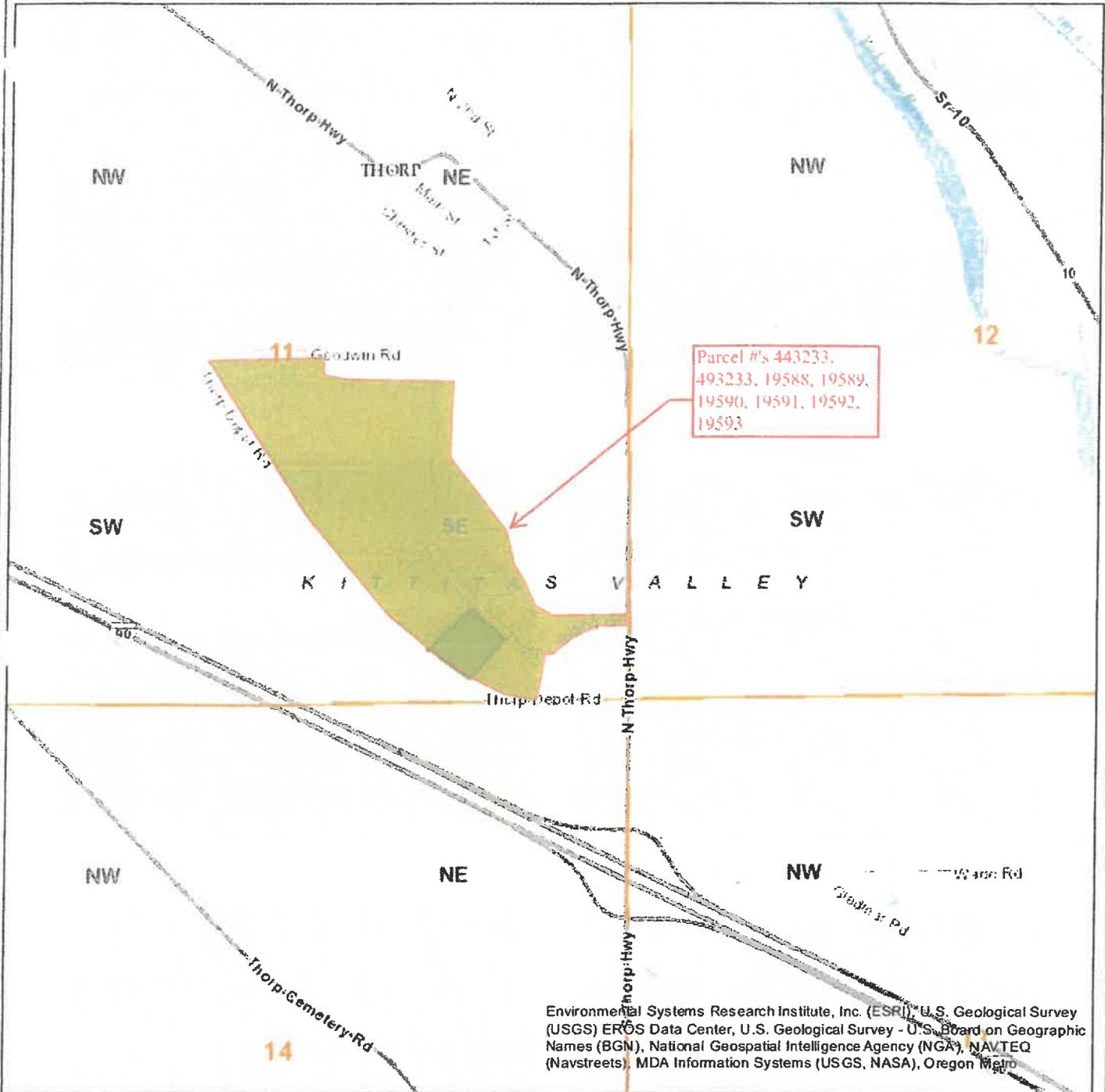
**As-Built Paved Conditions**



**As-Built Paved Apron**

**ROAD CERTIFICATION**

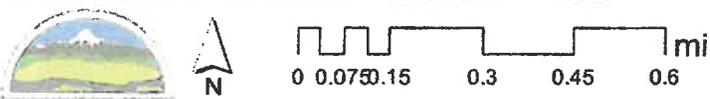
# Vicinity Map



Date: 8/9/2022

1 inch = 1,505 feet  
Relative Scale 1:18,056

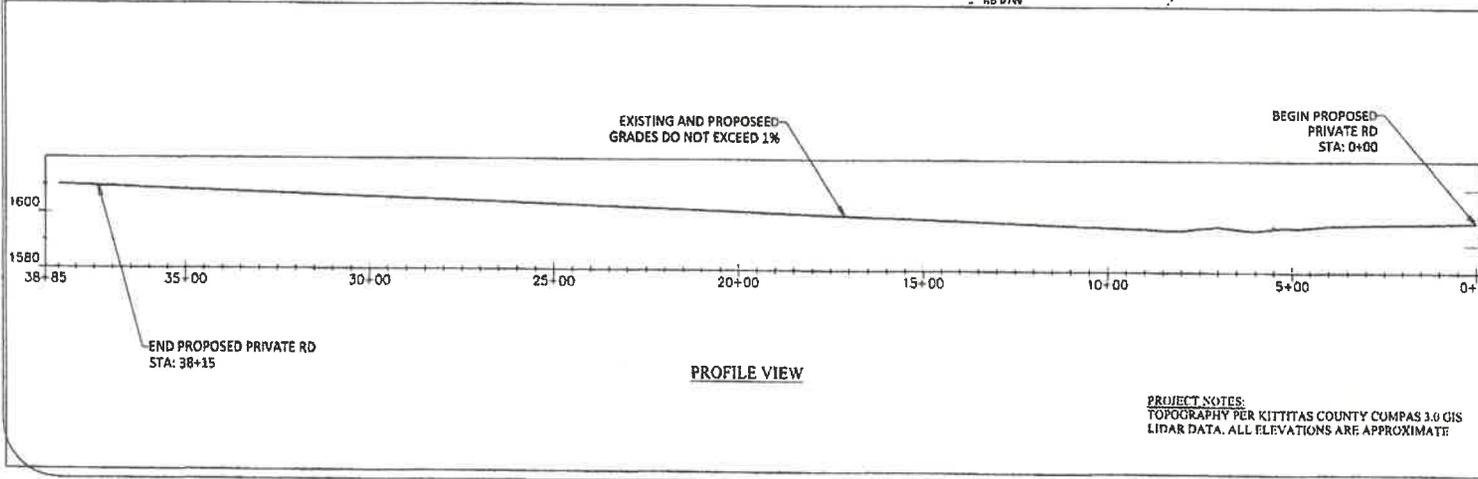
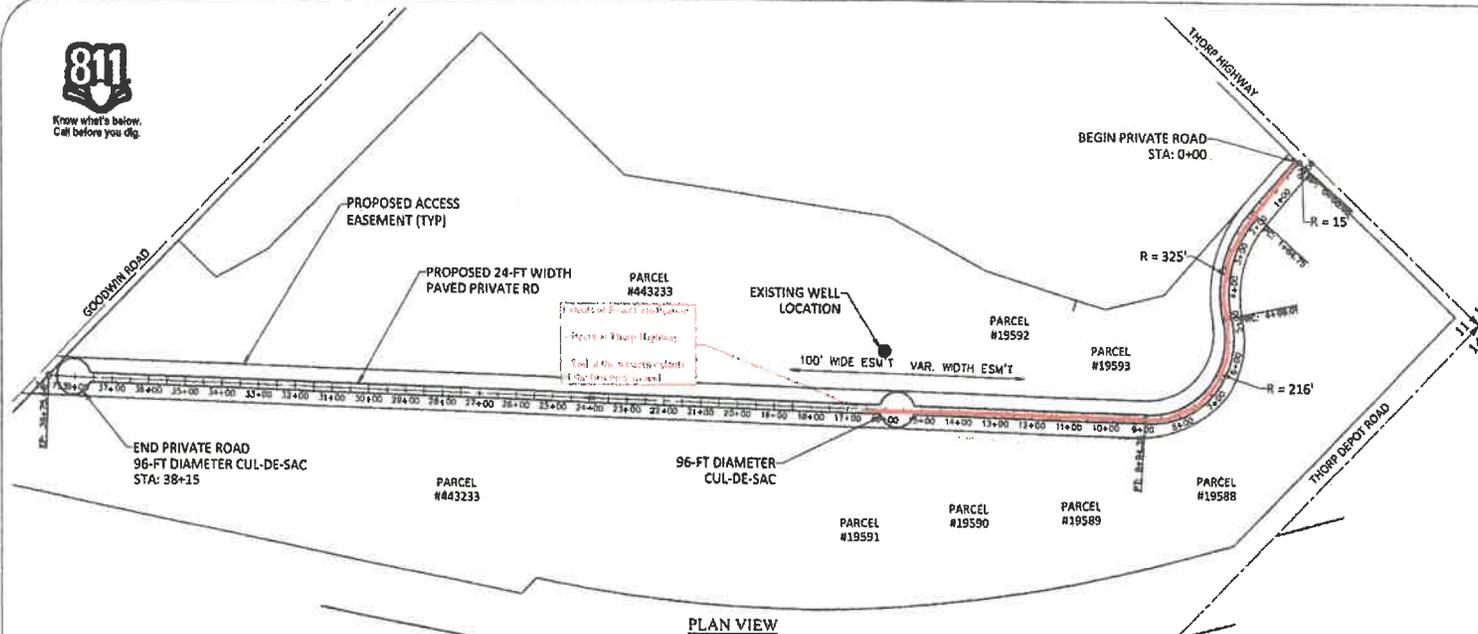
**Disclaimer:**  
Kittitas County makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data, its use, or its interpretation. Kittitas County does not guarantee the accuracy of the material contained herein and is not responsible for any use, misuse or representations by others regarding this information or its derivatives.







Know what's below.  
Call before you dig.



**PROJECT NOTES:**  
TOPOGRAPHY PER KITTITAS COUNTY COMPAS 3.0 GIS  
LIDAR DATA. ALL ELEVATIONS ARE APPROXIMATE

**General Notes**

**HORIZONTAL CONTROL PRIVATE ROAD PLAN AND PROFILE**

**THORP LANDING PROPOSED PRIVATE ROAD**

No.	Revision/Issue	Date

**Prepared Name and Address:**  
Granite Civil Services, LLC  
Kittitas County WA  
509-656-4909  
www.granitecivil.com

**Project Name and Address:**  
Thorp Landing, LLC  
Private Road  
Multiple Parcels  
Kittitas County

Project: KIT 58	Sheet: 3 OF 4
Date: June-2022	
Scale: 1" = 150' (22x34)	

## APPENDIX D

# FIRE APPARATUS ACCESS ROADS

*The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.*

### SECTION D101 GENERAL

**D101.1 Scope.** Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code*.

### SECTION D102 REQUIRED ACCESS

**D102.1 Access and loading.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

### SECTION D103 MINIMUM SPECIFICATIONS

**D103.1 Access road width with a hydrant.** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).

**D103.2 Grade.** Fire apparatus access roads shall not exceed 10 percent in grade.

**Exception:** Grades steeper than 10 percent as *approved* by the fire chief.

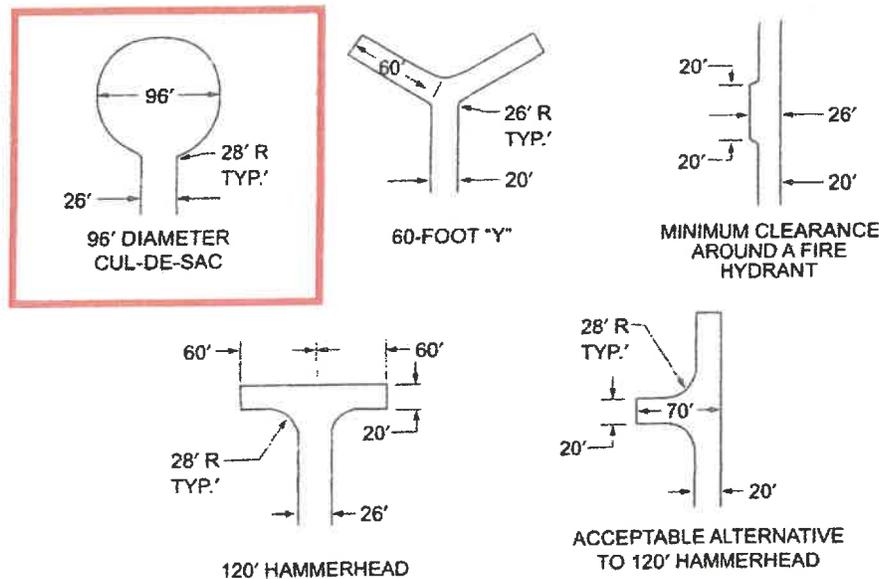
**D103.3 Turning radius.** The minimum turning radius shall be determined by the *fire code official*.

**D103.4 Dead ends.** Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

**TABLE D103.4  
REQUIREMENTS FOR DEAD-END  
FIRE APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750	Special approval required	

For SI: 1 foot = 304.8 mm.



For SI: 1 foot = 304.8 mm.

**FIGURE D103.1  
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND**



Kittitas County  
**PUBLIC WORKS**

411 N. Ruby Street, Suite 1 Ellensburg, WA 98926

**ACCESS PERMIT**

SOLAR DOLAR LLC  
1410 W DOLARWAY ROAD STE 301  
ELLENSBURG, WA 98926

Permit No: **AC-21-00148**  
Application Date: 10/27/2021  
Issue Date: 12/8/2021  
Application Status: ISSUED  
Expiration Date: 12/8/2022

5/4/2022

Your access/address onto **THORP HWY N** has been conditionally approved by Kittitas County with the following conditions.

**APPLICATION INFORMATION**

Assessor Map Number: 18-17-11040-0039

Assessor Parcel Number: 19593

PW Request Reason: Approved Short Plat / Long Plat

Desired Width of Driveway: 20 Feet

Nearest Intersection or Address:

**ACCESS REQUIREMENTS PRIOR TO BUILDING PERMIT**

- PAVED APRON REQUIRED - WSDOT DESIGNED STANDARDS
- PRIVATE ROAD CERTIFICATE REQUIRED
- APPROACH (FIRST 20 FEET) TO BE CONSTRUCTED TO THE ATTACHED ROAD ACCESS DESIGN
  - Construct apron ( 20 feet) with no more than 6% grade
  - Compacted gravel surface layer required
  - 10 foot turning radius on apron
  - Side slopes off of apron not to exceed a 4:1 slope

**CULVERT LENGTH CALCULATION**

Length =  $W+8H+2$  (All Measurements in Feet)

W = Width of Driveway  
 8 = (Constant) Angle of side slopes (2X4:1)  
 H = Height of culvert + depth of fill above culvert  
 2 = (Constant) One-foot pipe extension beyond fill ends

- ACCESS IS FROM A PRIVATE ROAD. CULVERT DESIGN WILL BE AT OWNERS DISCRETION TO MAINTAIN DRAINAGE AS NEEDED.

- CULVERT REQUIRED
 

Minimum Culvert Diameter:	18 Inches
Minimum Beveled End Length:	3 Feet
Total Culvert Length:	38 Feet

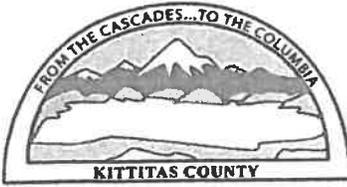
**CALL FOR INSPECTION  
WHEN DRIVEWAY IS  
COMPLETED 509-962-7523**

- Pipe to be bedded on a minimum of 4" of 5/8 gravel or equivalent, with a minimum cover of
- Culverts shall be constructed of new galvanized steel or new plastic HDPE pipe.
- Maintain a 4:1 slope from the driveway surface to the top of culvert.
- Bevels on culvert to be cut at a 4:1 slope.
- Please see design sheet attached.

**ACCESS TO BE COMPLETED AND INSPECTED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT**  
**CALL (509) 962-7523 TO SCHEDULE YOUR INSPECTION**

**DRIVEWAY REQUIREMENTS PRIOR TO OCCUPANCY PERMIT**

- This access permit is for a private road entrance. The paved apron shall be constructed in accordance to Kittitas County Private Road Access Design Standards.



Kititas County  
**PUBLIC WORKS**

411 N. Ruby Street, Suite 1 Ellensburg, WA 98926

**ACCESS PERMIT**

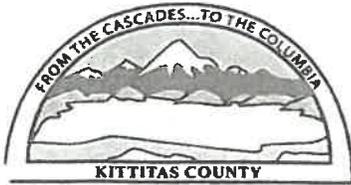
**DRIVEWAY REQUIREMENTS TO BE COMPLETED AND INSPECTED PRIOR TO THE ISSUANCE OF OCCUPANCY  
CALL (509) 962-7523 TO SCHEDULE YOUR INSPECTION**

Reviewed By: Justin Sharp 5/4/22

Date:

Approved By: \_\_\_\_\_

Date: 12/08/2021



Kittitas County  
**PUBLIC WORKS**

411 N. Ruby Street, Suite 1 Ellensburg, WA 98926

**ACCESS PERMIT**

SOLAR DOLAR LLC  
1410 W DOLARWAY ROAD STE 301  
ELLENSBURG, WA 98926

Permit No: **AC-21-00148**  
Application Date: 10/27/2021  
Issue Date: 12/8/2021  
Application Status: CLOSED  
Expiration Date: **12/8/2022**

8/11/2022

Your access/address onto **THORP HWY N** has been conditionally approved by Kittitas County with the following conditions.

**APPLICATION INFORMATION**

Assessor Map Number: 18-17-11040-0039

Assessor Parcel Number: 19593

PW Request Reason: Approved Short Plat / Long Plat

Desired Width of Driveway: 20 Feet

Nearest Intersection or Address:

**ACCESS REQUIREMENTS PRIOR TO BUILDING PERMIT**

- PAVED APRON REQUIRED - WSDOT DESIGNED STANDARDS
- PRIVATE ROAD CERTIFICATE REQUIRED
- APPROACH (FIRST 20 FEET) TO BE CONSTRUCTED TO THE ATTACHED ROAD ACCESS DESIGN
  - Construct apron ( 20 feet) with no more than 6% grade
  - Compacted gravel surface layer required
  - 10 foot turning radius on apron
  - Side slopes off of apron not to exceed a 4:1 slope

**CULVERT LENGTH CALCULATION**

Length =  $W+8H+2$  (All Measurements in Feet)

W = Width of Driveway  
 8 = (Constant) Angle of side slopes (2X4:1)  
 H = Height of culvert + depth of fill above culvert  
 2 = (Constant) One-foot pipe extension beyond fill ends

- ACCESS IS FROM A PRIVATE ROAD. CULVERT DESIGN WILL BE AT OWNERS DISCRETION TO MAINTAIN DRAINAGE AS NEEDED.

- CULVERT REQUIRED
  - Minimum Culvert Diameter:** 18 Inches
  - Minimum Beveled End Length:** 3 Feet
  - Total Culvert Length:** 38 Feet

**APPROVED**

- Pipe to be bedded on a minimum of 4" of 5/8 gravel or equivalent, with a minimum cover of
- Culverts shall be constructed of new galvanized steel or new plastic HDPE pipe.
- Maintain a 4:1 slope from the driveway surface to the top of culvert.
- Bevels on culvert to be cut at a 4:1 slope.
- Please see design sheet attached.

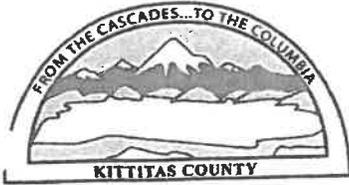
**ACCESS TO BE COMPLETED AND INSPECTED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT**  
**CALL (509) 962-7523 TO SCHEDULE YOUR INSPECTION**

**DRIVEWAY REQUIREMENTS PRIOR TO OCCUPANCY PERMIT**

- This access permit is for a private road entrance. The paved apron shall be constructed in accordance to Kittitas County Private Road Access Design Standards.

411 N. Ruby Street, Suite 1  
Ellensburg, WA 98926

TEL 509-962-7523  
FAX 509-962-7663



Kittitas County  
**PUBLIC WORKS**

411 N. Ruby Street, Suite 1 Ellensburg, WA 98926

**ACCESS PERMIT**

**DRIVEWAY REQUIREMENTS TO BE COMPLETED AND INSPECTED PRIOR TO THE ISSUANCE OF OCCUPANCY**  
**CALL (509) 962-7523 TO SCHEDULE YOUR INSPECTION**

Reviewed By: \_\_\_\_\_

Date: 08/11/2022

Approved By: \_\_\_\_\_

*Jackson Sharp 8/11/22*

Date: 12/08/2021

TREASURER'S USE ONLY	RECORDER'S USE ONLY
<p style="text-align: center;"><b>REVIEWED</b></p> <p style="text-align: center;">05/23/2022</p> <p style="text-align: center;">KITTITAS COUNTY TREASURER</p> <p style="text-align: center;">BY: Michelle L. Nixon</p>	

**After recording return to:**

<p>Thorp Landing, LLC 1410 W. Dolarway Road, Ste 301 Ellensburg WA 98926</p>
--

---

DOCUMENT TITLE: EASEMENT

DECLARANT: THORP LANDING, LLC, a Washington limited liability company

LEGAL DESCRIPTION: Ptns. NW ¼ of the SW ¼ and the SE ¼ of Section 11, Township 18 North, Range 17 East, W.M., in the County of Kittitas, State of Washington]

ASSESSOR'S TAX PARCEL NO(S): 443233; 493233; 19588; 19589; 19590; 19591; 19592; 19593

REAL ESTATE EXCISE TAX: Does not apply - no consideration as defined WAC 458-61A-102(2)

---

**EASEMENT**

THIS EASEMENT is made this 26<sup>th</sup> day of April, 2022, by THORP LANDING, LLC, a Washington limited liability company (individually and collectively hereinafter referred to as "Declarant").

A. WHEREAS, the Declarant owns fee title to the real property located in Kittitas County, Washington and legally described as follows:

**Tract A:**

A parcel of land in the Northeast Quarter of the Southeast Quarter of Section 11, Township 18 North, Range 17 East, W.M., Kittitas County, State of Washington, which is described as follows:  
Beginning at the center of the Southeast Quarter of said Section; and running Thence North 684.0 feet of the West line of the Northeast Quarter of the Southeast Quarter of said Section;  
Thence South 89°57' East, 80.0 feet;  
Thence South 38°06' East, 545.6 feet;  
Thence South 0°30' East, 260.8 feet to the South line of said Northeast Quarter of the Southeast Quarter; and  
Thence North 89°06' West, 420.0 feet to the point of beginning;

AND

That portion of the South Half of the Southeast Quarter of Section 11, Township 18 North, Range 17 East, W.M., Kittitas County, State of Washington, which lies North and East of the North and

East boundary line of the former right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company;

EXCEPT

1. That portion of said parcels of land lying North and Northeasterly of a line described as follows: Beginning at a railroad spike at the Southeast corner of said Section 11, which is South 00°00'00" West, a distance of 2,667.17 feet from a 5/8 inch steel pin at the East Quarter corner of said Section 11;  
Thence North 00°00'00" East, on the East line of said Section 11, a distance of 1,233.00 feet to a point;  
Thence North 88°49'38" West, a distance of 2,296.00 feet, more or less, to the West right of way boundary line of the county road known as Thorp Highway;  
Thence South 00°19'38" West on said road West boundary line a distance of 544.73 feet to a point on the centerline of an irrigation ditch and the true point of beginning of said line;  
Thence on the centerline of said irrigation ditch the following courses and distances:  
South 87°24'43" West, a distance of 514.18 feet to a point;  
North 58°07'21" West, a distance of 164.70 feet to a point;  
North 26°42'53" West, a distance of 337.83 feet to a point;  
North 15°12'28" West, a distance of 300.55 feet to a 5/8 inch steel pin;  
Thence North 35°43'18" West, a distance of 724.92 feet to a 5/8 inch steel pin and the terminus of said line;
2. A tract of land beginning at the Southeast corner of said Section; and running  
Thence West 201 feet on the South line of said Section;  
Thence North 377 feet perpendicularly from said South line;  
Thence East 201 feet in a line parallel with said South line to the East line of said Section;  
Thence South 377 feet to the point of beginning;
3. Right of way of Thorp Highway along the East line of said premises.
4. Parcels 6 and 7 of that certain Survey as recorded June 30, 2003, in Book 29 of Surveys, pages 21 and 22, under Auditor's File No. 200306300070, records of Kittitas County, Washington; being a portion of the Southeast Quarter of Section 11, Township 18 North, Range 17 East, W.M., in the County of Kittitas, State of Washington.
5. Parcels 1, 2, 3, 4 and 5 of that certain Survey as recorded May 24, 2006, in Book 32 of Surveys, pages 186 and 187, under Auditor's File No. 200605240019, records of Kittitas County, Washington; being a portion of the Southeast Quarter of Section 11, Township 18 North, Range 17 East, W.M., in the County of Kittitas, State of Washington.

AND

**Tract B:**

That portion of the Northeast Quarter of the Southwest Quarter and of the Northwest Quarter of the Southeast Quarter of Section 11, Township 18 North, Range 17 East, W.M., Kittitas County, State of Washington, which lies North and East of the Northeast boundary line of the former right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company;

EXCEPT

1. The right of way of county road, known as Goodwin Road, along the North boundary thereof; and
2. That portion, thereof, described as follows:  
Beginning at a 5/8 inch steel pin at the East Quarter corner of said Section 11, which is North 00°00'00" East, a distance of 2,667.17 feet from a railroad spike at the Southeast corner of said Section 11;  
Thence North 89°19'11" West, a distance of 1,329.81 feet to a 5/8 inch steel pin at a point of centerline intersection of a county road known as Goodwin Road, which point is the approximate center East one-sixteenth corner of said Section 11;  
Thence South 00°17'19" West, a distance of 20.00 feet to a 5/8 inch steel pin on the South right of way boundary line of said county road and the true point of beginning;

Thence South 00°17'19" West, a distance of 187.00 feet to a 5/8 inch steel pin;  
Thence North 89°19'11" West, parallel with the South right of way boundary line of said county road a distance of 820.19 feet to a 5/8 inch steel pin;  
Thence North 73°03'37" West, a distance of 164.29 feet to a 5/8 inch steel pin;  
Thence North 00°27'51" West, a distance of 131.02 feet to a 5/8 inch steel pin;  
Thence continuing North 00°27'51" West, a distance of 10.00 feet to a point on the South right of way boundary line of said county road;  
Thence South 89°19'11" East on said road South boundary line a distance of 979.45 feet to the true point of beginning.

(hereinafter referred to as the "Recital A Property" or individually as "Parcel 2," "Parcel 3," and so forth); and

B. WHEREAS, the Declarant owns fee title to the real property located in Kittitas County, Washington and legally described as follows:

Parcels 6 and 7 of that certain Survey as recorded June 30, 2003, in Book 29 of Surveys, pages 21 and 22, under Auditor's File No. 200306300070, records of Kittitas County, Washington; being a portion of the Southeast Quarter of Section 11, Township 18 North, Range 17 East, W.M., in the County of Kittitas, State of Washington.

(hereinafter referred to as the "Recital B Property" or individually as "Parcel 6" and "Parcel 7"); and

C. WHEREAS, the Declarant owns fee title to the real property located in Kittitas County, Washington and legally described as follows:

Parcels 2, 3, 4 and 5 of that certain Survey as recorded May 24, 2006, in Book 32 of Surveys, pages 186 and 187, under Auditor's File No. 200605240019, records of Kittitas County, Washington; being a portion of the Southeast Quarter of Section 11, Township 18 North, Range 17 East, W.M., in the County of Kittitas, State of Washington.

(hereinafter referred to as the "Recital C Property" or individually as "Parcel 2," "Parcel 3," and so forth for Parcels 4 and 5); and

A. WHEREAS, Declarant desires to declare, create, convey, reserve and establish a certain easement and to establish the property Benefited and burdened by the easement and to establish terms and conditions for use and maintenance of the easement and the improvements placed on the easement.

NOW, THEREFORE, in consideration of the mutual benefits contained and derived hereunder, the Declarant, for and on behalf of itself and its respective successors in interest and assigns, does hereby declare, create, convey, reserve and establish the following easement and further declares that all of the property described above shall be held, sold and conveyed together with and subject to the following easement, assessments and obligations, all of which are for the purpose set forth herein and for the purposes of enhancing and protecting the value, desirability, and attractiveness of the Declarant Property, all as hereinafter set forth.

#### 1. Access Easement.

1.1. Declarant hereby declares, creates, grants, establishes, reserves and conveys a perpetual non-exclusive easement legally described as follows:

An easement of variable width, across Parcels 6 and 7 of that certain survey as recorded June 30, 2003, in Book 29 of Surveys at pages 21 and 22, under Auditor's File No. 200306300070, records of Kittitas County, Washington, and across Parcels 2, 3, 4 and 5 of that certain survey as recorded May 24, 2006, in Book 32 of Surveys at pages 186 and 187, under Auditor's File No. 200605240019, records of said county, and across a portion of the Northeast Quarter of the Southwest Quarter, and a portion of the Southeast Quarter, all in Section 11, Township 18 North,

Range 17 East, W.M., in the County of Kittitas, State of Washington; bounded by a line described as follows:

Beginning at the northeast corner of said Parcel 7 of that certain survey recorded in Book 29 of Surveys at pages 21 and 22, said point being the true point of beginning for said described line; thence S 00°19'38" W, along the east boundary of said Parcel 7 and boundary extended, 78.00 feet to the northeast corner of Parcel 1 of that certain survey as recorded May 24, 2006, in Book 32 of Surveys at pages 186 and 187, under Auditor's File No. 200605240019, records of said county; thence along the north boundary of said Parcel 1, the following three courses:

S 86°36'48" W, 181.61 feet to the point of curvature for a 300.00 foot radius curve to the left; thence along said curve, through a central angle of 52°33'04", an arc distance of 275.16 feet, to a point of reverse curvature for a 260.00 foot radius curve to the right; thence along said curve, through a central angle of 48°00'48", an arc distance of 217.88 feet to the northeast corner of Parcel 2 of said survey, the chord for said curve bears S 58°04'09" W, chord length 211.56 feet; thence S 00°33'25" W, on a non-tangent line, along the east boundary of said Parcel 2, 171.58 feet; thence departing from said east boundary, N 42°13'31" W, 370.40 feet to a point on the northeast boundary of said Parcel 2; thence N 46°37'56" W, along the northeast boundaries of said Parcel 2 and Parcel 3 of said survey, 332.07 feet to an angle point in the northeast boundary of said Parcel 3; thence N 37°30'15" W, along northeast boundaries of said Parcel 3 and Parcel 4 of said survey, 311.73 feet to the northerly most corner of said Parcel 4; thence N 42°11'52" W, 2387.26 feet to a point on the north boundary of the Northeast Quarter of the Southwest Quarter of said Section 11; thence S 89°17'26" E, along said north boundary, 136.53 feet; thence S 42°11'52" E, 2961.90 feet to the point of curvature for a 179.56 foot radius curve to the left; thence along said curve, through a central angle of 102°01'37", an arc distance of 319.75 feet to a point of reverse curvature for a 380.44 foot radius curve to the right; thence along said curve, through a central angle of 50°50'17", an arc distance of 337.56 feet to a point on the north boundary of said Parcel 7 of said survey recorded in Book 29 of Surveys at pages 21 and 22, the chord for said curve bears N 61°11'40" E, chord length 326.59 feet; thence N 87°24'43" E, on a non-tangent line, along said north boundary of said Parcel 7, 186.68 feet to the true point of beginning and end of said line;

EXCEPT any portion thereof within the right of way of county road, known as Goodwin Road, along the North boundary of the Northeast Quarter of the Southwest Quarter of said Section 11.

The Access Easement is graphically depicted on Exhibit A attached hereto and incorporated herein by reference. (hereinafter referred to as the "Access Easement").

1.2. **Use of Access Easement.** The Access Easement shall be used by the real property benefited by the Access easement for the following purposes:

1.2.1 Private Road for ingress and egress, together with, but not limited to, the right to reconstruct, replace, repair, maintain and use said road. The private road is intended to be used by the Benefited Property for vehicular, pedestrian and aircraft access; and

1.2.2 Pipes, conduits, cables and wires, together with all reasonably necessary or convenient underground or ground-mounted appurtenances thereto for utilities, including, but not limited to, domestic water, power, communication, cable, and natural gas, together with, but not limited to, the right to install, replace, repair, maintain and use said utilities; and

1.2.3 Underground irrigation pipeline(s), together with, but not limited to, the right to install, replace, repair, maintain and use said pipeline(s).

1.3. **Property Burdened by Access Easement:** The real property described above in Recitals A, B, and C is burdened by the Access Easement.

1.4. **Property Benefited by Access Easement:** The real property described above in Recitals A, B, and C is benefited by the Access Easement.

1.5. **Restrictions on Use of Access Easement.** The area of the Access Easement shall not be used for long term parking, storage, staging of construction (except construction required for the Access Easement) or any other use that is not specifically identified above in Section 1.2.

1.6. No manmade or natural object which exceeds 18 inches in height may be constructed or located within a 100-foot strip of property within the Access Easement centered on the middle of the Access Easement.

1.7. **Use and Maintenance of the Access Easement:** Declarant has installed an asphalt road on the Access Easement, which has been assigned the name "Thorp Landing, LN" by Kittitas County. Declarant has no future or ongoing obligation to maintain, repair, or improve said road. All decisions concerning the use, repair, replacement, maintenance, reconstruction, or improvement of the easement improvements, including, but not limited to, the road, utilities, and/or pipelines (hereinafter the "Improvements"), shall be agreed upon by a majority vote of the owners of the Parcels benefited by the Easement or Improvement in question. For purposes of this Agreement, each separate parcel, now existing or hereinafter created, within the Recital A Property and Parcels 2, 3, 4, 5, 6, and 7, inclusive, shall each have one vote. In the event of future subdivision of the Recital A Property, then each legal tax parcel created within the Recital A Property shall also have one (1) vote. Benefited

1.7.1. In the event the Benefited Parcel Owners shall determine by majority vote that an Improvement needs repair, replacement, maintenance, modification, or reconstruction (hereinafter collectively "Maintenance"), the Benefited Parcel Owners shall share equally in the cost of such Maintenance, based upon the number of votes as provided hereinabove. Each vote shall equate to a share in said cost; provided, however, Declarant shall not be assessed any Maintenance Cost under the provisions of this Agreement. When a decision is made to perform Maintenance to the Easement or an Improvement, road located on the Easement, or utility within the easement, the Benefited Parcel Owners shall establish an account for said purpose. The account shall be managed by a Parcel Owner or a designated management company, as agreed upon by a majority of votes by the Benefited Parcel Owners. Each Benefited Parcel Owner shall pay its share of the estimated cost of the work into said account within thirty (30) days of written request. In the event the amount paid into the account is not enough to pay the actual cost of the approved Maintenance, each Benefited Parcel Owner shall pay its share of any shortage into the account. If any Benefited Parcel Owner fails to pay its share of the cost of Maintenance when due, the remaining Benefited Parcel Owners, individually or collectively, may pay the defaulting Parcel Owner's share and may record a lien against the defaulting Parcel Owner's real property in favor of the Parcel Owner(s) who advanced the payment. Said lien may be enforced pursuant to the law of the State of Washington. The lien does not have to be foreclosed or otherwise enforced within any specific time period.

1.7.2. No Parcel Owner(s) may upgrade or perform Maintenance on the Improvements on the Access Easement without majority approval by Benefited Parcel Owners.

1.7.3. In the event any Parcel Owner(s) disturb the surface of any Easement area set forth herein during the installation of utilities, storm water drainage or other improvements for the benefit of their own Parcel(s), or through excessive wear and tear, or for any reason damage the Improvements, the Parcel Owner(s) responsible for such damage shall be responsible for repairing and restoring such damaged Improvement to its prior condition, at that Parcel Owner(s)' sole cost and expense.

1.7.4. Declarant has caused utilities and irrigation systems to be located in the Access Easement. Any Parcel Owner who desires to access and use those utilities or irrigation systems shall be responsible for all costs associated with connecting the utilities and irrigation systems in the Access Easement to the Parcel Owner's Parcel. Declarant shall have no obligation to pay any costs associated with connecting a Parcel or a structure on a Parcel to the utilities or irrigation systems in the Access Easement.

**2. UTILITY EASEMENT.** A non-exclusive utility easement described as seven and one-half feet (7.5') in width along and adjacent to the side and rear lot lines of Parcels 2, 3, 4, 5, 6, and 7 exists for the purposes set forth below.

2.1. **Use of Utility Easement:** The Utility Easement shall only be used for the following purposes:

2.1.1. **Underground utilities, including, but not limited to, power, telephone, cable and natural gas, together with, but not limited to, the right to install, replace, repair, maintain and use said utilities; and**

2.1.2. **Underground irrigation pipeline(s), together with, but not limited to, the right to install, replace, repair, maintain and use said pipeline(s).**

2.2. **Parcels Burdened by the Utility Easement:** Parcels 2, 3, 4, 5, 6, and 7 are burdened by the Utility Easement.

2.3. **Parcels Benefited by the Utility Easement:** The Recital A Property and Parcels 2, 3, 4, 5, 6, and 7 are benefited by the Utility Easement.

2.4. **Restrictions on Use of the Utility Easement.** The following restrictions govern the use of the Utility Easement:

2.4.1. The Utility Easement described herein is for utilities only and no benefited Parcel Owner may use the Utility Easement for any other purpose, including, but not limited to, a trail, path, or other course of travel by foot, horse, bicycle, or wheeled vehicle.

2.4.2. Any fence placed within the Utility Easement area by the Owner(s) of a Parcel burdened by the Utility Easement must be constructed in such a manner so as to not interfere with and/or damage below ground infrastructure improvements within the Utility Easement area. In the event any fence is constructed within the Utility Easement area by the Owner(s) of a benefited Parcel and said fence or the construction of said fence results in damage to the below ground infrastructure improvements located within the Utility Easement area, then the Owner(s) of the Parcel causing said damage shall promptly repair the damage at their own cost and expense. Owner(s) of a Parcel burdened by the Utility Easement may be required to, at their own cost and expense, remove the fence if the fence interferes with the future use of the Utility Easement.

2.4.3. Fences are allowed on a property line but no other structure or improvements of any kind may be constructed on the surface of the Utility Easement.

2.5. **Use and Maintenance of Utility Easement:** All decisions concerning the use, repair, replacement, maintenance or reconstruction of the easement improvements, including, but not limited to the roads, utilities and/or pipelines (hereinafter the "Improvements"), shall be agreed upon by a majority vote of the owners of the Parcels benefited by the Easement or Improvement in question. For purposes of this Agreement, the Recital A property and Parcels 2, 3, 4, 5, 6, and 7, inclusive, shall each have one vote. Only Parcels having benefited by the Utility Easement or Improvement in question (hereinafter the "Benefited Parcel Owners") shall be entitled to vote on matters related thereto. In the event of future subdivision of the Recital A Property, then each legal tax parcel created within the Recital A Property shall also have one (1) vote.

2.5.1. In the event the Benefited Parcel Owners shall determine by majority vote that an Improvement is in need of repair, replacement, maintenance or reconstruction (hereinafter collectively "Maintenance"), the Benefited Parcel Owners shall share equally in the cost of such Maintenance, based upon the number of votes as provided hereinabove. Each vote shall equate to a share in said cost; provided, however, Declarant shall not be assessed any Maintenance Cost under the provisions of this Agreement. When a decision is made to perform Maintenance to an Improvement, the Benefited Parcel Owners shall establish an account for said purpose. The account shall be managed by a Parcel Owner or a designated management company, as agreed upon by a majority of votes by the Benefited Parcel Owners. Each Benefited Parcel Owner shall pay its share of the estimated cost of the work into said account within thirty (30) days of written request. In the event the amount paid into the account is not enough to pay the actual cost of the approved Maintenance, each Benefited Parcel Owner shall pay its share of any shortage into the account. If any Benefited Parcel Owner fails to pay its share of the cost of Maintenance when due, the remaining Benefited Parcel Owners, individually or collectively, may pay the defaulting Parcel Owner's share and may record a lien against the defaulting Parcel Owner's real property in favor of the Parcel Owner(s) who advanced

the payment. Said lien may be enforced pursuant to the law of the State of Washington. The lien does not have to be foreclosed or otherwise enforced within any specific time period.

2.5.2. No Parcel Owner(s) may upgrade or perform Maintenance on the Improvements within the Utility Easement without majority approval by Benefited Parcel Owners.

2.5.3. In the event any Parcel Owner(s) disturb the surface of any Easement area set forth herein during the installation of utilities, storm water drainage or other improvements for the benefit of their own Parcel(s), or through excessive wear and tear, or for any reason damage the Improvements, the Parcel Owner(s) responsible for such damage shall be responsible for repairing and restoring such damaged Improvement to its prior condition, at that Parcel Owner(s)' sole cost and expense.

**3. IRRIGATION EASEMENT.** Declarant hereby declares, creates, grants, establishes and conveys a non-exclusive irrigation easement legally described as follows:

A strip of property ten (10) feet in width commencing at the Southeast corner of Parcel 4 and running northerly along and adjacent to the easterly boundary of Parcel 4 to the Northeast corner of Parcel 4 where said easement terminates. (Hereinafter referred to as the "Irrigation Easement").

3.1. **Use of the Irrigation Easement:** The Irrigation Easement may only be used for underground irrigation pipeline(s), together with, but not limited to, the right to install, replace, repair, maintain and use said pipeline(s).

3.2. **Parcels Burdened by the Irrigation Easement:** Parcels 2, 3, 4, 5, 6, and 7 are burdened by the Irrigation Easement.

3.3. **Parcels Benefited by the Irrigation Easement:** Parcels 2, 3, 4, 5, 6, and 7 are benefited by the Irrigation Easement.

3.4. **Restrictions on Use of Irrigation Easement.** The following restrictions govern the use of the Irrigation Easement:

3.4.1. The Irrigation Easement described herein is for irrigation purposes only and no benefited Parcel Owner may use the Irrigation Easement for any other purpose, including, but not limited to, a trail, path, or other course of travel by foot, horse, bicycle, or wheeled vehicle.

3.4.2. Any fence placed with in the Irrigation Easement area by the Owner(s) of a Parcel benefited by the Irrigation Easement must be constructed in such a manner so as to not interfere with and/or damage below ground infrastructure improvements within the Irrigation Easement area. In the event any fence is constructed within the Irrigation Easement area by the Owner(s) of a benefited Parcel and said fence or the construction of said fence results in damage to the below ground infrastructure improvements located within the Irrigation Easement area, then the Owner(s) of the Parcel causing said damage shall promptly repair the damage at their own cost and expense. Owner(s) of a Burdened Parcel may be required to, at their own cost and expense, remove the fence if the fence interferes with the future use of the Irrigation Easement.

3.4.3. No structure or improvements of any kind may be constructed on the surface of the Irrigation Easement.

3.5. **Use and Maintenance of Irrigation Distribution System:** All decisions concerning the use, repair, replacement, maintenance, or reconstruction of the irrigation system components, including, but not limited to pipelines, gates, valves, measuring devices, diversion boxes, and other irrigation equipment (hereinafter the "Irrigation Improvements") designed to serve Parcels 2, 3, 4, 5, 6, and 7, shall be agreed upon by a majority vote of the owners of the Parcels benefited by the Easement or Irrigation Improvements in question. For purposes of this Agreement, Parcels 2, 3, 4, 5, 6, and 7, inclusive, shall each have one vote. Only Parcels having a beneficial use of the Easement

or Irrigation Improvements in question (hereinafter the "Benefited Parcel Owners") shall be entitled to vote on matters related thereto. For purposes of this paragraph, "beneficial use" of the Irrigation Improvements shall be deemed to begin upon connection to the Irrigation Improvements by a Parcel.

3.5.1. In the event the Benefited Parcel Owners shall determine by majority vote that an Irrigation Improvement is in need of repair, replacement, maintenance or reconstruction (hereinafter collectively "Maintenance"), the Benefited Parcel Owners shall share equally in the cost of such Maintenance, based upon the number of votes as provided hereinabove. Each vote shall equate to a share in said cost; provided, however, Declarant shall not be assessed any Maintenance Cost under the provisions of this Agreement. When a decision is made to perform Maintenance to an Improvement, the Benefited Parcel Owners shall establish an account for said purpose. The account shall be managed by a Parcel Owner or a designated management company, as agreed upon by a majority of votes by the Benefited Parcel Owners. Each Benefited Parcel Owner shall pay its share of the estimated cost of the work into said account within thirty (30) days of written request. In the event the amount paid into the account is not enough to pay the actual cost of the approved Maintenance, each Benefited Parcel Owner shall pay its share of any shortage into the account. If any Benefited Parcel Owner fails to pay its share of the cost of Maintenance when due, the remaining Benefited Parcel Owners, individually or collectively, may pay the defaulting Parcel Owner's share and may record a lien against the defaulting Parcel Owner's real property in favor of the Parcel Owner(s) who advanced the payment. Said lien may be enforced pursuant to the law of the State of Washington. The lien does not have to be foreclosed or otherwise enforced within any specific time period.

3.5.2. No Parcel Owner may upgrade or perform Maintenance on the Irrigation Improvements without majority approval by Benefited Parcel Owners.

3.5.3. In the event any Parcel Owner(s) disturb the surface above any of the Irrigation Improvements on the Easement for the benefit of their own Parcel(s), or through excessive wear and tear, or for any reason damage the Irrigation Improvements, the Parcel Owner(s) responsible for such damage shall be responsible for repairing and restoring such damaged Irrigation Improvement to its prior condition, at that Parcel Owner(s)' sole cost and expense.

4. **No Protest Clause.** No owner of all or any part of the Property may at any time in the future object to, protest or otherwise attempt to interfere with, prevent or block the use of any portion of the Easement for residential purposes. This paragraph is intended to prevent the owners of all or any portion of the burdened Property and any part thereof from bringing any claim that the use of the Easement by any portion of the benefited property will overburden the easement. This paragraph is intended to be construed as liberally as possible and is intended to ensure that all portions of the benefited Property have the ability to use any part of Easement H and Easement I for any purpose allowed herein including, but not limited to access and utilities for residential purposes regardless of the number of residential parcels created in the future.

5. **Hold Harmless and Indemnification.** Every owner of any Benefited or Burdened Property ("Indemnitor") shall defend, indemnify and hold the owners of the other Benefited or Burdened Properties ("Indemnitee") harmless from any and all damages, claims and causes of action which may accrue to or be suffered by any Indemnitee by reason of, arising out of, or resulting from the use by the Indemnitor of the above improvements or the Easement or the use by the Indemnitor's employees, agents, lessees, licensees, invitees, and guests, except to the extent caused by or results from the negligence of Indemnitee or its guests, lessees, agents, licensees, invitees or employees. In the event of concurrent negligence of any such property owner, or their respective guests, lessees, licensees, agents, invitees or employees, each such owner shall be responsible only to the extent of its own negligence and that of its guests, lessees, licensees, agents, invitees and employees.

6. **Eminent Domain.** If any Easement described herein, or any part thereof, is taken by any governmental agency in the exercise of its power of eminent domain, the award granted under such proceedings or any settlement in lieu thereof, for the taking of such property shall be payable to the fee owner of the portion of the Easement area which is taken. If all or any part of the Easement area is taken, this grant shall terminate with respect to the portion so taken and the obligations hereunder of the then owners of the Easement area shall automatically cease and terminate when possession is transferred to the condemning agency with respect to any portion of the Easement area so condemned;

provided, however, that nothing herein prevents the owner(s) of the Benefited Property from seeking compensation from the condemning agency, only, for loss of the Easement.

7. **Easement Runs with the Land and Binding Effect.** The Easement granted and the benefits, restrictions, obligations and covenants established herein shall run with and shall bind and be obligatory upon the properties described herein; provided that, anything herein to the contrary notwithstanding, no rights in or to the general public are created hereby. This Easement shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, successors, assigns and legal representatives.

8. **Legal Expenses.** If any party is required to bring or maintain any action (including assertion of any counterclaim or cross-claim, or claim in any proceedings in bankruptcy, receivership, or any other proceeding instituted by a party hereto or by others), or otherwise refers this Easement to an attorney for the enforcement of any of the terms and conditions of this , the substantially prevailing party shall, in addition to all other payments required, receive from the other all the costs incurred, including costs of title examination, discovery and reasonable attorney fees and including costs and reasonable attorney fees on any appeal.

9. **Governing Law.** This Easement shall be interpreted, construed and enforced according to the laws of the State of Washington.

10. **Time of Performance.** Time is of the essence of this Easement and of all acts required to be done and performed by the parties hereto, including, but not limited to, the proper tender of each of the sums required by the terms hereof to be paid.

11. **Invalidity.** In the event any portion of this Easement should be held to be invalid by any court of competent jurisdiction, such holding shall not affect the remaining provisions hereof unless the court's ruling includes a determination that the principal purpose and intent of this Easement are thereby defeated.

12. **Interpretation.** This Easement has been reviewed by both parties and each party has had the opportunity to consult with independent counsel with respect to the terms hereof and has done so to the extent that such party desired. No stricter construction or interpretation of the terms hereof shall be applied against either party as the drafter hereof.

13. **Counterparts.** This Easement may be executed in counterparts, each of which shall be deemed to be an original instrument. All such counterparts together shall constitute a fully executed Easement.

14. **Amendment.** This Easement may not be modified or amended except by the written agreement of the parties; provided, however, that so long as the Declarant owns any of the Recital A, Recital B or Recital C property Declarant shall be allowed and shall have the ability to modify and or amend this easement Declaration at any time for any purpose, including but not limited to adding benefited property, adding additional easements and adding purposes of use of easements, without the consent of any other owners of the property legally described in Recital A, Recital B and Recital C.

IN WITNESS WHEREOF, the parties have executed this Easement as of the day and year first above written.

DECLARANT:

THORP LANDING, LLC

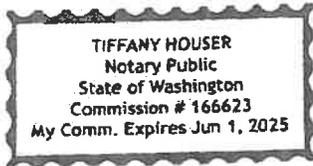
  
By: Joel Breese  
Its: Managing Member

STATE OF WASHINGTON )

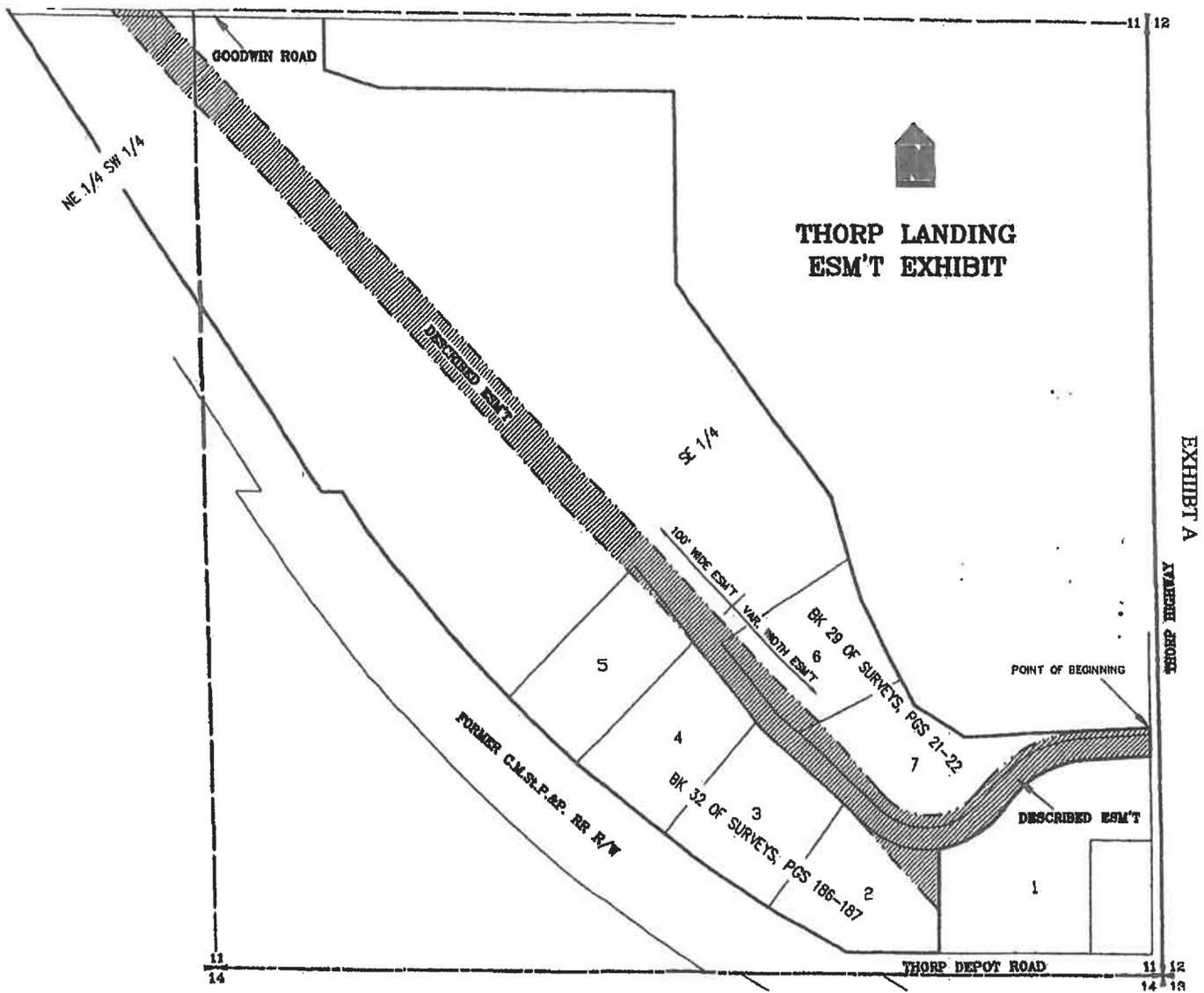
County of Kittitas ) ss.  
)

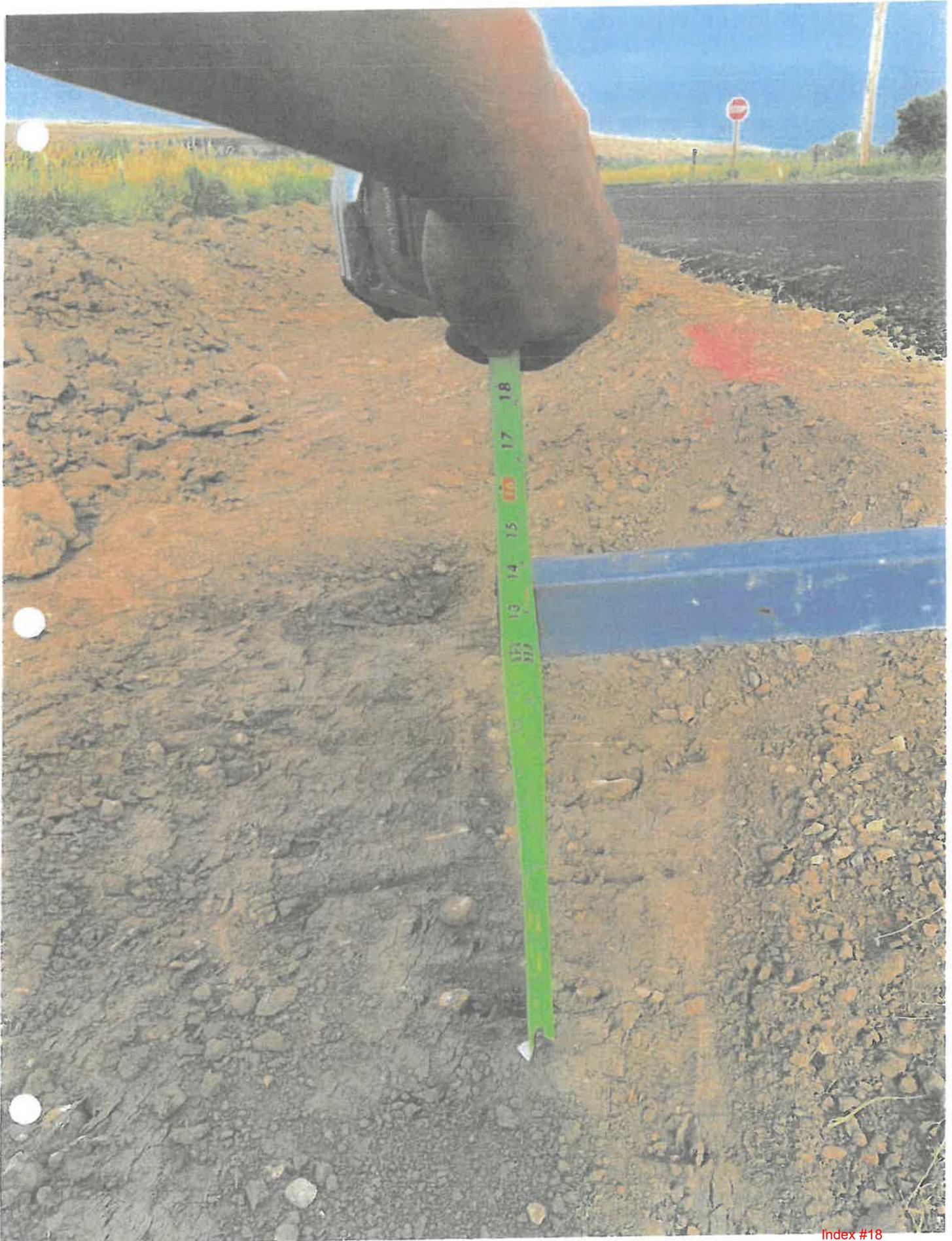
I certify that I know or have satisfactory evidence that Jed Greear is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as a Managing Member of THORP LANDING, LLC, a Washington limited liability company, the company that executed this instrument as the free and voluntary act of said company for the uses and purposes mentioned in the instrument.

GIVEN under my hand and official seal this 25<sup>th</sup> day of May, 2022.

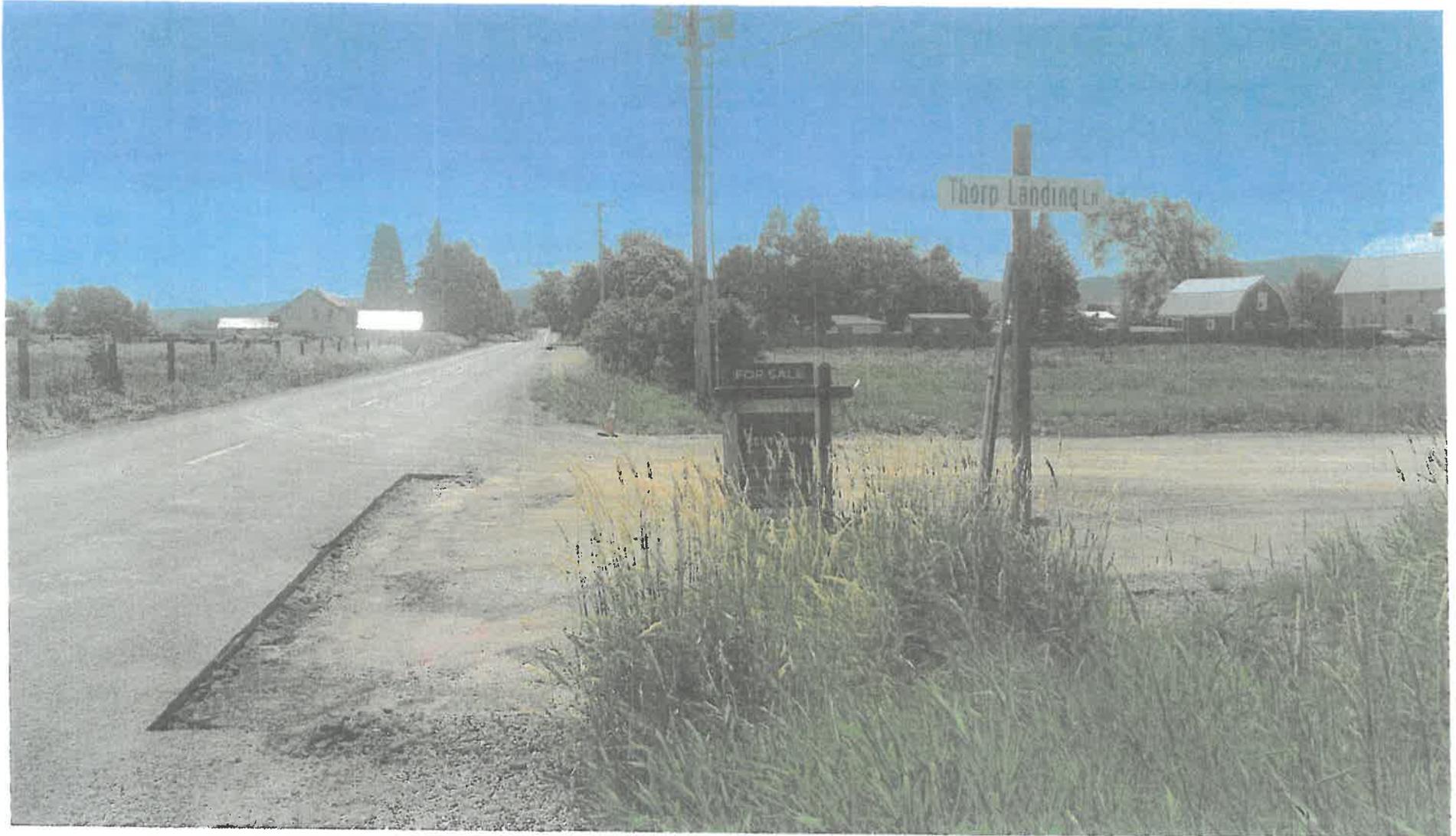


Printed Name: Tiffany Houser *Tiffany Houser*  
Notary Public in and for the State of Washington  
My commission expires: 6/1/2025

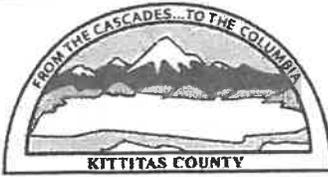












**KITTITAS COUNTY  
PUBLIC WORKS**

**Receipt Number: PW22-00839**

411 N. Ruby Street, Suite 1  
Ellensburg, WA 98926  
509-962-7523 / [www.co.kittitas.wa.us/public-works/](http://www.co.kittitas.wa.us/public-works/)

**Payer/Payee:** THORP LANDING LLC  
1401 W DOLARWAY RD STE 301  
ELLENSBURG WA 98926-9823

**Cashier:** REBECCA CRUSE  
**Payment Type:** CHECK (1036)

**Date:** 08/12/2022

**CRT-22-00006 ROAD CERTIFICATION**

<u>Fee Description</u>	<u>Fee Amount</u>	<u>Amount Paid</u>	<u>Fee Balance</u>
ROAD CERTIFICATION	\$1,095.00	\$1,095.00	\$0.00
<b>CRT-22-00006 TOTALS:</b>	<b>\$1,095.00</b>	<b>\$1,095.00</b>	<b>\$0.00</b>
<b>TOTAL PAID:</b>		<b>\$1,095.00</b>	



### EROSIVITY WAIVER CERTIFICATION

Mailed 3/20/22

Exclusion from the construction stormwater general permit for small construction activity (under 5 acres of soil disturbance). See specific requirements in the attached General Rules. (Please print legibly in ink or type)

#### SECTION I Operator (applicant) Information

Original  Amended

Contact name <b>JEFF GREER</b>	Phone no. <b>509.607.3235</b>
Title <b>OWNER</b>	E-mail address <b>JEFF@CENTRALPAVINGILC.COM</b>
Company <b>THORP LANDING LLC</b>	
Mailing address <b>1410 W DOLARWAY RD</b>	
City <b>ELIENSBURG</b>	State Zip + 4 <b>WA 98926</b>

#### SECTION II Facility/Site Location Information

Site name <b>THORP LANDING LANE</b>		
Street address (or location description)		
City (or nearest city) <b>THORP</b>	Zip + 4 <b>98946</b>	County <b>KITKITAS</b>
Region: <input checked="" type="checkbox"/> Central basin of Eastern Washington <input type="checkbox"/> Western Washington <input type="checkbox"/> Remainder Eastern Washington		
The central basin is an area of central Eastern Washington with less than 12 inches of rainfall per year. For the exact boundary of this area, see Region 2 on the map attached to the instructions for this form.		
Estimated Initial Soil Disturbance Date <b>4/1/2022</b>	Estimated Final Stabilization Date <b>8/1/2022</b>	Rainfall Erosivity Factor (R factor) <b>4.34</b>
Latitude <b>47.0514</b>	Longitude <b>-120.6662</b>	
Estimate of total acres to be disturbed (to the 1/4 acre) within the entire construction project (common plan of development) <b>2 1/4</b>	Estimate of total acres (to the 1/4 acre) to be disturbed with this project <b>2 1/4</b>	

- By submitting this Erosivity Waiver Certification, the applicant is certain they do not require a permit for their stormwater discharges associated with construction activity because the period of construction activity meets the conditions of low erosivity described below. This applies only to the location described in Section II.
- Submission of this form does not relieve the operator of permitting requirements for other regulated activities/discharges, which may pertain to the construction activity. Examples of these types of discharges include excavation dewatering activities, process wastewater discharges, and non-stormwater discharges.
- In order to meet the low erosivity condition, construction activity must begin and reach final stabilization within the time periods below. The project must also have a Rainfall Erosivity Factor (R factor) of less than 5 for the construction period.
  - o Eastern Washington within "central basin" (as defined by the *Stormwater Management Manual for Eastern Washington*) - Any time period
  - o Remainder of Eastern Washington - June 15 to October 15
  - o Western Washington - June 15 to September 15
- Small construction activities include sites that will grade less than 5 acres and are not part of a 5 acres or greater common plan of development (see general permit for definition).
- If construction activity extends beyond the certified waiver period for any reason, the operator must either:
  - o Recalculate the rainfall erosivity R factor using the original start date and a new projected ending date and, if the R factor is still under 5, complete and sign a new waiver certification before the end of the original waiver period. The operator must submit the new certification to Ecology before the end of the current certification or
  - o Submit a complete permit application to Ecology as specified the Construction Stormwater General Permit before the end of the certified waiver period (see section S2.A-B).

Additional comments and clarifying information:  
(please attach a map of the site)

### SECTION III Certification Statement

I certify under penalty of law that: 1) I have read and understand the eligibility requirements for claiming a condition of "low erosivity" and obtaining an exclusion from NPDES stormwater permitting, 2) construction activity covered under this waiver will comply with applicable local stormwater requirements, 3) appropriate erosion and sediment control BMPs will be implemented to prevent violations of water quality standards, and 4) this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.

Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

This certification must be signed by:

- (i) In the case of corporations, by a responsible corporate officer.
- (ii) In the case of a partnership, by a general partner.
- (iii) In the case of sole proprietorship, by the proprietor.
- (iv) In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

Print name	JEFF GREAR	Title	member
Signature		Date	3/20/2022

Please sign and return this document to the following address:

Department of Ecology  
Attn: Water Quality Program, Construction Stormwater  
PO Box 47696  
Olympia, WA 98504-7696

If you have any questions, please call:

- o 360-425-7000 for the Northwest Regional Office serving: *Island, King, Kitsap, & Snohomish Counties*
- o 360-715-5200 for the Bellingham Field Office serving: *San Juan, Skagit, & Whatcom Counties*
- o 509-329-3400 for the Eastern Regional Office serving: *Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, & Whitman Counties*
- o 509-575-2490 for the Central Regional Office serving: *Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, & Yakima Counties*
- o 360-407-6300 for the Southwest Regional Office serving: *Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, & Wahkiakum Counties*

*(Please keep a copy of this form for your records.)*

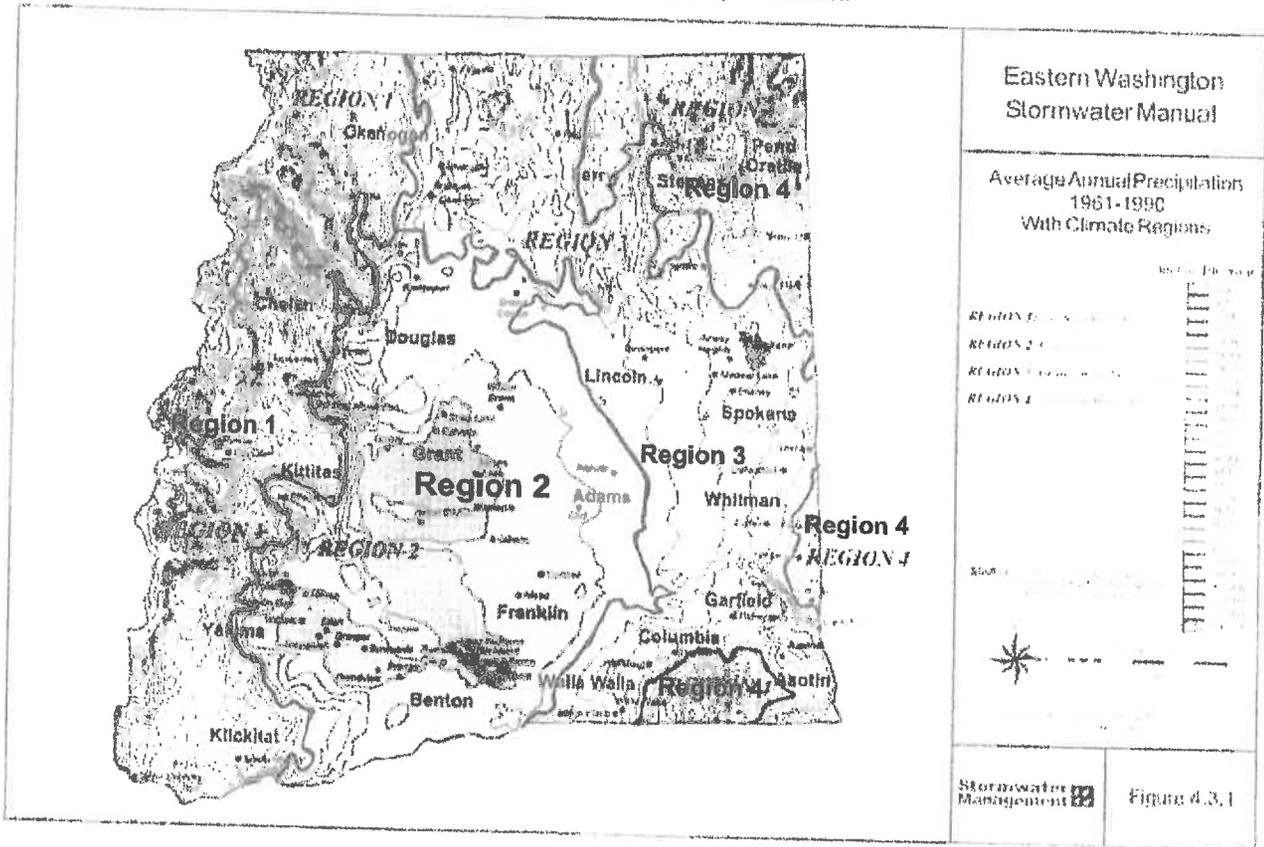
To request ADA accommodation including materials in a format for the visually impaired, call the Water Quality Program at 360-407-6600 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability can call 877-833-6341.

ECY 070-202 (Rev. 02/18)

**Map of Eastern Washington & Central Basin\*:**

**Central Basin for the Construction Stormwater Permit Erosivity Waiver is *Region 2* on this map.**

Cities in Region 2 include: Benton City, Connell, East Wenatchee, Ephrata, Grand Coulee, Grandview, Granger, Kennewick, Lind, Mesa, Moxee, Othello, Pasco, Prosser, Quincy, Richland, Ritzville, Royal City, Selah, Soap Lake, Sunnyside, Toppenish, Yakima, Union Gap, Warden, Wapato, Wenatchee, Wilson Creek, and Zillah.



This map is also available in color on the construction stormwater web page under the Erosivity Waiver tab:  
[www.ecology.wa.gov/constructionstormwaterpermit](http://www.ecology.wa.gov/constructionstormwaterpermit) or follow this publication link:  
<https://fortress.wa.gov/ecy/publications/publications/0410076maps.pdf#page=4>

\*The original map was scanned in black and white and regional lines were darkened.  
 ECY 070-202 (Rev. 02/18)

## Instructions for EROSIVITY WAIVER CERTIFICATION

For exclusion from the construction stormwater general permit  
for small construction activity

### General Rules:

- 1) This waiver is not available for the following types of construction sites:
  - Projects that are 5 acres or larger;
  - Smaller individual filings, phases, or other portions of a common plan of development or sale that will **disturb 5 acres or greater**;
  - Sites with an existing construction stormwater NPDES permit;
  - Where Ecology determines the site to be a significant contributor of pollutants or Ecology reasonably expects the site to violate water quality standards;
  - Sites with non-stormwater discharges. Some examples of non-stormwater discharges include excavation dewatering, wash waters and hydrostatic test waters. You must get NPDES permit coverage for non-storm water discharges.

Refer to the general permit section S1 for more details or contact your Ecology regional office stormwater staff if you have questions about whether a project needs a permit.

- 2) The use of this waiver is voluntary for those who qualify. Potential permittees may always seek the assurance and flexibility of permit coverage.
- 3) If your site is disturbing less than one acre or not discharging to surface water, you do not need permit coverage. However, you may choose to apply for the erosivity waiver. By signing the waiver certification, you accept the conditions in the general permit section S2.C. This includes a requirement to apply for permit coverage if construction activity extends beyond the final stabilization date.
- 4) In order to receive the waiver, you must submit a complete and accurate application on time. You must also meet the following conditions:
  - a) Calculation of Rainfall Erosivity Waiver: The small construction project's rainfall erosivity factor calculation is **less than 5** during the period of construction activity ("R" in the Revised Universal Soil Loss Equation).

*To determine the erosivity factor, see the Construction Stormwater General Permit (CSWGP) homepage <https://ecology.wa.gov/constructionstormwaterpermit> for a link to the EPA's calculator and step-by-step instructions on computing the "R" Factor in the EPA Erosivity Waiver Fact Sheet.*
  - b) The entire period of construction activity (including all phases of a phased project) used above must also fall within the following timeframes:
    - i) For sites west of the Cascades Crest: June 15 – September 15.
    - ii) For sites east of the Cascades Crest, excluding the Central Basin: June 15 – October 15.
    - iii) For sites east of the Cascades Crest, within the Central Basin (see Region 2 of attached map for location): no additional timeframe restrictions apply.
  - c) Operators must submit a complete and qualifying erosivity waiver certification **at least one week before starting soil disturbing activities**.
  - d) You must submit a separate erosivity waiver certification for each construction site that qualifies for the waiver.
  - e) Use the comments and additional information to specify the location of construction site. Record latitude and longitude of the main entrance to the site in Section II. Attach a detailed map of the construction site.
  - f) This waiver applies only to the requirements of this permit. It does not supersede or preempt the authority of other agencies to prohibit, restrict, or control discharges of stormwater to storm drain systems or other water courses in their jurisdiction.
- 5) Keep a copy of the Erosivity Waiver Certification on site, or within reasonable access to the site, for use by the operator or for on-site review by Ecology or the local jurisdiction.

ECY 070-202 (Rev. 02/18)

**Form Instructions:**

1. Section I & II: Fill out and complete Facility Operator & Facility Location information.
2. Note: Phased projects that ultimately disturb 5 acres or greater or the construction activity extends beyond timeframes listed in the General Rules above (see 4b) are not eligible for a waiver.
3. Section III: Fill out and sign the certification statement.

The statement testifies that:

- i) the operator will comply with applicable local stormwater requirements; and
- ii) the operator will implement appropriate erosion and sediment control Best Management Practices (BMPs) to prevent violations of water quality standards.

A qualifying individual must sign the certification:

- i) in the case of corporations, by a responsible corporate officer;
- ii) in the case of a partnership, by a general partner;
- iii) in the case of sole proprietorship, by the proprietor; and
- iv) in the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

3. Mail a signed copy of the completed certification to the address indicated **at least one week before land disturbing activity starts**. Applicants are responsible for submitting an accurate and complete erosivity certification form. Ecology recommends that you use a mailing process that gives you a delivery record and that you retain a copy of your waiver.

**From:** [Jeremiah Cromie](#)  
**To:** ["Joel Greear"](#); ["Chad Bala"](#); ["Jeff Slothower"](#)  
**Cc:** [Chris Cruse](#); [Dan Carlson](#)  
**Subject:** LP-23-00001 Thorp Landing - Deemed Complete  
**Date:** Tuesday, February 7, 2023 11:53:47 AM  
**Attachments:** [LP-23-00001 Thorp Landing Deemed Complete 2-7-2023.pdf](#)

---

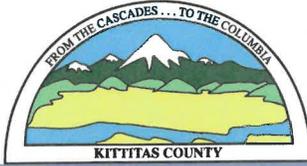
Good morning,

Please see the attached correspondence regarding your long plat application (LP-23-00001 Thorp Landing). I have also placed hard copies in the mail.

The sign mentioned in the letter will be ready to pick up at the CDS office on Thursday February 9, 2023 for posting on site with instructions. If it is ready before that I will let you know with a follow-up e-mail to this one.

Let me know if there are any questions.

**Jeremiah Cromie**  
**Planner II**  
**Kittitas County**  
**Community Development Services**  
411 N. Ruby Street; Suite 2  
Ellensburg, WA 98926  
Office: 509-962-7046  
[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)



# KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

February 7, 2023

Thorp Landing LLC  
c/o Joel Greear  
1410 Dolarway Rd Suite 301  
Ellensburg, WA 98926

Terra Design Group Inc.  
Attn: Chad Bala  
852 Barnes Road  
Ellensburg, WA 98926

Jeff Slothower  
PO Box 1088  
Ellensburg, WA 98926

## RE: Thorp Landing Long Plat (LP-23-00001) – Deemed Complete

Parcel# 443233

Parcel #493233

Dear applicants,

The application packet for a 10-lot plat was received on January 10, 2023 and has been determined **complete** on February 7, 2023. The proposed project plat includes 10 residential lots ranging in size from 5 acres to 8.64 acres totaling 54.39 acres. The subject properties are parcels 443233 and 493233, in section 11, township 18, range 17, W.M., Kittitas County. The property bears Kittitas County Map numbers 18-17-11040-0033 and 18-17-11040-0007

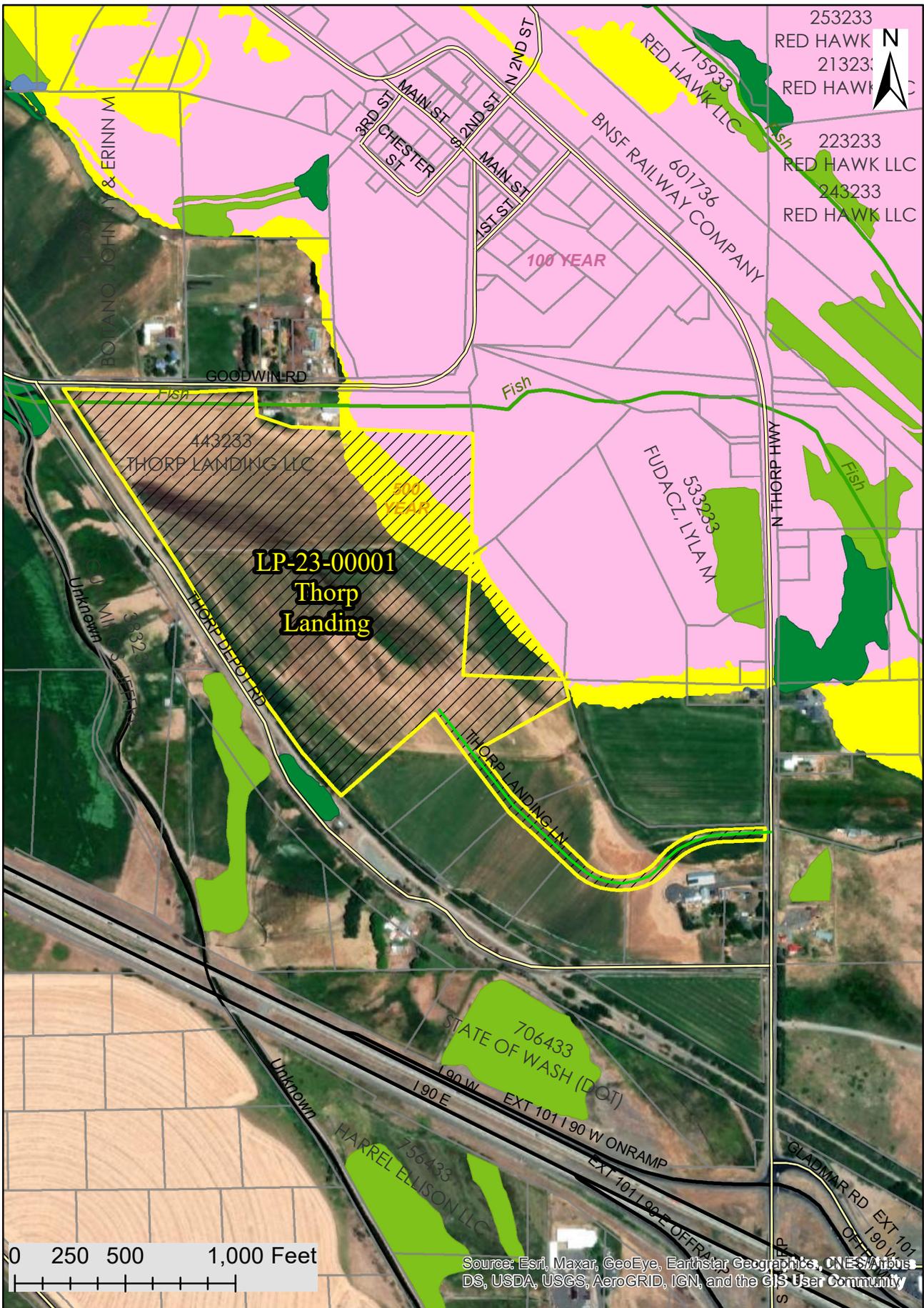
In accordance with the provisions of KCC 15A.030.060, the following will occur:

1. The site must be posted in accordance with KCC 15A. A Sign will be ready for pickup at Community Development Services on February 9, 2023 along with posting instructions and an Affidavit of Posting form to be signed and returned with a picture of the posted sign prior to a Notice of Application being issued.
2. A Notice of Application will be sent to the public (adjacent landowners), Kittitas County departments, and Non-County governmental agencies inviting written comments on this proposal. Consideration of written comments from adjacent property owners and public agencies will be incorporated in the staff report.
3. As requested by the County, additional materials may be required before this matter is brought before the Hearings Examiner.
4. An open record hearing will be scheduled before the Kittitas County Hearings Examiner to consider the application where public testimony may be given and a final decision will be made.

If you have any questions regarding this matter, I can be reached by phone at 509-962-7046 or by e-mail at [jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)

Sincerely,

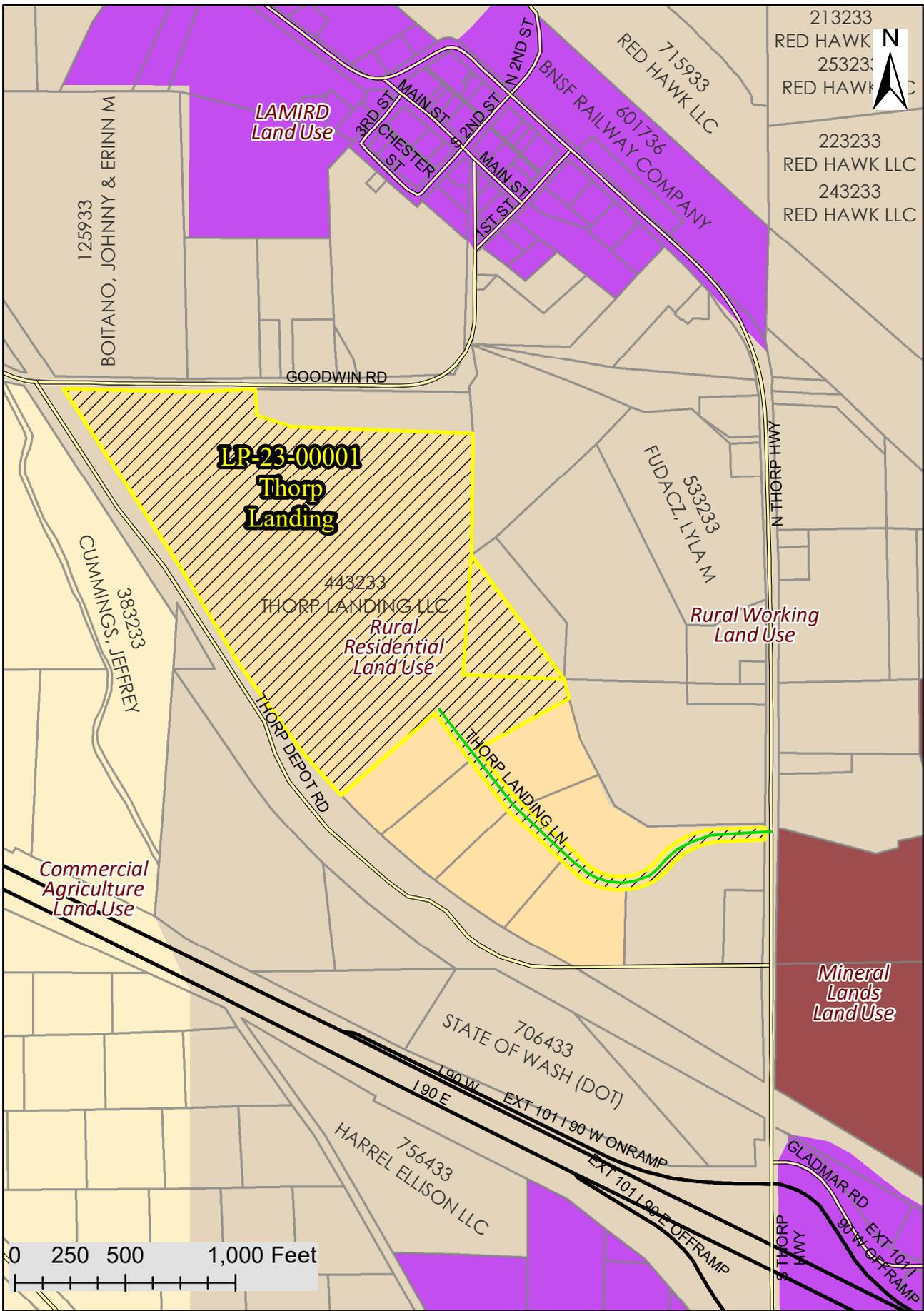
Jeremiah Cromie  
Planner II



**LP-23-00001 Thorp Landing**

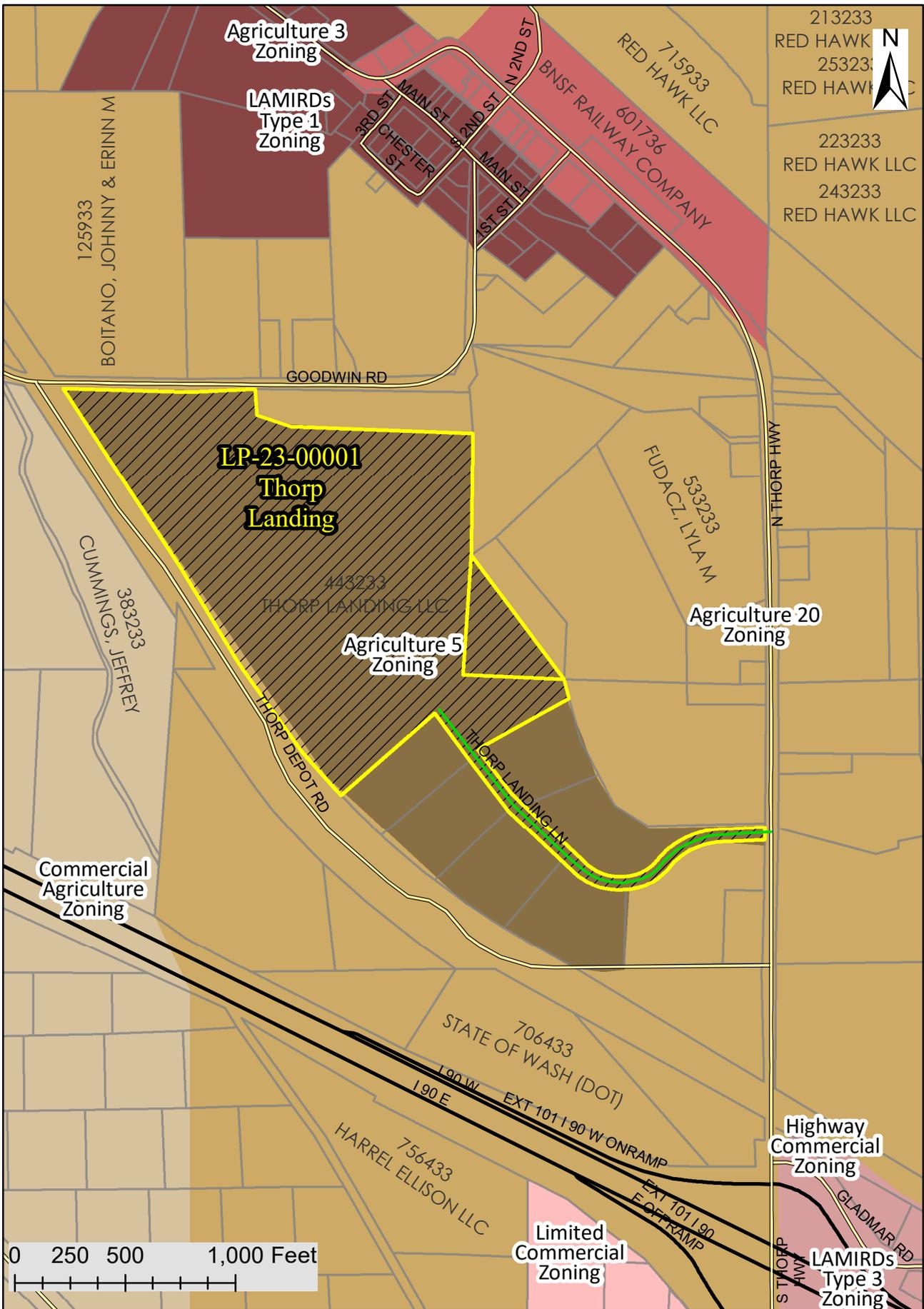
**Critical Areas**

Index #21



**LP-23-00001 Thorp Landing**

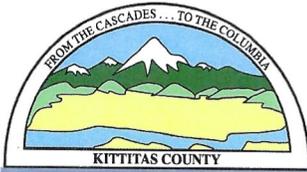
**Land Use**



**LP-23-00001 Thorp Landing**

**Zoning**

Index #21



# 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"

## AFFIDAVIT OF POSTING

Effective July 19, 2007, Kittitas County Code requires all project actions that are not processed administratively to have a notice posted at the site of the project. Per KCC 15A.03.110 the following applies:

1. The applicant shall post the subject property with signs as required by Community Development Services.
2. Signs shall be posted on each road frontage on the subject property and shall be clearly visible and accessible.
3. Signs shall be posted and on-site prior to the issuance of a Notice of Application.
4. The sign shall be posted in a sturdy manner to remain on-site until fifteen days after the expiration of the Notice of Decision appeal period. It shall be the responsibility of the applicant to properly dispose of the sign.
5. At the time of development application, Community Development Services will identify the number of signs needed and the general location of each sign on the subject property.
6. It shall be the responsibility of the applicant to place the structure on which the sign will be posted on site. At such time the structure and sign is in place, the applicant shall contact Community Development Services.

DATE: <b>February 9, 2023</b>	PLANNER: <b>Jeremiah Cromie</b>

PROJECT NAME: <b>Thorp Landing Long Plat</b>	FILE NUMBER: <b>LP-23-00001</b>
--	---------------------------------

### PLEASE COMPLETE THE FOLLOWING:

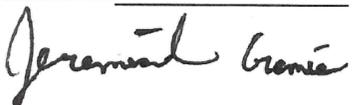
I, Joel Brear, certify that I am the landowner and/or authorized agent responsible for the posting of this land use project site and further certify that the site has been posted as required by Kittitas County Code. I understand that the required posting period begins immediately and ends 15 days after the ending of the appeal period on the Notice of Decision and the sign(s) will be posted at the site until this time. **Failure to post the site and return this form to Community Development Services in a timely manner will result in a delay of the application review for the project.**

  
Signature

2/9/2023  
Date

**Please return the above certification to CDS; or email to [jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us); or mail to: Community Development Services, 411 North Ruby Street, Suite 2, Ellensburg, WA 98926.**

**For Staff Use Only:**  
Received 2-10-23



# LAND USE ACTION

Project: LP-23-00001 THORP LANDING

Description: 10 LOT SUBDIVISION

Interested parties may obtain project information from Community Development Services, 411 N. Ruby St., Ellensburg, WA or at [www.co.kittitas.wa.us/cds](http://www.co.kittitas.wa.us/cds)

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

**(509) 962-7506**





LAND USE ACTION

Thorp Landing Ln.

LAND REACTION

# LAND USE ACTION

Project: LP-23-00001 THORP LANDING

Description: 10 LOT SUBDIVISION

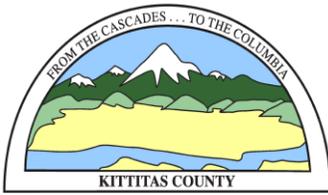
Interested parties may obtain project information from Community Development Services, 411 N. Ruby St., Ellensburg, WA or at [www.co.kittitas.wa.us/cds](http://www.co.kittitas.wa.us/cds)



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

(509) 962-7506

**LAND USE ACTION**  
Project: LP-23-00001  
Description: 10 LOT SUBDIVISION  
Interested parties may obtain project information from Community Development Services, 411 N. Ruby St., Ellensburg, WA 99001  
KITITAKE COUNTY COMMUNITY DEVELOPMENT SERVICES  
(509) 962-7506



# KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St. Suite 2 Ellensburg WA 98926

cds@co.kittitas.wa.us

Office 509-962-7506

Building Partnerships - Building Communities

## NOTICE OF APPLICATION

**Notice of Application:** Tuesday, February 21, 2023

**Application Received:** Tuesday, January 10, 2023

**Application Complete:** Tuesday, February 7, 2023

**Project File Number:** LP-23-00001

**Project Name:** Thorp Landing Plat

**Applicant:** Thorp Landing LLC (Joel Greear)

**Location:** Two tax parcels (443233 and 493233), located approximately .5 miles northwest of the intersection of N Thorp Hwy and I-90 off of Thorp Landing Lane in Section 11, Township 18, Range 17, W.M.; Kittitas County. The properties bear Kittitas County Map numbers 18-17-11040-0033 and 18-17-11040-0007.

**Proposal:** Thorp Landing LLC, submitted an application for a 10-lot plat (subdivision) on 2 parcels totaling 54.39 acres of land. The proposal includes 10 residential lots ranging in size from 5 acres to 8.64 acres. The subject properties are currently zoned Agriculture 5 with a Rural Residential land use designation. This property was rezoned from Agriculture 20 to Agricultural 5 and the land use designation was changed from Rural Working to Rural Residential as part of the County's 2022 Annual Docket Amendments under Ordinance No. 2022-017.

**Materials Available for Review:** The submitted application and related filed documents may be examined on the CDS website at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx>, and by navigating to "Long Plats", then the Project File Number under "LP-23-00001 Thorp Landing" or in person at 411 N Ruby St. Suite 2, Ellensburg, WA 98926 during regular business hours. Phone: (509) 962-7506

**Written Comments** on this proposal can be submitted to CDS any time prior to **5:00 p.m. on Thursday, March 9, 2023**. Any person has the right to comment on the application and request a copy of the decision once made.

**Environmental Review:** The County expects to issue a Determination of Non-Significance (DNS) for this proposal and will use the optional DNS process under WAC 197-11-355, meaning this may be the only opportunity for the public to comment on the environmental impacts of the proposal. A copy of the threshold determination may be obtained from the County once made.

**Public Hearing:** An open record hearing will be scheduled before the Kittitas County Hearing Examiner. A Public Hearing Notice will be issued establishing the date, time, and location of this hearing.

**Required Permits:** Preliminary and Final Plat approval, SEPA.

**Designated Permit Coordinator (staff contact):** Jeremiah Cromie, Staff Planner: (509) 962-7046; email at [jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us).



**KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES**

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

“Building Partnerships – Building Communities”

**Affidavit of Mailing & Publication**

PROPOSAL NAME: (LP-23-00001) Thorp Landing

NOTIFICATION OF: Notice of Application

NOTIFICATION MAIL DATE: February 21, 2023

I certify that the following documentation:

- Notice of Application for LP-23-00001 Thorp Landing Plat

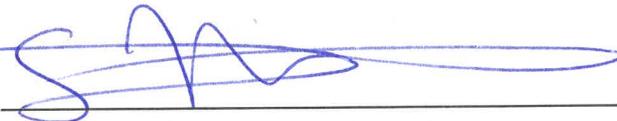
has been mailed and/or emailed to the attached list of persons and participants, and that proper notification (as attached) has been published in the Legal Newspaper(s) of Record for Kittitas County.

  
 \_\_\_\_\_  
 Signature

Jeremiah Cromie  
 Community Development Services Planner II  
 County of Kittitas  
 State of Washington

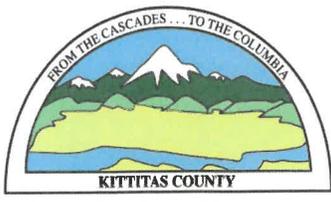
Subscribed and sworn to before me this 21<sup>st</sup> day of February 2023



  
 \_\_\_\_\_

Stephanie Mifflin  
 Notary Public for the State of Washington residing  
 in Ellensburg.

My appointment expires: 12.23.25



# KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St. Suite 2 Ellensburg WA 98926

[cgs@co.kittitas.wa.us](mailto:cds@co.kittitas.wa.us)

Office 509-962-7506

Building Partnerships - Building Communities

## NOTICE OF APPLICATION

**Notice of Application:** Tuesday, February 21, 2023  
**Application Received:** Tuesday, January 10, 2023  
**Application Complete:** Tuesday, February 7, 2023

**Project File Number:** LP-23-00001  
**Project Name:** Thorp Landing Plat  
**Applicant:** Thorp Landing LLC (Joel Greear)

**Location:** Two tax parcels (443233 and 493233), located approximately .5 miles northwest of the intersection of N Thorp Hwy and I-90 off of Thorp Landing Lane in Section 11, Township 18, Range 17, W.M.; Kittitas County. The properties bear Kittitas County Map numbers 18-17-11040-0033 and 18-17-11040-0007.

**Proposal:** Thorp Landing LLC, submitted an application for a 10-lot plat (subdivision) on 2 parcels totaling 54.39 acres of land. The proposal includes 10 residential lots ranging in size from 5 acres to 8.64 acres. The subject properties are currently zoned Agriculture 5 with a Rural Residential land use designation. This property was rezoned from Agriculture 20 to Agricultural 5 and the land use designation was changed from Rural Working to Rural Residential as part of the County's 2022 Annual Docket Amendments under Ordinance No. 2022-017.

**Materials Available for Review:** The submitted application and related filed documents may be examined on the CDS website at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx>, and by navigating to "Long Plats", then the Project File Number under "LP-23-00001 Thorp Landing" or in person at 411 N Ruby St. Suite 2, Ellensburg, WA 98926 during regular business hours. Phone: (509) 962-7506

**Written Comments** on this proposal can be submitted to CDS any time prior to **5:00 p.m. on Thursday, March 9, 2023**. Any person has the right to comment on the application and request a copy of the decision once made.

**Environmental Review:** The County expects to issue a Determination of Non-Significance (DNS) for this proposal and will use the optional DNS process under WAC 197-11-355, meaning this may be the only opportunity for the public to comment on the environmental impacts of the proposal. A copy of the threshold determination may be obtained from the County once made.

**Public Hearing:** An open record hearing will be scheduled before the Kittitas County Hearing Examiner. A Public Hearing Notice will be issued establishing the date, time, and location of this hearing.

**Required Permits:** Preliminary and Final Plat approval, SEPA.

**Designated Permit Coordinator (staff contact):** Jeremiah Cromie, Staff Planner: (509) 962-7046; email at [jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us).

<p>GEORGE, CRAIG A &amp; MELANIE 322 E TANEUM RD THORP, WA 98946-9517</p>	<p>THORP LANDING LLC 1401 W DOLARWAY RD STE 301 ELLENSBURG, WA 98926-9823</p>	<p>FUDACZ, DAVID W ETUX PO BOX 24 THORP, WA 98946</p>
<p>THOMPSON, PAULA J PO BOX 205 THORP, WA 98946</p>	<p>SHANNON, RANDELL &amp; TRESA JANE PO BOX 106 THORP, WA 98946-0106</p>	<p>CUMMINGS, JEFFREY PO BOX 162 THORP, WA 98946-0162</p>
<p>FUDACZ BROS PARTNERSHIP 1309 E 1ST CLE ELUM, WA 98922</p>	<p>MORSE, JOHN C ETUX PO BOX 142 THORP, WA 98946</p>	<p>GIBSON, VICTOR &amp; SHEILA 44203 228TH AVE SE ENUMCLAW, WA 98022-7455</p>
<p>SOLANO, ROMEO S 520 THORP DEPOT RD THORP, WA 98946-9540</p>	<p>MORSE, SCOTT ETUX PO BOX 25 THORP, WA 98946</p>	<p>MEYER, VERNON G ETUX PO BOX 167 THORP, WA 98946</p>
<p>GANSEREIT, DANIEL B &amp; CRYSTAL D 100 E 3RD AVE UNIT 1076 ELLENSBURG, WA 98926-7701</p>	<p>RIVERA, ROBERTO &amp; KIMBERLY E PO BOX 17 THORP, WA 98946-0017</p>	<p>BOITANO, JOHNNY &amp; ERINN M 681 GOODWIN RD THORP, WA 98946-9400</p>
<p>BUGNI, PETE &amp; GLORIA 361 CEDAR COVE RD ELLENSBURG, WA 98926-9708</p>	<p>KEFFELER, DAN 240 GOODWIN RD THORP, WA 98946-9605</p>	<p>RODRIQUEZ, NATHANAEL 9201 N THORP HWY THORP, WA 98946-9401</p>
<p>ROGERS, MICHELLE G &amp; BRIAN 2014 W DRY CREEK RD ELLENSBURG, WA 98926-9454</p>	<p>GIBSON, ELWIN F &amp; PATRICIA J PO BOX 227 THORP, WA 98946-0227</p>	<p>WEST SIDE IRRIGATING CO 208 W 9TH SUITE 5 ELLENSBURG, WA 98926</p>

Kittitas County Deputy Fire Marshal  
[Joe.dietzel@co.kittitas.wa.us](mailto:Joe.dietzel@co.kittitas.wa.us)

Kittitas County Sheriff's Dept.  
[kim.dawson@co.kittitas.wa.us](mailto:kim.dawson@co.kittitas.wa.us)

**KittCom**  
[long@kittcom.org](mailto:long@kittcom.org)  
[storch@kittcom.org](mailto:storch@kittcom.org)

Kittitas County Board of County  
Commissioners  
[julie.kjorsvik@co.kittitas.wa.us](mailto:julie.kjorsvik@co.kittitas.wa.us)

Kittitas County Code Enforcement  
[toni.berkshire@co.kittitas.wa.us](mailto:toni.berkshire@co.kittitas.wa.us)

Kittitas County Environmental Health  
[PublicHealthInspectors@co.kittitas.wa.us](mailto:PublicHealthInspectors@co.kittitas.wa.us)

Kittitas County Solid Waste Programs  
[lisa.lawrence@co.kittitas.wa.us](mailto:lisa.lawrence@co.kittitas.wa.us)  
[patti.stacey@co.kittitas.wa.us](mailto:patti.stacey@co.kittitas.wa.us)

Kittitas County Public Works  
[kelee.hodges.pw@co.kittitas.wa.us](mailto:kelee.hodges.pw@co.kittitas.wa.us)  
[candie.leader@co.kittitas.wa.us](mailto:candie.leader@co.kittitas.wa.us)

Yakama Nation  
[enviroreview@yakama.com](mailto:enviroreview@yakama.com)  
[corrine\\_camuso@yakama.com](mailto:corrine_camuso@yakama.com)  
[jessica\\_lally@yakama.com](mailto:jessica_lally@yakama.com)  
[noah\\_oliver@yakama.com](mailto:noah_oliver@yakama.com)  
[casey\\_barney@yakama.com](mailto:casey_barney@yakama.com)  
[kozj@yakamafish-nsn.gov](mailto:kozj@yakamafish-nsn.gov)  
[matj@yakamafish-nsn.gov](mailto:matj@yakamafish-nsn.gov)  
[barh@yakamafish-nsn.gov](mailto:barh@yakamafish-nsn.gov)

Department of Ecology  
[tebu461@ecy.wa.gov](mailto:tebu461@ecy.wa.gov)  
[lowh461@ECY.WA.GOV](mailto:lowh461@ECY.WA.GOV)  
[FormerOrchards@ecy.wa.gov](mailto:FormerOrchards@ecy.wa.gov)  
[wendy.neet@ecy.wa.gov](mailto:wendy.neet@ecy.wa.gov)  
[crosepa@ecy.wa.gov](mailto:crosepa@ecy.wa.gov)  
[lcar461@ecy.wa.gov](mailto:lcar461@ecy.wa.gov)

Airport Manager  
[david.ohl@co.kittitas.wa.us](mailto:david.ohl@co.kittitas.wa.us)  
[Codi.Fortier@co.kittitas.wa.us](mailto:Codi.Fortier@co.kittitas.wa.us)

WA Dept. Fish and Wildlife  
[Scott.Downes@dfw.wa.gov](mailto:Scott.Downes@dfw.wa.gov)  
[Jennifer.Nelson@dfw.wa.gov](mailto:Jennifer.Nelson@dfw.wa.gov)  
[Elizabeth.Torrey@dfw.wa.gov](mailto:Elizabeth.Torrey@dfw.wa.gov)

Washington State DAHP  
[sepa@dahp.wa.gov](mailto:sepa@dahp.wa.gov)

James E Brooks Library  
[jorgenja@cwu.edu](mailto:jorgenja@cwu.edu)  
[nelmsk@cwu.edu](mailto:nelmsk@cwu.edu)

Kittitas County Building Dept.  
[Jeremy.larson@co.kittitas.wa.us](mailto:Jeremy.larson@co.kittitas.wa.us)  
[Steph.mifflin@co.kittitas.wa.us](mailto:Steph.mifflin@co.kittitas.wa.us)

WA State Department of Health  
[russell.mau@doh.wa.gov](mailto:russell.mau@doh.wa.gov)

WA Dept. of Natural Resources  
[rivers@dnr.wa.gov](mailto:rivers@dnr.wa.gov)  
[brenda.young@dnr.wa.gov](mailto:brenda.young@dnr.wa.gov)  
[luke.warthen@dnr.wa.gov](mailto:luke.warthen@dnr.wa.gov)  
[SEPACENTER@dnr.wa.gov](mailto:SEPACENTER@dnr.wa.gov)  
[MARTIN.MAUNEY@dnr.wa.gov](mailto:MARTIN.MAUNEY@dnr.wa.gov)  
[scott.chambers@dnr.wa.gov](mailto:scott.chambers@dnr.wa.gov)

Allison Kimball  
[brooksideconsulting@gmail.com](mailto:brooksideconsulting@gmail.com)

Northern Kittitas County Tribune  
[tribune@nkctribune.com](mailto:tribune@nkctribune.com)  
[terry@nkctribune.com](mailto:terry@nkctribune.com)

Daily Record  
[mbreckenridge@kvnews.com](mailto:mbreckenridge@kvnews.com)  
[legals@kvnews.com](mailto:legals@kvnews.com)

Army Corps of Engineers  
[Deborah.j.knaub@usace.army.mil](mailto:Deborah.j.knaub@usace.army.mil)  
[Jenae.N.Churchill@usace.army.mil](mailto:Jenae.N.Churchill@usace.army.mil)

Bureau of Reclamation  
[lhendrix@usbr.gov](mailto:lhendrix@usbr.gov)  
1917 Marsh Road  
Yakima, WA 98901

Yakima Training Center  
[mark.a.gradwohl.civ@mail.mil](mailto:mark.a.gradwohl.civ@mail.mil)

Northwest Training Range Complex  
[Kimberly.peacher@navy.mil](mailto:Kimberly.peacher@navy.mil)  
[Robert.d.bright10.civ@army.mil](mailto:Robert.d.bright10.civ@army.mil)

Kittitas County Assessor  
[Haley.mercer@co.kittitas.wa.us](mailto:Haley.mercer@co.kittitas.wa.us)  
[Christine.garcia@co.kittitas.wa.us](mailto:Christine.garcia@co.kittitas.wa.us)

Snoqualmie Tribe  
[steve@snoqualmietribe.us](mailto:steve@snoqualmietribe.us)  
[dahp@snoqualmietribe.us](mailto:dahp@snoqualmietribe.us)  
[adam@snoqualmietribe.us](mailto:adam@snoqualmietribe.us)

Colville Tribe  
[guy.moura@colvilletribes.com](mailto:guy.moura@colvilletribes.com)  
[sam.rushing@colvilletribes.com](mailto:sam.rushing@colvilletribes.com)  
[connor.armi.hsy@colvilletribes.com](mailto:connor.armi.hsy@colvilletribes.com)

Kittitas County P.U.D.  
[matt.boast@kittitaspud.com](mailto:matt.boast@kittitaspud.com)

Puget Sound Energy  
[Brian.ingalls@pse.com](mailto:Brian.ingalls@pse.com)

Bonneville Power Administration  
[Dtsmith@BPA.gov](mailto:Dtsmith@BPA.gov)

Forest Service  
[kimberly.larned@usda.gov](mailto:kimberly.larned@usda.gov)

Washington State DOT  
[Jacob.Prilucik@wsdot.wa.gov](mailto:Jacob.Prilucik@wsdot.wa.gov)  
[SCPlanning@wsdot.wa.gov](mailto:SCPlanning@wsdot.wa.gov)  
[AviationLandUse@wsdot.wa.gov](mailto:AviationLandUse@wsdot.wa.gov)

Washington State Parks  
[ken.graham@parks.wa.gov](mailto:ken.graham@parks.wa.gov)  
PO Box 42650  
Olympia, WA 98504-2650

Kittitas Valley Healthcare  
Attn: CEO  
603 S. Chestnut Street  
Ellensburg, WA 98926  
(mailed)

West Side Irrigating Company  
[westsideirrigationco@gmail.com](mailto:westsideirrigationco@gmail.com)  
[lriegelfarm@gmail.com](mailto:lriegelfarm@gmail.com)

Thorp School District 400  
[perkinsa@thorpschools.org](mailto:perkinsa@thorpschools.org)

KCFD #1  
PO Box 34  
Thorp, WA 98946  
[kcf1@fairpoint.net](mailto:kcf1@fairpoint.net)

BUREAU OF LAND MANAGEMENT  
915 N. WALLA WALLA  
WENATCHEE WA 98801  
(mailed)

Federal Aviation Administration (FAA)  
[Ilon.Logan@faa.gov](mailto:Ilon.Logan@faa.gov)

**From:** Megan Breckenridge <[mbreckenridge@kvnews.com](mailto:mbreckenridge@kvnews.com)>  
**Sent:** Friday, February 17, 2023 11:15 AM  
**To:** Jeremiah Cromie <[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)>  
**Subject:** Ad: 336352 / Re: LP-23-00001 Thorp Landing (Publishing) - Notice of Application

**CAUTION:** This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Happy Friday, Jeremiah,

Please see attached for your legal proof scheduled to run on February 21 and 28.

**Please let me know if you approve or would like any changes by our 10:30am deadline on February 20.**

Thank you and have a nice weekend!

## Megan Breckenridge

Advertising Assistant  
Ellensburg Daily Record  
Office: (509) 925-1414, ext. 570253  
Direct Dial: (509) 204-8250  
[mbreckenridge@kvnews.com](mailto:mbreckenridge@kvnews.com) / [legals@kvnews.com](mailto:legals@kvnews.com)  
**[MY OFFICE HOURS: MON-FRI: 8:00am-4:00pm]**

---

**From:** Jeremiah Cromie <[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)>  
**Sent:** Friday, February 17, 2023 10:40 AM  
**To:** Megan Breckenridge <[mbreckenridge@kvnews.com](mailto:mbreckenridge@kvnews.com)>; KVNews Legals <[legals@kvnews.com](mailto:legals@kvnews.com)>  
**Subject:** LP-23-00001 Thorp Landing (Publishing) - Notice of Application

**CAUTION, this email originated from outside the organization.**

Hello,

Please publish the attached legal in the Daily Record on the following dates:

**February 21, 2023**

**February 28, 2023**

Let me know if there are any questions or issues.

Jeremiah Cromie

**NOTICE OF APPLICATION**

**Project File Number:** LP-23-00001  
**Project Name:** Thorp Landing Plat  
**Applicant:** Thorp Landing LLC (Joel Greear)

**Location:** Two tax parcels (443233 and 493233), located approximately .5 miles northwest of the intersection of N Thorp Hwy and I-90 off of Thorp Landing Lane in Section 11, Township 18, Range 17, W.M.; Kittitas County. The properties bear Kittitas County Map numbers 18-17-11040-0033 and 18-17-11040-0007.

**Proposal:** Thorp Landing LCC, submitted an application for a 10-lot plat (subdivision) on 2 parcels totaling 54.39 acres of land. The proposal includes 10 residential lots ranging in size from 5 acres to 8.64 acres. The subject properties are currently zoned Agriculture 5 with a Rural Residential land use designation. This property was rezoned from Agriculture 20 to Agricultural 5 and the land use designation was changed from Rural Working to Rural Residential as part of the County's 2022 Annual Docket Amendments under Ordinance No. 2022-017.

**Materials Available for Review:** The submitted application and related filed documents may be examined on the CDS website at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx>, and by navigating to "Long Plats", then the Project File Number under "LP-23-00001 Thorp Landing" or in person at 411 N Ruby St. Suite 2, Ellensburg, WA 98926 during regular business hours. Phone: (509) 962 7506

**Written Comments** on this proposal can be submitted to CDS any time prior to **5:00 p.m. on Thursday, March 9, 2023**. Any person has the right to comment on the application and request a copy of the decision once made.

**Environmental Review:** The County expects to issue a Determination of Non-Significance (DNS) for this proposal and will use the optional DNS process under WAC 197-11-355, meaning this may be the only opportunity for the public to comment on the environmental impacts of the proposal. A copy of the threshold determination may be obtained from the County once made.

**Public Hearing:** An open record hearing will be scheduled before the Kittitas County Hearing Examiner. A Public Hearing Notice will be issued establishing the date, time, and location of this hearing.

**Required Permits:** Preliminary and Final Plat approval, SEPA.

**Designated Permit Coordinator (staff contact)**  
Jeremiah Cromie, Staff Planner: (509) 962-7046; email at [jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us).

**Notice of Application:** Tuesday, February 21, 2023  
**Application Received:** Tuesday, January 10, 2023  
**Application Complete:** Tuesday, February 7, 2023

PUBLISH: Daily Record: February 21 & 28, 2023 /  
LEGAL #: 336352

**From:** [Megan Breckenridge](#)  
**To:** [Jeremiah Cromie](#)  
**Subject:** Re: 336352 / Re: LP-23-00001 Thorp Landing (Publishing) - Notice of Application  
**Date:** Friday, February 17, 2023 1:41:49 PM

---

**CAUTION:** This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Thank you for your final approval, Jeremiah!

I'll work on your next legal shortly.

## Megan Breckenridge

Advertising Assistant  
Ellensburg Daily Record  
Office: (509) 925-1414, ext. 570253  
Direct Dial: (509) 204-8250  
[mbreckenridge@kvnews.com](mailto:mbreckenridge@kvnews.com) / [legals@kvnews.com](mailto:legals@kvnews.com)  
**[MY OFFICE HOURS: MON-FRI: 8:00am-4:00pm]**

---

**From:** Jeremiah Cromie <[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)>  
**Sent:** Friday, February 17, 2023 12:54 PM  
**To:** Megan Breckenridge <[mbreckenridge@kvnews.com](mailto:mbreckenridge@kvnews.com)>  
**Subject:** RE: 336352 / Re: LP-23-00001 Thorp Landing (Publishing) - Notice of Application

**CAUTION, this email originated from outside the organization.**

Megan,

This looks fine and I give approval. Thanks.

Jeremiah Cromie  
Planner II  
Kittitas County  
Community Development Services  
411 N. Ruby Street; Suite 2  
Ellensburg, WA 98926  
Office: 509-962-7046  
[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)

**From:** Jeremiah Cromie  
**To:** [Joe Dietzel](#); [Kim Dawson](#); ["long@kittcom.org"](#); ["storch@kittcom.org"](#); [Julie Kiorsvik](#); [Toni Berkshire](#); [PublicHealth Inspectors](#); [Lisa Lawrence](#); [Patti Stacey](#); [David Ohl](#); [Codi Fortier](#); ["enviroreview@yakama.com"](#); ["corrine\\_camuso@yakama.com"](#); ["jessica\\_lally@yakama.com"](#); ["noah\\_oliver@yakama.com"](#); ["casey\\_barney@yakama.com"](#); ["kojz@yakamafish-nsn.gov"](#); ["matj@yakamafish-nsn.gov"](#); ["barh@yakamafish-nsn.gov"](#); ["tebu461@ecy.wa.gov"](#); ["lowh461@ECY.WA.GOV"](#); ["FormerOrchards@ecy.wa.gov"](#); ["wendy\\_neet@ecy.wa.gov"](#); ["crosepa@ecy.wa.gov"](#); ["lcar461@ecy.wa.gov"](#); ["Scott.Downes@dfw.wa.gov"](#); ["Jennifer.Nelson@dfw.wa.gov"](#); ["Elizabeth.Torrey@dfw.wa.gov"](#); ["sepa@dahp.wa.gov"](#); ["jorgenja@cwu.edu"](#); ["nelmsk@cwu.edu"](#); [Jeremy Larson](#); [Steph Mifflin](#); ["russell.mau@doh.wa.gov"](#); ["rivers@dnr.wa.gov"](#); ["brenda.young@dnr.wa.gov"](#); ["luke.warthen@dnr.wa.gov"](#); ["SEPACENTER@dnr.wa.gov"](#); ["MARTIN.MAUNEY@dnr.wa.gov"](#); ["scott.chambers@dnr.wa.gov"](#); ["brooksideconsulting@gmail.com"](#); ["tribune@nktribune.com"](#); ["terry@nktribune.com"](#); ["mbreckenridge@kvnews.com"](#); ["legals@kvnews.com"](#); ["Deborah.i.knaub@usace.army.mil"](#); ["Jenae.N.Churchill@usace.army.mil"](#); ["lhendrix@usbr.gov"](#); ["mark.a.gradwohl.civ@mail.mil"](#); ["Kimberly.peacher@navy.mil"](#); ["Robert.d.bright10.civ@army.mil"](#); [Haley Mercer](#); [Christy Garcia](#); ["steve@snoqualmietribe.us"](#); ["dahp@snoqualmietribe.us"](#); ["adam@snoqualmietribe.us"](#); ["guy.moura@colvilletribes.com"](#); ["sam.rushing@colvilletribes.com"](#); ["connor.armi.hsy@colvilletribes.com"](#); ["matt.boast@kittitaspud.com"](#); ["Brian.ingalls@pse.com"](#); ["Dtsmith@BPA.gov"](#); ["kimberly.larned@usda.gov"](#); ["Jacob.Prilucik@wsdot.wa.gov"](#); ["SCPlanning@wsdot.wa.gov"](#); ["AviationLandUse@wsdot.wa.gov"](#); ["ken.graham@parks.wa.gov"](#); ["westsideirrigationco@gmail.com"](#); ["1riegelfarm@gmail.com"](#); ["perkinsa@thorpschools.org"](#); ["kcf1@fairpoint.net"](#); ["Ilon.Logan@faa.gov"](#)  
**Cc:** ["Joel Greear"](#); [Chad Bala](#); [Jeff Slothower](#); ["fudaczj@gmail.com"](#); ["boitanoeri@hotmail.com"](#); ["Paul Dempsey"](#)  
**Bcc:** [Dan Carlson](#)  
**Subject:** LP-23-00001 Thorp Landing - Notice of Application  
**Date:** Tuesday, February 21, 2023 10:39:30 AM  
**Attachments:** [LP-23-00001 Thorp Landing Notice of Application.pdf](#)  
[LP-23-00001 Thorp Landing SEPA Checklist.pdf](#)

---

Good morning,

CDS is requesting comments on the following Long Plat Application: **LP-23-00001 Thorp Landing**. Links to the file materials can be found below. I have attached the Notice of Application along with the SEPA Checklist. Kittitas County anticipates issuing a DNS for this project and is using the optional SEPA process under WAC 197-11-355. This may be the only opportunity to comment on the environmental impacts of this project. The comment period will end **Thursday, March 9, 2023 at 5p (PST)**. **CDS will assume your agency does not wish to provide comment if not received by this date.**

Please let me know if you have any issues accessing the materials.

Internal Link: [LP-23-00001 Thorp Landing](#)

External Link: [LP-23-00001 Thorp Landing](#)

If the links above do not work, please go to the CDS website at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx> and navigate to "Long Plats" and then the Project File Number "LP-23-00001 Thorp Landing".

Thank you.

Jeremiah Cromie  
Planner II  
Kittitas County  
Community Development Services  
411 N. Ruby Street; Suite 2

**ANSWER TO PREVIOUS PUZZLE:**

T	A	Z	H	A	R	S	H	S	E	A	M
I	C	F	P	A	L	A	C	E	E	L	L
T	H	J	R	O	T	T	R	A	F	A	R
T	O	T	O	T	E	R	R	S	I	R	I
D	O	G	M	A	L	A	I	T	O	N	M
I	R	E	C	O	M	E	S	O	N		
L	E	I	S	U	F	O	T	R	A	C	K
L	O	S	T	A	R	T	D	I	O	R	A
A	S	T	U	R	E	D	I	N	C	R	A
			D	V	D	C	A	S	E	B	R
			B	O	D	Y	S	H	O	T	S
			L	I	E	D	A	M	A	D	U
			U	L	N	A	M	I	C	R	O
			M	U	S	T	C	A	B	L	E
			E	P	E	E	S	P	I	E	S

Directions: Complete the grid so that every row, column and 3x3 box contains every digit from 1 to 9 inclusively.

**SUDOKU PREVIOUS SOLUTION**

2	1	4	9	8	7	3	6	1	5
5	3	7	6	4	1	9	8	2	
1	8	6	2	5	9	3	1	4	7
9	7	3	4	1	6	5	2	8	
6	2	5	7	9	8	4	3	1	
4	1	8	3	2	5	7	6	9	
7	5	2	1	3	4	8	9	6	
8	9	4	5	6	2	1	7	3	
3	6	1	9	8	7	2	5	4	

**7 LITTLE WORDS**

Find the 7 words to match the 7 clues. The numbers in parentheses represent the number of letters in each solution. Each letter combination can be used only once, but all letter combinations will be necessary to complete the puzzle.

**CLUES SOLUTIONS**

- 1 turns, as a corner (5) **TURNINGS**
- pizza base (5) **PIZZA**
- fastballs (7) **PITCHERS**
- like clothes after ironing (10) **WRINKLES**
- Swift and Crane (9) **SWIFTCRANE**
- hallmark of a free market (11) **MARKETPLACE**
- 7 dollars or Buffalo ballers (5) **SEVENS**

**NDS ROU ST UNW AT**  
**HE RI COM IT NOV**  
**BIL JON CRU NKL ELI**  
**LS STS PET ED ERS**

Sudoku's Answer: 1. BICYCLED 2. PODCAST 3. DIVIDED 4. MACHINES 5. TANGLED 6. HORIZON 7. LOWDOWN

**KENKEN**  
 THE LOGIC PUZZLE THAT MAKES YOU SMARTER

2			54X	2	4	
3+				2	3-	
	6		100X		35X	
3+				5-		
4	3-				72X	
3-						6

©2023 Kenken Puzzle, LLC. www.kenken.com

**RULES:**  
 Each row and each column must contain the numbers 1 through 9 without repeating.  
 The numbers within the heavily outlined boxes, called cages, entail arithmetic using the given operation to arrive at the correct number in the target cell.  
 Diagonals fill single-box cages with the number in the top-left corner.

**WORD GAME**

ac	able	back	beam	beat
bed	best	bet	best	best
best	best	best	best	best
best	best	best	best	best
best	best	best	best	best
best	best	best	best	best
best	best	best	best	best
best	best	best	best	best
best	best	best	best	best
best	best	best	best	best

**Legals**

**KITTITAS VALLEY FIRE & RESCUE NOTICE OF PUBLIC HEARING**

The Kittitas Valley Fire & Rescue Board of Fire Commissioners has established a public hearing date for Thursday, March 9, 2023, at 10:00 a.m. to hear public testimony regarding the 2022 Performance Response Benchmarks and set the benchmarks for 2023. The regular monthly meeting to conduct the general business of the fire district will follow immediately after the public hearing at 400 E. Mountain View.

Sydney McBride  
 Secretary to the Board of Fire Commissioners

PUBLISH: Daily Record, February 28, 2023 and March 7, 2023 / LEGAL #: 338464

**Legals**

**NOTICE OF APPLICATION**

Project File Number: LP-23-00001  
 Project Name: Thorp Landing Plat  
 Applicant: Thorp Landing LLC (Joel Greear)

Location: Two tax parcels (449233 and 493233), located approximately 5 miles northwest of the intersection of N Thorp Hwy and I-90 off of Thorp Landing Lane in Section 11, Township 16, Range 17, W.M.; Kittitas County. The properties bear Kittitas County Map numbers 18-17-11040-0033 and 18-17-11040-0007.

Proposal: Thorp Landing LLC, submitted an application for a 10-lot plat (subdivision) on 2 parcels totaling 54.39 acres of land. The proposal includes 10 residential lots ranging in size from 5 acres to 8.84 acres. The subject properties are currently zoned Agriculture 5 with a Rural Residential land use designation. This property was rezoned from Agriculture 20 to Agricultural 5 and the land use designation was changed from Rural Working to Rural Residential as part of the County's 2022 Annual Docket Amendments under Ordinance No. 2022-017.

Materials Available for Review: The submitted application and related filed documents may be examined on the CDS website at <http://www.co.kititas.wa.us/onlinecds/default.aspx>, and by navigating to "Long List", then the Project File Number under "LP-23-00001 Thorp Landing" or in person at 411 N Ruby St, Suite 2, Ellensburg, WA 98926 during regular business hours, Phone: (509) 962 7506

Written Comments on this proposal can be submitted to CDS any time prior to 5:00 p.m. on Thursday, March 9, 2023. Any person has the right to comment on the application and request a copy of the decision once made.

Environmental Review: The County expects to issue a Determination of Non-Significance (DNS) for this proposal and will use the optional DNS process under WAC 197-11-355, meaning this may be the only opportunity for the public to comment on the environmental impacts of the proposal. A copy of the threshold determination may be obtained from the County once made.

Public Hearing: An open record hearing will be scheduled before the Kittitas County Hearing Examiner. A Public Hearing Notice will be issued establishing the date, time, and location of this hearing.

Required Permits: Preliminary and Final Plat approval, SEPA.

Designated Permit Coordinator (staff contact): Jeremiah Cromie, Staff Planner; (509) 962-7046; email at [jeremiah.cromie@co.kititas.wa.us](mailto:jeremiah.cromie@co.kititas.wa.us).

Notice of Application: Tuesday, February 21, 2023  
 Application Received: Tuesday, January 10, 2023  
 Application Complete: Tuesday, February 7, 2023

PUBLISH: Daily Record, February 21 & 28, 2023 / LEGAL #: 338352

Every ad you place runs in print and online.

**WEDNESDAY MORNING MARCH 1, 2023**

6 AM	6:30	7 AM	7:30	8 AM	8:30	9 AM	9:30	10 AM	10:30	11 AM	11:30
KAPP 42	35	Local News	Good Morning America (N)	Kelly and Ryan (N)	The View (N)	Access Daily (N)					
KCYU 41	1	Outback	Good Day	US News 23 words	Patersony Patersony	Tangon Hall (N)					
KNDU 35	23	530 Wake Up (N)	Today (N)	Today 3rd Hour (N)	Today Today (N)	Shard on (N)					
KING 3	1	News (N)	Today (N)	Today 3rd Hour (N)	Today Today (N)	News Day (N)					
KINA 29	29	News (N)	530 Mornings (N)	Kelly Clarkson (N)	The Price (N)	Young & Restless (N)					
KIRO 9	1	KIRO News (N)	530 Mornings (N)	Deal (N)	The Price (N)	Young & Restless (N)					
KYVE 47	47	Arthur's	Today (N)	Today (N)	Today (N)	Today (N)					
KIMA 21	21	The National Desk (N)	Today (N)	Today (N)	Today (N)	Today (N)					
KOMO 8	1	News (N)	Good Morning America (N)	Kelly and Ryan (N)	The View (N)	Access Daily (N)					
KUNW 12	1	Come dice el dicho	Despierta America (N)								

**WEDNESDAY AFTERNOON MARCH 1, 2023**

12 PM	12:30	1 PM	1:30	2 PM	2:10	3 PM	3:30	4 PM	4:30	5 PM	5:30
KAPP 42	35	530 Wake Up (N)	General Hospital (N)	True Brit	Law & Cr.	Rachel Ray (N)					
KCYU 41	1	Outback	Law & Order: SVU	Judge Matha (N)	The People's Court	King	Newsday	Goldberg	Goldberg		
KNDU 35	23	530 Wake Up (N)	KIRO News Daily (N)	Pat Benoit	Pat Benoit	Pat Benoit	Pat Benoit	Pat Benoit	Pat Benoit		
KIRO 9	1	KIRO News (N)	The Talk (N)	DEAL (N)	Dr. Phil (N)	Judge Judy	Judge Judy	Judge Judy	Judge Judy		
KYVE 47	47	Table	Antiques Roadshow	Flipping Yards	Larry Worley-Royal	Antiques					
KIMA 21	21	Big Bang	Pat Prog.	Quincy	Providence						
KOMO 8	1	530 Wake Up (N)	General Hospital (N)	Kelly Clarkson (N)	Deal (N)	News (N)	News (N)	News (N)	News (N)		
KUNW 12	1	Residence	Residence	Allyson (N)	Estaban (N)	Come dice el dicho	Gracie (N)	Gracie (N)	Gracie (N)		

**WEDNESDAY PRIME TIME MARCH 1, 2023**

7 PM	7:30	8 PM	8:30	9 PM	9:30	10 PM	10:30	11 PM	11:30
KAPP 42	35	Local News	Extra (N)	Goldberg	Abbott	Just Dead	Million Little (N)	Law & Order	11:30
KCYU 41	1	Outback	Last Man Standing	Masked (N)	Special Forces (N)	News (N)	Mo'Nis	Mo'Nis	Mo'Nis
KNDU 35	23	530 Wake Up (N)	Wheel (N)	Jeopardy!	Chicago Med (N)	Chicago Fire (N)	Chicago Fire (N)	Chicago Fire (N)	Chicago Fire (N)
KIRO 9	1	KIRO News (N)	News (N)	Evening	Chicago Med (N)	Chicago Fire (N)	Chicago Fire (N)	Chicago Fire (N)	Chicago Fire (N)
KYVE 47	47	Table	Antiques Roadshow	Flipping Yards	Larry Worley-Royal	Antiques			
KIMA 21	21	Big Bang	Pat Prog.	Quincy	Providence				
KOMO 8	1	530 Wake Up (N)	General Hospital (N)	Kelly Clarkson (N)	Deal (N)	News (N)	News (N)	News (N)	News (N)
KUNW 12	1	Residence	Residence	Allyson (N)	Estaban (N)	Come dice el dicho	Gracie (N)	Gracie (N)	Gracie (N)

**Legals**

**NOTICE OF APPLICATION**

Project File Number: LP-23-00001  
 Project Name: Thorp Landing Plat  
 Applicant: Thorp Landing LLC (Joel Greear)

Location: Two tax parcels (449233 and 493233), located approximately 5 miles northwest of the intersection of N Thorp Hwy and I-90 off of Thorp Landing Lane in Section 11, Township 16, Range 17, W.M.; Kittitas County. The properties bear Kittitas County Map numbers 18-17-11040-0033 and 18-17-11040-0007.

Proposal: Thorp Landing LLC, submitted an application for a 10-lot plat (subdivision) on 2 parcels totaling 54.39 acres of land. The proposal includes 10 residential lots ranging in size from 5 acres to 8.84 acres. The subject properties are currently zoned Agriculture 5 with a Rural Residential land use designation. This property was rezoned from Agriculture 20 to Agricultural 5 and the land use designation was changed from Rural Working to Rural Residential as part of the County's 2022 Annual Docket Amendments under Ordinance No. 2022-017.

Materials Available for Review: The submitted application and related filed documents may be examined on the CDS website at <http://www.co.kititas.wa.us/onlinecds/default.aspx>, and by navigating to "Long List", then the Project File Number under "LP-23-00001 Thorp Landing" or in person at 411 N Ruby St, Suite 2, Ellensburg, WA 98926 during regular business hours, Phone: (509) 962 7506

Written Comments on this proposal can be submitted to CDS any time prior to 5:00 p.m. on Thursday, March 9, 2023. Any person has the right to comment on the application and request a copy of the decision once made.

Environmental Review: The County expects to issue a Determination of Non-Significance (DNS) for this proposal and will use the optional DNS process under WAC 197-11-355, meaning this may be the only opportunity for the public to comment on the environmental impacts of the proposal. A copy of the threshold determination may be obtained from the County once made.

Public Hearing: An open record hearing will be scheduled before the Kittitas County Hearing Examiner. A Public Hearing Notice will be issued establishing the date, time, and location of this hearing.

Required Permits: Preliminary and Final Plat approval, SEPA.

Designated Permit Coordinator (staff contact): Jeremiah Cromie, Staff Planner; (509) 962-7046; email at [jeremiah.cromie@co.kititas.wa.us](mailto:jeremiah.cromie@co.kititas.wa.us).

Notice of Application: Tuesday, February 21, 2023  
 Application Received: Tuesday, January 10, 2023  
 Application Complete: Tuesday, February 7, 2023

PUBLISH: Daily Record, February 21 & 28, 2023 / LEGAL #: 338352



**Steve Howey and Ginger Gonzaga in "True Lies" Chicago Med**

**KNDU KING 8:00 p.m.**  
 The hospital is in disarray when the janitors go on strike. Marcel (Dominic Rains) treats a young girl injured on her family's farm, a schizophrenic patient returns, and Archer's (Steven Weber) patient seems to have foreign material in her stomach.

**Special Forces: World's Toughest Test**

**KCYU 9:00 p.m.**  
 This "no guts, no glory" test is winding down, but the celebrity recruits shouldn't breathe easy just yet. Inspired by the actual Special Forces selection process, the challenges featured in this series are designed to be the ultimate test of resilience.

**True Lies**

**KIMA KIRO 10:00 p.m.**  
 Inspired by the 1994 film, this new action series makes its long-awaited debut. Bored with her daily routine, Helen Tasker (Ginger Gonzaga) makes the shocking discovery that her husband Harry (Steve Howey) is living a double life as an international spy.

**Classifieds are your ticket to savings!**

**From:** [Adam Osbekoff](#)  
**To:** [Jeremiah Cromie](#)  
**Subject:** RE: LP-23-00001 Thorp Landing - Notice of Application  
**Date:** Tuesday, February 21, 2023 10:51:07 AM

---

**CAUTION:** This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Hello Jeremiah

The Snoqualmie Tribe [Tribe] is a federally recognized sovereign Indian Tribe. We were signatory to the Treaty of Point Elliott of 1855; we reserved certain rights and privileges and ceded certain lands to the United States. As a signatory to the Treaty of Point Elliot, the Tribe specifically reserved among other things, the right to fish at usual and accustomed areas and the “privilege of hunting and gathering roots and berries on open and unclaimed lands” off-reservation throughout the modern-day state of Washington.

Thank you for the opportunity to review and comment. Based on the information provided and our understanding of the project and its APE we have no substantive comments to offer at this time. However, please be aware that if the scope of the project or the parameters for defining the APE change we reserve the right to modify our current position.

Thank you

Adam Osbekoff  
Cultural Resource Compliance Manager  
[adam@snoqualmietribe.us](mailto:adam@snoqualmietribe.us)  
C: 425.753.0388  
9416 384th Ave SE  
PO BOX 969  
Snoqualmie Washington 98065

---

**From:** Jeremiah Cromie <[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)>  
**Sent:** Tuesday, February 21, 2023 10:39 AM  
**To:** Joe Dietzel <[joe.dietzel@co.kittitas.wa.us](mailto:joe.dietzel@co.kittitas.wa.us)>; Kim Dawson <[kim.dawson@co.kittitas.wa.us](mailto:kim.dawson@co.kittitas.wa.us)>; George Long <[long@kittcom.org](mailto:long@kittcom.org)>; 'storch@kittcom.org' <[storch@kittcom.org](mailto:storch@kittcom.org)>; Julie Kjorsvik <[julie.kjorsvik@co.kittitas.wa.us](mailto:julie.kjorsvik@co.kittitas.wa.us)>; Toni Berkshire <[toni.berkshire@co.kittitas.wa.us](mailto:toni.berkshire@co.kittitas.wa.us)>; PublicHealth Inspectors <[PublicHealthInspectors@co.kittitas.wa.us](mailto:PublicHealthInspectors@co.kittitas.wa.us)>; Lisa Lawrence <[lisa.lawrence@co.kittitas.wa.us](mailto:lisa.lawrence@co.kittitas.wa.us)>; Patti Stacey <[patti.stacey@co.kittitas.wa.us](mailto:patti.stacey@co.kittitas.wa.us)>; David Ohl <[david.ohl@co.kittitas.wa.us](mailto:david.ohl@co.kittitas.wa.us)>; Codi Fortier <[codi.fortier@co.kittitas.wa.us](mailto:codi.fortier@co.kittitas.wa.us)>;

**From:** [WSDOT Aviation Land Use Inquiries and Application Submittals](#)  
**To:** [Jeremiah Cromie](#)  
**Subject:** RE: [EXTERNAL] LP-23-00001 Thorp Landing - Notice of Application  
**Date:** Tuesday, February 21, 2023 4:35:00 PM

---

**CAUTION:** This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

M Cromie,

WSDOT reviewed this application on 2/21/23 and found that there are no land use compatibility or airspace issues in relation to local airports. No comments.

Cheers

David Ison, PhD | Aviation Planner  
Airport Land Use Compatibility & Emerging Aviation Technologies  
Washington State Department of Transportation  
[isond@wsdot.wa.gov](mailto:isond@wsdot.wa.gov) C: 360-890-5258

---

**From:** Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>  
**Sent:** Tuesday, February 21, 2023 10:39 AM  
**To:** Joe Dietzel <joe.dietzel@co.kittitas.wa.us>; Kim Dawson <kim.dawson@co.kittitas.wa.us>; George Long <long@kittcom.org>; 'storch@kittcom.org' <storch@kittcom.org>; Julie Kjorsvik <julie.kjorsvik@co.kittitas.wa.us>; Toni Berkshire <toni.berkshire@co.kittitas.wa.us>; PublicHealth Inspectors <PublicHealthInspectors@co.kittitas.wa.us>; Lisa Lawrence <lisa.lawrence@co.kittitas.wa.us>; Patti Stacey <patti.stacey@co.kittitas.wa.us>; David Ohl <david.ohl@co.kittitas.wa.us>; Codi Fortier <codi.fortier@co.kittitas.wa.us>; 'enviroreview@yakama.com' <enviroreview@yakama.com>; 'corrine\_camuso@yakama.com' <corrine\_camuso@yakama.com>; 'jessica\_lally@yakama.com' <jessica\_lally@yakama.com>; 'noah\_oliver@yakama.com' <noah\_oliver@yakama.com>; 'casey\_barney@yakama.com' <casey\_barney@yakama.com>; 'kozj@yakamafish-nsn.gov' <kozj@yakamafish-nsn.gov>; Matthews, Jim <matj@yakamafish-nsn.gov>; 'barh@yakamafish-nsn.gov' <barh@yakamafish-nsn.gov>; Petropoulos, Terra (ECY) <tebu461@ECY.WA.GOV>; White, Lori (ECY) <lowh461@ECY.WA.GOV>; 'FormerOrchards@ecy.wa.gov' <FormerOrchards@ecy.wa.gov>; 'wendy.neet@ecy.wa.gov' <wendy.neet@ecy.wa.gov>; 'crosepa@ecy.wa.gov' <crosepa@ecy.wa.gov>; Carp, Lizzie (ECY) <lcar461@ecy.wa.gov>; Downes, Scott G (DFW) <Scott.Downes@dfw.wa.gov>; Nelson, Jennifer L (DFW) <Jennifer.Nelson@dfw.wa.gov>; Torrey, Elizabeth M (DFW) <Elizabeth.Torrey@dfw.wa.gov>; 'sepa@dahp.wa.gov' <sepa@dahp.wa.gov>; 'jorgenja@cwu.edu' <jorgenja@cwu.edu>; 'nelmsk@cwu.edu' <nelmsk@cwu.edu>; Jeremy Larson <jeremy.larson@co.kittitas.wa.us>; Steph

**From:** [Mau, Russell E \(DOH\)](#)  
**To:** [Jeremiah Cromie](#)  
**Cc:** [Holly Erdman](#); [Smits, Brenda M \(DOH\)](#)  
**Subject:** RE: LP-23-00001 Thorp Landing - Notice of Application  
**Date:** Wednesday, February 22, 2023 9:51:59 AM

---

**CAUTION:** This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Mr. Cromie:

The Department of Health (DOH) Office of Drinking Water (ODW) has the following comment:

- DOH ODW concurs with the applicants statements in the SEPA checklist under “Utilities” that drinking water for the 10 lot development will be provided by a Group B water system that will be submitted to Kittitas County Health for review and approval.

If anyone has any questions or concerns, please contact DOH, thanks,

**Russell E. Mau, PhD, PE**

Regional Engineer

Office of Drinking Water

Washington State Department of Health

16201 East Indiana Avenue, Suite 1500, Spokane Valley, WA 99216

[Russell.Mau@doh.wa.gov](mailto:Russell.Mau@doh.wa.gov)

509-329-2116 | [www.doh.wa.gov](http://www.doh.wa.gov)

---

**From:** Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>

**Sent:** Tuesday, February 21, 2023 10:39 AM

**To:** Joe Dietzel <joe.dietzel@co.kittitas.wa.us>; Kim Dawson <kim.dawson@co.kittitas.wa.us>; George Long <long@kittcom.org>; 'storch@kittcom.org' <storch@kittcom.org>; Julie Kjorsvik <julie.kjorsvik@co.kittitas.wa.us>; Toni Berkshire <toni.berkshire@co.kittitas.wa.us>; PublicHealth Inspectors <PublicHealthInspectors@co.kittitas.wa.us>; Lisa Lawrence <lisa.lawrence@co.kittitas.wa.us>; Patti Stacey <patti.stacey@co.kittitas.wa.us>; David Ohl <david.ohl@co.kittitas.wa.us>; Codi Fortier <codi.fortier@co.kittitas.wa.us>; 'enviroreview@yakama.com' <enviroreview@yakama.com>; 'corrine\_camuso@yakama.com' <corrine\_camuso@yakama.com>; 'jessica\_lally@yakama.com' <jessica\_lally@yakama.com>; 'noah\_oliver@yakama.com' <noah\_oliver@yakama.com>; 'casey\_barney@yakama.com' <casey\_barney@yakama.com>; 'kozj@yakamafish-nsn.gov' <kozj@yakamafish-nsn.gov>; 'matj@yakamafish-nsn.gov' <matj@yakamafish-nsn.gov>; 'barh@yakamafish-nsn.gov' <barh@yakamafish-nsn.gov>; Petropoulos, Terra (ECY) <tebu461@ECY.WA.GOV>; White, Lori (ECY)

**From:** [Connor Armi](#)  
**To:** [Jeremiah Cromie](#)  
**Cc:** [Guy Moura](#)  
**Subject:** Re: LP-23-00001 Thorp Landing - Notice of Application  
**Date:** Thursday, February 23, 2023 4:37:48 PM

---

**CAUTION:** This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Hello Jeremiah Cromie,

This consult is in reference to Long Plat Application – LP-23-00001 *Thorp Landing*. We request any undertakings, particularly those involving ground disturbing activities, to have an IDP in place prior to implementation. This undertaking involves division of plats for the purpose of rural residential development. The Tribal Historic Preservation Officer expects to also see the development plans for these individual parcels throughout their various implementations.

If ground disturbing activities are to be conducted, such as the installation of a septic system or the scraping of a driveway, creation of a concrete pad, a cultural resource surface survey and sub-surface testing of the area in and directly around the proposed ground disturbance are recommended as a surface observation will not be an accurate assessment of the existent potential for sub-surface cultural deposits. Please do so prior to ground disturbing activities. These tests should be to the terminal depth of the implementation to ensure the totality of the presence or absence of cultural material. There are known cultural resources of historic significance nearby and these particular parcels are considered Moderately to Very High Risk for an inadvertent discovery according to the DAHP predictive model. CCT H/A recommends that during implementation there be an inadvertent discovery plan or (IDP) in place to ensure compliance with all Section 106 and relevant cultural resource laws both federally and to the state of Washington.

Thank you for consulting with the Colville Confederated Tribes History and Archaeology Program.

Sincerely,

**Connor Armi | Archaeologist Senior MA, RPA**

**History/Archaeology Program**

Confederated Tribes of the Colville Reservation

PO Box 150 | Nespalem, WA 99155

d: 509-634-2690 | c: 509-631-1131

[connor.armi.hsy@colvilletribes.com](mailto:connor.armi.hsy@colvilletribes.com)

On Tue, Feb 21, 2023 at 10:39 AM Jeremiah Cromie <[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)> wrote:

Good morning,

CDS is requesting comments on the following Long Plat Application: **LP-23-00001 Thorp Landing**. Links to the file materials can be found below. I have attached the Notice of



# KITTTITAS COUNTY FIRE MARSHAL'S OFFICE

411 N. Ruby St., Suite 2, Ellensburg, WA 98926  
Fire Marshal (509) 962-7000 Deputy Fire Marshal (509) 962-7657



February 8, 2023

To: Whom It May Concern

Re:

**Fire Apparatus Access Road** – *Comply with the current edition of the International Fire Code (IFC) Section 503 and Appendix D, Kittitas County Code (KCC) Road Standards Title 12, and the International Wildland Urban Interface Code (IWUIC) Chapter 4. Any areas designating a fire lane shall be marked as such in accordance with the International Fire Code, typically red painted striping, and permanent signage.*

Required

Comments: Any roads or driveways constructed shall comply with the above and any other referenced standards throughout the progress of this project.

**Key Box Required** – *Comply with the current edition of the IFC Section 506 and KCC Title 20. Contact Knox Company (knoxbox.com) and choose a product that will facilitate rapid access to a gated or otherwise restricted areas for the purpose of firefighting and life safety operations. These Knox devices shall be installed near the primary entrance to the property/building and any gates require a permit through the Kittitas County Fire Marshal's Office (KCFMO). This shall be enforced, additionally, to any and all gates installed. Gates shall be installed according to IFC Section 503.5 – 503.6 and KCC Title 20.03.*

Required

Comments: This does not apply if no gates are installed for this project.

**Fire Flow** – *Fire flow is the amount of water required for fire suppression by the fire department/district. This is not related to hydraulic demands related to automatic fire sprinkler systems. Fire flow is determined by the square footage and type of building construction. Fire flow documentation must be provided to the KCFMO previous to final inspection. Fire flow must comply with IFC Appendix B. In cases where buildings/structures do not exist yet, the reference of NFPA 1142, 22, 20, and 24 may be required. This requirement provides for a reduction of the fire flow if the structures are protected with an approved fire sprinkler systems installed in accordance with the IFC Chapter 9.*

Required

Comments: The IFC states the minimum fire flow shall be 1000 gallons per minute for the duration of 1 hour. Please install a water supply system that is capable of this flow rate and separate from any residential water supplies. Please submit the design plans to Community Development Services (CDS) so they can be reviewed/approved by Safebuilt. The code allows for alternate water supplies, such as tanks, and a stand-alone hydrant to suffice so long as the fire flow and rate of delivery are the same.

**Fire Hydrant System** – *When required, the fire hydrant system shall comply with IFC Appendix C and Section 507. Contact the KCFMO to determine hydrant spacing, flow requirements, and discharge port specifications. Depending on the proposed project, the hydrant system may need to comply with sections in NFPA 22, 24, and/or 25. Hydrants systems require a KCFMO permit. If a fire pump is needed to ensure the proper operation of a hydrant system a KCFMO permit is required.*



# KITITAS COUNTY FIRE MARSHAL'S OFFICE

411 N. Ruby St., Suite 2, Ellensburg, WA 98926  
Fire Marshal (509) 962-7000 Deputy Fire Marshal (509) 962-7657



Required

Comments: Please submit system design plans to CDS so they can be reviewed/approved by Safebuilt. Once the water supply is established the KCFMO and the installer shall perform acceptance testing for final inspection. Other inspections may apply and will be notified to the builder/developer based on the plans submitted and approved.

**Fire Alarm System** – *When required, the fire alarm system shall comply with IFC Section 907 and NFPA 72. This will be determined at the review stage and will require monitoring by a base station alarm service and annually serviced by a third party. These systems also require a KCFMO permit.*

Required

Comments:

**Automatic Fire Sprinkler System** – *When required, the automatic fire sprinkler system shall comply with IFC Section 903 and applicable NFPA standards depending on building construction and occupancy types. This will be determined at plan review and shall require a KCFMO Fire Sprinkler Permit. Fire sprinkler systems in commercial occupancies will require annual servicing and inspection from a third-party. Proof of these annual inspections will be required at the commercial occupancy's annual KCFMO Fire and Life Safety Inspection.*

Required

Comments:

**Emergency Responder Radio Coverage System (ERRCS)** – *All commercial level structures/projects are required to have a radio frequency evaluation performed to indicate if an ERRCS shall be required. If that evaluation indicates, the ERRCS shall be installed in accordance with WAC 51-54A-0510, IFC 510, NFPA 72 Chapter 24, and NFPA 1221. These codes and standards provide minimum signal strength requirements inside and outside the structure. If the signal strength does not meet the minimum requirements a consultant may be required to assess if the structure will require an ERRCS. If required, the KCFMO and Kittcom 911 will work collaboratively to ensure the ERRCS is compliant with the above codes and standards.*

Required

Comments:

**Fire Extinguishers** – *Fire extinguishers are required for every 75' of travel and must be mounted so that the top of the extinguisher is no more than 4' above the floor. Fire extinguishers must be serviced annually by a third party inspector and be a minimum of 4lbs and be of type 10:A 20:BC.*

Required

Comments:

**Wildfire Prevention** – *All residential, commercial-residential, and commercial structures will receive a WUIC evaluation upon submission of the Preliminary Site Analysis, unless Pre-Application Approval is granted. Shortly after pre-application approval the KCFMO will perform a WUIC evaluation and attach it to the official comments. The WUIC requirements will comply with the IWUIC.*



# KITTITAS COUNTY FIRE MARSHAL'S OFFICE

411 N. Ruby St., Suite 2, Ellensburg, WA 98926  
Fire Marshal (509) 962-7000 Deputy Fire Marshal (509) 962-7657



Required

Comments:

**Fire and Life Safety Inspection** – *All non-residential projects will receive an initial Fire and Life Safety Inspection in order to acquire certificate of occupancy. Those same projects will receive annual Fire and Life Safety Inspections each year after the initial inspection until the project has been rendered unused. These inspections will be in compliance with the IFC and other applicable NFPA standards.*

Required

Comments:

Thank you for your time.

Deputy Fire Marshal,  
Joseph A Dietzel

February 28, 2023

VIA EMAIL <jeremiah.cromie@co.kittitas.wa.us>  
AND REGULAR U.S. MAIL

**Mr. Jeremiah Cromie, Planner II**  
Kittitas County Community Development Services  
411 Ruby Street  
Ellensburg, WA 98926

Re: *Thorp Landing Long Plat Application (LP-23-00001)*  
*West Side Irrigating Company Public Comment*

Dear Mr. Cromie:

This firm represents West Side Irrigating Company (“WSIC”), which delivers irrigation water to farm and residential lands in Kittitas County. WSIC’s authorized service area includes the entirety of the proposed Thorp Landing project under the above-referenced Long Plat Application (the “Project”). WSIC takes no formal position concerning the Project, acknowledging that much of Kittitas County’s traditional rural and agricultural lands are transitioning toward residential and mixed-use purposes. WSIC’s sole concern in this case is to remind the Project proponent and County representatives that WSIC holds and intends to exercise rights as a designated “irrigation entity” under the County Code to ensure that appropriate arrangements are in place for efficient delivery of WSIC water to reconfigured parcels within the Project.

We previously provided similar comments in connection with the predecessor Comp Plan Amendment and Re-Zone Applications for the Project. This letter includes updates and clarifications concerning subdivision-related requirements under amended WSIC By-Laws.

### Background

As noted above, the Project lies wholly within WSIC’s service area and authorized places of use under its adjudicated mainstem Yakima River water rights. WSIC’s river diversion lies upstream of the Project, from which irrigation supply water is transported via the WSIC Main Canal in a generally southeasterly direction. Project lands are currently served by two turnouts on the Main Canal – Headgate Nos. 12 and 18. The subject Long Plat Application contemplates ten lots, ranging in size from approximately five to 8.66 acres in size.

### KCC Requirements

Chapter 16.18 of the County Code includes provisions for the orderly system of providing irrigation water to property served by designated irrigation entities (including WSIC), which is undergoing parcel creation or reconfiguration under Title 16. KCC 16.18.010 - .020. For such projects, the project proponent must “provide a water delivery system together with rights-of-way to each lot created by the parcel creation entitled to receive irrigation water. The parcel creation shall also provide for easements or rights-of-way from the water source to the water delivery system.” KCC 16.18.030. Further, the proposed project water delivery infrastructure “shall not impair the rights or uses of downgradient water owners or users,” who are to be consulted in connection with the design of such infrastructure. *Id.* As a condition of final plat or similar, final land use change approvals, the affected irrigation entity is entitled to submit a certificate, confirming that proposed irrigation delivery systems and access/easement rights are sufficient for continuing irrigation delivery to all lands and otherwise consistent with the irrigation entity’s requirements. KCC 16.18.035.

Finally, Chapter 16.18 requires the owners of platted or otherwise reconfigured lands to appoint a single representative for purposes of communicating with irrigation entities. Without limitation, such communication routinely concerns installation of water delivery systems linking irrigation entity headgates and end-user lands, as well as aggregated water volumes required from time to time by end users served by particular headgates.

#### WSIC Bylaws Regarding Water Deliveries

WSIC’s stockholders recently amended Article V (Regulations for Distributing Water) of the organization’s By-Laws, which include special requirements for WSIC lands affected by development and subdivision of parcels. By-Laws provisions relevant to the Project include the following:

- Any stockholder, or other person or organization on behalf of a stockholder, who undertakes any subdivision or reconfiguration of parcels within the WSIC service area must construct an adequate water transmission system, including appropriate easements or rights-of-way therefor, to allow irrigation water delivery to each newly created or reconfigured lot. In connection therewith, the development proponent must provide WSIC and the County with adequate drawings or surveys, showing elevations, the location(s) of anticipated new parcels and the routing of the proposed irrigation delivery system across WSIC lands.
- Newly proposed irrigation facilities must not impair the rights or uses of downgradient water owners or users, who shall be consulted in connection with the system design.
- Only following confirmation that the newly proposed irrigation facilities are adequate in all respects for continuing irrigation water delivery to affected WSIC lands will the WSIC Board of Trustees (“Board”) or its designee provide written certification thereof to the County.

- Owners of all subdivided lands receiving WSIC water through a common headgate must appoint a single representative for purposes of communicating with WSIC and its Ditch Supervisor on all matters concerning irrigation water deliveries. WSIC will encourage landowners to formally organize as a water users' association or similar entity, through which they may conclusively determine their relative rights and obligations concerning water deliveries; collection and remittance of WSIC assessments and charges; the operation and maintenance of irrigation facilities beyond the WSIC headgate; and other matters of mutual interest or concern.
- Following final County subdivision approval, the Board will reapportion and reallocate WSIC stock to each newly configured parcel at the ratio of one-half share per irrigable acre (subject to a one-acre minimum share ownership and assessment requirement). In connection therewith, WSIC will require the surrender of all shares of stock appurtenant to the subdivided lands and will reissue shares in the names of then-current owners of affected property, who will remain individually liable for the payment of assessments and other charges.
- If one or more stockholders of subdivided lands become delinquent in the payment of WSIC assessments, the Ditch Supervisor will reduce deliveries to the affected WSIC headgate in proportion to the delinquency, with affected stockholders (through their water users' association or otherwise) being responsible for allocating reduced deliveries to paid-up lands only.

### Summary and Conclusion

As stated above, WSIC has no formal objection to the Project. We provide these comments on behalf of WSIC solely to ensure that affected parties understand and intend to comply with irrigation-related requirements under the above-discussed County and WSIC authorities.

If there are any immediate questions or concerns in connection with the above comments, please contact the undersigned. Otherwise, Mr. Kirk Riegel, who serves as WSIC's Secretary, will be pleased to consult further with the Project proponent and/or with County representatives concerning WSIC's irrigation water delivery requirements as a condition on final Long Plat approval under KCC 16.18.030 -.035.

Very truly yours,

HALVERSON | NORTHWEST LAW GROUP P.C.



Paul C. Dempsey

cc: (via email only)

Mr. Kirk Riegel, West Side Irrigating Company  
Lawrence E. Martin, Esq.  
Mark Cook, Public Works  
Kelee Hodges, Public Works  
Josh Fredrickson, Public Works  
Arden Thomas, Water Resource Manager  
Dan Carlson, Community Development Services  
Kelly Bacon, Community Development Services

**From:** [Mau, Russell E \(DOH\)](#)  
**To:** [Jeremiah Cromie](#); [Holly Erdman](#)  
**Cc:** [Smits, Brenda M \(DOH\)](#); [Lucy Garcia](#); [Joseph Rainwater](#); [Jesse Cox](#)  
**Subject:** RE: LP-23-00001 Thorp Landing - Notice of Application  
**Date:** Wednesday, March 1, 2023 8:56:22 AM  
**Attachments:** [image001.png](#)

---

**CAUTION:** This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Mr. Cromie:

While the applicant's proposal appears to generate two Group B water systems, the extraction of water for both wells would be considered a "project" and the combined groundwater extraction would need to be evaluated as a total. As an example and clarification regarding the implication of "project", if the applicant does not have any water rights, then the total quantity of groundwater that can be extracted (or pumped) from the ground, on any single day, is a single exempt well limit of 5,000 gallons. The applicant would not gain two exempt well limits simply because the "project" is split into two pieces.

I provide this caution – the applicant should contact the Department of Ecology for confirmation and guidance.

As for Group B water systems, if the applicant is able to proceed with an expanding Group B and a second Group B, then Kittitas County Health would administer the approval of the two.

If anyone has any questions, please contact DOH, thanks,

**Russell E. Mau, PhD, PE**

Regional Engineer

Office of Drinking Water

Washington State Department of Health

16201 East Indiana Avenue, Suite 1500, Spokane Valley, WA 99216

[Russell.Mau@doh.wa.gov](mailto:Russell.Mau@doh.wa.gov)

509-329-2116 | [www.doh.wa.gov](http://www.doh.wa.gov)

---

**From:** Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>

**Sent:** Wednesday, March 1, 2023 8:36 AM

**To:** Mau, Russell E (DOH) <Russell.Mau@DOH.WA.GOV>; Holly Erdman <Holly.erdman@co.kittitas.wa.us>

**Cc:** Smits, Brenda M (DOH) <brenda.smits@doh.wa.gov>; Lucy Garcia <lucy.garcia@co.kittitas.wa.us>; Joseph Rainwater <joseph.rainwater@co.kittitas.wa.us>; Jesse Cox

<jesse.cox@co.kittitas.wa.us>

**Subject:** RE: LP-23-00001 Thorp Landing - Notice of Application

External Email

Russell and Holly,

The applicant explains this (see screenshot below) in their attached SEPA that was submitted with their application materials under Item 3. Water(b)(1). They are wanting to use the existing Group B well (original approval attached) to serve 2 lots in the new plat. My understanding with this after talking to Health would require approval of expansion for the group B well since it was only approved for 6 connections. The other 8 lots of the 10 lot proposed plat would be served by a new Group B well system and both systems would all be under County Health jurisdiction. Please let me know if you have further questions and any updated comments need to be submitted by 5 PM on March 9, 2023. Thanks!

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

**Currently there is an approved and operating Group B water system serving lots (See Exhibit # 10). This existing system will serve two (2) lots of the proposed plat. The existing well is located on proposed lot 10 of this proposal. The remaining lots will be served by a new Group B water system. The well for this new system will be located on Lot 7 of this proposed plat and will serve the remaining 8 lots. This system will be designed and reviewed and approved by Kittitas County.**

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [\[help\]](#)

**Each lot would contain its own individual septic system for a total of 10 septic systems for this proposal. Each individual septic system would be designed to the appropriate number of bedrooms within each residence. These individual septic systems could vary from pressurized systems to gravity systems, all of which would be approved through the Kittitas County Department of Environmental Health.**

Jeremiah Cromie  
Planner II  
Kittitas County  
Community Development Services  
411 N. Ruby Street; Suite 2  
Ellensburg, WA 98926  
Office: 509-962-7046  
[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)

---

**From:** Mau, Russell E (DOH) <[Russell.Mau@DOH.WA.GOV](mailto:Russell.Mau@DOH.WA.GOV)>

**Sent:** Thursday, February 23, 2023 9:01 AM

**To:** Holly Erdman <[Holly.erdman@co.kittitas.wa.us](mailto:Holly.erdman@co.kittitas.wa.us)>; Jeremiah Cromie <[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)>

**Cc:** Smits, Brenda M (DOH) <[brenda.smits@doh.wa.gov](mailto:brenda.smits@doh.wa.gov)>

**Subject:** RE: LP-23-00001 Thorp Landing - Notice of Application

**CAUTION:** This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Holly and Jeremiah:

I should probably have re-reviewed the submittal, but is this for a stand-alone development consisting of a 10 connection water system or is it being added to the existing "Thorp Landing" water system to generate a 16 connection water system?

If you have that information, please let me know, thanks,

**Russell E. Mau, PhD, PE**

Regional Engineer

Office of Drinking Water

Washington State Department of Health

16201 East Indiana Avenue, Suite 1500, Spokane Valley, WA 99216

[Russell.Mau@doh.wa.gov](mailto:Russell.Mau@doh.wa.gov)

509-329-2116 | [www.doh.wa.gov](http://www.doh.wa.gov)

---

**From:** Holly Erdman <[Holly.erdman@co.kittitas.wa.us](mailto:Holly.erdman@co.kittitas.wa.us)>

**Sent:** Wednesday, February 22, 2023 1:25 PM

**To:** Mau, Russell E (DOH) <[Russell.Mau@DOH.WA.GOV](mailto:Russell.Mau@DOH.WA.GOV)>; Jeremiah Cromie <[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)>

**Cc:** Smits, Brenda M (DOH) <[brenda.smits@doh.wa.gov](mailto:brenda.smits@doh.wa.gov)>

**Subject:** RE: LP-23-00001 Thorp Landing - Notice of Application

External Email

Thorp Landing was approved for 6 connections. Per our JPR with DOH we don't approve above 9 connections at the county level so they would need to work with you for a system of 10.

---

**From:** Mau, Russell E (DOH) <[Russell.Mau@DOH.WA.GOV](mailto:Russell.Mau@DOH.WA.GOV)>

**Sent:** Wednesday, February 22, 2023 9:52 AM

**To:** Jeremiah Cromie <[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)>

**Cc:** Holly Erdman <[Holly.erdman@co.kittitas.wa.us](mailto:Holly.erdman@co.kittitas.wa.us)>; Smits, Brenda M (DOH)



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Central Region Office  
1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

March 7, 2023

Jeremiah Cromie  
Kittitas County  
411 N. Ruby St., Suite 2  
Ellensburg, WA 98926

**RE: 202300783, LP-23-00001**

Dear Jeremiah Cromie:

Thank you for the opportunity to comment on the Notice of Application for the Thorp Landing Plat. We have reviewed the application and have the following comment.

**WATER RESOURCES**

In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, up to 5,000 gallons per day used for industrial purposes, stock watering, and for the irrigation of up to one-half acre of non-commercial lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.

If you have any questions or would like to respond to these Water Resources comments, please contact Christopher Kossik at (509) 379-1826 or email at [christopher.kossik@ecy.wa.gov](mailto:christopher.kossik@ecy.wa.gov).

Sincerely,

*Lucila Cornejo*

Lucila Cornejo  
SEPA Coordinator  
Central Regional Office  
(509) 208-4590  
[crosepacoordinator@ecy.wa.gov](mailto:crosepacoordinator@ecy.wa.gov)



STATE OF WASHINGTON  
WASHINGTON STATE PARKS AND RECREATION COMMISSION  
PARKS DEVELOPMENT SERVICE CENTER

270 9<sup>th</sup> Street N. E., Suite 200, East Wenatchee, Washington 98802 \* (509) 665-4343 \* Fax (509) 886-6232  
Internet Address: <http://www.parks.wa.gov>  
TDD (Telecommunications Device for the Deaf): (360) 664-3133

March 8, 2023

Jeremiah Cromie  
Planner II  
Kittitas County, Community Development Services  
411 N. Ruby St; Suite 2  
Ellensburg, WA 98926

**RE: LP-23-00001 Thorp Landing - Notice of Application**

Dear Mr. Cromie,

The Washington State Parks and Recreation Commission (State Parks) appreciates the opportunity to offer comments on the Long Plat Application: LP-23-00001 Thorp Landing to develop a 10-lot plat (subdivision) on 2 parcels in Kittitas County, Washington. We offer these comments as an adjacent property owner of the public recreational facility known as the Palouse to Cascades State Park Trail. Please enter these comments into the public record.

We have reviewed the subject proposal and request that the following conditions be made part of the permit for this proposal, if approved, in order to mitigate potential adverse effects of the development.

1. Potential Adverse Impact: Trespass

Mitigation Measure: The project proponent should be responsible for professionally surveying, marking, and recording of the common property line. State Parks is requesting a copy of the survey be provided for records.

2. Potential Adverse Impact: Trespass, dumping, uncontrolled access, and indiscriminate use

Mitigation Measure: If the project proponent needs to access State Park land, either temporarily or permanently, the project proponent will need to apply for and obtain legal easement for access. Contact State Parks' Lands Agent, Ken Graham (360) 902-8680.

3. Potential Adverse Impact: Impacts to recreation during construction

Mitigation Measure: State Parks is concerned with public safety during construction. Provide construction plans and any public safety measures that will be used during construction.

4. Potential Adverse Impact: Noise, light, glare, natural resources

Mitigation Measure: Provide development setbacks or other protection measures to protect the existing mature vegetation and associated root systems that exist along the common property line.

Submit plans immediately for review and approval and incorporate Parks comments into the project as necessary.

5. Potential Adverse Impact: Stormwater discharge

Mitigation Measure: Grade, shape or otherwise contour the project to prevent stormwater from discharging onto State Parks property.

If you have any questions concerning the above comments, please contact me at (509) 847-8889 or Eric.Jazdzyk@parks.wa.gov

Sincerely,



Eric Jazdzyk  
Eastern Region Park Planner

Cc: Ken Graham, Lands Program Property and Acquisition Specialist  
Scott Griffith, Southeast Region Operations Manager  
John Ernster, Central Cascades Area Manager  
Brian Patnode, Construction Project Coordinator  
Chelsea Harris, Environmental Planner



*To Protect and Promote the Health and the Environment of the People of Kittitas County*

## Subdivision Comments

To: Kelly Bacon, CDS Planner 1  
From: Holly Erdman, Environmental Health Specialist 2  
Date: 1/12/2022  
RE: SPF-XX-000XX Connor Short Plat

---

Thank you for the opportunity to comment on the above-mentioned project regarding water and septic requirements to comply with Kittitas County Public Health Department's Water Resources and Environmental Health requirements.

### Findings

#### On Site Sewage

##### Finding 1

Any on-site septic systems that are to be utilized for wastewater management must adhere to the standards set by both the Washington Administrative Code, and Kittitas County Code. In accordance with KCC 13.04.090, a minimum of one soil log for each proposed lot where individual sewage disposal systems are contemplated must be completed. If community drain fields are to be utilized, soil logs must be done in the proposed locations of each(See Conditions A-2).

#### Water

##### Finding 1

The existing Group B water system must be approved and expanded to serve 2 of the proposed lots of this plat prior to final plat signature.

The proposed Group B water system must have a well drilled and a Group B water system approved to be able to serve 8 connections with a public water system ID# issued prior to obtaining final plat signature.



*To Protect and Promote the Health and the Environment of the People of Kittitas County*

<b>B</b>	<b>Final Plat Review &amp; Recording (Prior to Final Plat Approval)</b>
----------	---

Soil logs were done on each proposed lot.

Group B water system expansion must be applied for the existing 6 connection Group B and expanded to serve 2 more lots.

For remaining 8 lots, a Group B water system must be approved with a state identification number issued prior to obtaining final plat signature.

Kittitas County Community Development Services  
411 N Ruby Street, Suite 2  
Ellensburg, WA 98926

To whom it may concern,

I am writing this letter in response to the application for Large Plat submitted by Thorp Landing (LP 23-00001) and the environmental impacts this proposal will have on the current land, adjacent lands, and the community.

In the SEPA checklist submitted, under section three (water), subsection c (water runoff) question 3, the applicant indicated that there are no known drainage issues that could be affected by subdividing parcel 443233 into 10 five acre parcels. This is incorrect as there are numerous natural springs and historic wooden and cement tile drains across many sections of the proposed large plat, including a recorded irrigation easement. See exhibit A for details on locations for drains and easements. Under section three (water) subsection (water runoff) item d, regarding measures to reduce or control impacts to surface, ground, or water patterns in the proposed plat, the applicant states no measures are needed. If no measures are being implemented to reduce impacts, then historic drains and springs will potentially be harmed or destroyed, altering the intended flow of these waters. In addition, impacts to these drainages will affect land owners who have the right to said waters not to mention easements.

The landowner has already exhibited lack of responsibility in protecting these waterways. On May 16 2022, the landowner attempted to drain irrigation water from said lands. While doing this, the landowner dug in the area of perennial spring C (exhibit A) severing the drain pipe and creating siltation issues downstream and draining surface water and groundwater into a ditch on the adjacent landowner (see pictures 3 & 4. On November 27, 2022, the landowner yet again showed lack of responsibility in protecting waterways when he got his dozer stuck while attempting to dig in the area of perennial spring B (see exhibit A) See attached image (Image 1). Through these acts, it is apparent that the landowner has no regard to implementing measures that protect these springs, drainages, and water rights.

Exhibit B and C outlines the historical significance and legal rights to said waters. On June 23, 1919, Ruth Mason was awarded an easement corresponding to perennial spring C for water associated with parcel 735836 as shown in exhibit A in civil cause no. 5696, recorded in docket 23, page 618, of the right to go upon the lands of John A. Yearwood (see exhibit B). Exhibit B also outlines the right and easement to John Newman, by deed dated November 1, 1913, recorded in book 44 of deeds, page 365, with the right to use all the drain water flowing from and through four blind ditches and flowing into one main blind ditch, all on the northwest quarter of the southeast quarter of said section 11, all of which water passes from said land upon and to the northeast quarter of the southeast quarter of said section 11 at a point at about 150 feet south of the center of the division line between the northwest quarter of the southeast quarter and the northeast quarter of the southeast quarter of the said section. See exhibit C for the official deed for water associated with perennial spring B outlined on exhibit A.

In the wetlands and stream critical areas report, performed on May 10, 2022 and accepted as a viable report by Kittitas County, it failed to meet the standards outlined in critical areas studies and failed to

highlight perennial springs throughout the properties that have rights dating back to as early as 1913. The study states “it is concluded that the sole reason wetland vegetation is present within the study area is **probably** due to ongoing irrigation practices.” The term “probably” indicates that the conclusion is “likely” and it appears that adequate research was not performed by the firm, “GG Environmental”, and the site analysis was sub-par. In the pictures submitted in the critical areas study, pictures 1, 4, 5, and 6, show adjacent lands irrigation infrastructure which does not show the true critical areas, and rather defers that the issue lies in that the wetlands are created through irrigation practices. These structures are all located down gradient from the critical areas and perennial spring locations. It is also stated that “The development of hydric soil indicators can be inhibited where soils are well drained, and water moves quickly through the soil profile. The lack of hydrology source during the sample location demonstrates that water infiltrates quickly into the upper 12-16 inches of the soil profile.” Where was this sample location taken at? If irrigation water is the true source creating the wetlands, then why on March 8, 2023 (see picture 2, 5 and 6) attached) in the area of perennial springs B and C, water is running on the surface and through drain pipes indicating these wetlands are indeed created by perennial springs (running year round) and not irrigation water. It is impossible for these areas to have been created by irrigation water and still have water present when the irrigation canal has been shut off since October 15, 2022. Obviously, a firm with a high level of expertise would have noticed with basic site analysis and research that these areas were not created by irrigation water, but by perennial springs. Since a wetland was not properly identified in the original study on May 10, 2022, an adequate and or proper Eastern Washington Wetlands rating was not given thus not identifying proper setbacks and buffer zones associated with the wetland areas. In addition, according to the Kittitas County GIS Map, the area of perennial spring C is listed within a wetlands area, but this study indicates that it is not a wetlands.

Exhibit D indicates the locations of documented springs with the Department of Ecology and lands that have the rights to such water. Spring 1971#2 and 2046 lie within the Perennial Spring C as outlined in exhibit A. Springs 4817#1 and 4817#2 lie within Perennial Spring B. In addition, in exhibit A, perennial Spring A provided drinking water to landowners in the main part of the Thorp Community and was associated with parcel 025933 until transfer of rights. These springs and the rights to this water correspond to the shaded areas in exhibit D. As you can tell, and based off of DOE documentation, the current land owners have no right to use any water associated with these perennial springs, nor do any future owners have the right to use these waters for irrigation, stock, or to divert or obstruct waterways for prescribed/documented easements as outlined in RCW 90.03.410.

**RCW 90.03.410 Crimes against water code—Interference with works—Wrongful use of water—Property destruction—Penalty.**

(1) Any person or persons who shall willfully interfere with, or injure or destroy any dam, dike, headgate, weir, canal or reservoir, flume, or other structure or appliance for the diversion, carriage, storage, apportionment, or measurement of water for irrigation, reclamation, power, or other beneficial uses, or who shall willfully use or conduct water into or through his or her ditch, which has been lawfully denied him or her by the water master or other competent authority, or shall willfully injure or destroy any telegraph, telephone, or electric transmission line, or any other property owned, occupied, or controlled by any person, association, or corporation, or by the United States and used in connection

with said beneficial use of water, shall be guilty of a misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of property destruction and shall incur the penalties set forth in \*RCW [9.61.070](#).

(2) Any person or persons who shall willfully or unlawfully take or use water, or conduct the same into his or her ditch or to his or her land, or land occupied by him or her, and for such purpose shall cut, dig, break down, or open any headgate, bank, embankment, canal or reservoir, flume, or conduit, or interfere with, injure, or destroy any weir, measuring box, or other appliance for the apportionment and measurement of water, or unlawfully take or cause to run or pour out of such structure or appliance any water, shall be guilty of a misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of property destruction and shall incur the penalties set forth in \*RCW [9.61.070](#).

(3) The use of water through such structure or structures, appliance or appliances hereinbefore named after its or there having been interfered with, injured or destroyed, shall be prima facie evidence of the guilt of the person using it.

In addition, drainages and easements are clearly identified on the preliminary plat map updated 1-25-23 that was submitted by Thorp Landing. The drainage which corresponds with perennial spring B on exhibit A, and the Fudacz irrigation easement, also outlined in exhibit A, cannot be altered as outlined in RCW 64.04.175. In addition, proper setbacks must be enforced, and current lots do not line up to provide setbacks nor do they provide adequate protection for such easements.

RCW 64.04.175 Easements established by dedication—Extinguishing or altering. Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement. [1991 c 132 § 1.]

Westside Irrigation Company also submitted written comments regarding transfer of shares and that bylaws indicate that shares and water will not be provided to lots without a proper plan approved for the delivery of water and disbursement of tail waters without affecting downgradient landowners. As outlined in WSIC bylaws and included in the comments dated February 28, 2023.

“Any stakeholder, or other person or organization on behalf of a stockholder, who undertakes any subdivision or configuration of parcels within the WSIC service area must construct an adequate water transmission system, including appropriate easements or right-of-way, therefor, to allow irrigation water delivery to each newly created or reconfigured lot. In connection therewith, the development proponent must provide WSIC and the County with adequate drawings or surveys, showing elevations, the location(s) of anticipated new parcels and the routing of the proposed irrigation delivery across WSIC lands.

Based on RCW 58.17.310, without these approved plans for an irrigation transmission system, the local jurisdiction shall not approve any such plat or subdivision without these plans submitted. At this point, the application is missing adequate plans to address irrigation water transmission.

(1) Whenever a city, town, or county receives an application for the approval of a plat of a subdivision that lies in whole or in part in an irrigation district organized pursuant to chapter [87.03](#) RCW, the responsible administrator shall give written notice of the application, including a legal description of the short subdivision and a location map, to the irrigation district. The irrigation district shall, after

receiving the notice, submit to the responsible administrator who furnished the notice a statement with any information or conditions for approval that the irrigation district deems to be necessary regarding the proposed division's effect upon the structural integrity, including lateral support, of the irrigation district facilities, other risk exposures, and the safety of the public and irrigation district.

(2) In addition to any other requirements imposed by the provisions of this chapter, the legislative authority of any city, town, or county shall not approve a short plat or final plat, as defined in RCW [58.17.020](#), for any subdivision, short subdivision, lot, tract, parcel, or site which lies in whole or in part in an irrigation district organized pursuant to chapter [87.03](#) RCW unless there has been provided an irrigation water right-of-way for each parcel of land in such district. In addition, if the subdivision, short subdivision, lot, tract, parcel, or site lies within land within the district classified as irrigable, completed irrigation water distribution facilities for such land may be required by the irrigation district by resolution, bylaw, or rule of general applicability as a condition for approval of the short plat or final plat by the legislative authority of the city, town, or county. Rights-of-way shall be evidenced by the respective plats submitted for final approval to the appropriate legislative authority.

In addition, West Side Irrigation Company outlines in their bylaws the following:

Newly proposed irrigation facilities must not impair the rights of users of downgradient water owners or users, who shall be consulted in connection with the system design.

Currently, downgradient landowners have no obligation nor do the property owners of parcel 443233 have the right to drain tail water into the ditch or property of parcels 725836 and 735836.

In addition, the Fire Marshal has indicated that a fire suppression/hydrant system will be required for this large plat. Again, waters associated with the perennial springs on this property will not and cannot be used to provide water flow for fire suppression systems, as this landowner does not have rights to use or obstruct this water.

In conclusion, it is apparent that this land has numerous water related issues associated and these issues have not been properly addressed and plans have not been provided on how mitigation will occur to protect landowner water rights, irrigation easements, drains, prescribed easements, and critical areas within the land.

Thank you,



David & Lyla Fudacz, 9741 N Thorp Highway, Thorp, WA 98946



Jarred Fudacz, 9743 N Thorp Highway, Thorp, WA 98946



Ryan Fudacz, 530 Goodwin Road, Thorp, WA 98946



Photo 1: November 27, 2022 – Stuck in the area of perennial spring B drainage.



Photo 2: March 8, 2023 - Area in perennial spring B drainage sitting with surface water in the area that was disturbed in November 2022.



Photo 3: May 16, 2022 – Siltation issues occur downstream after digging in perennial spring C area and diverting groundwater to surface water.



Photo 4: May 18, 2022 Diversion of surface water into ditch on parcel 735836 after disturbing perennial spring C drainage as outline in exhibit A.

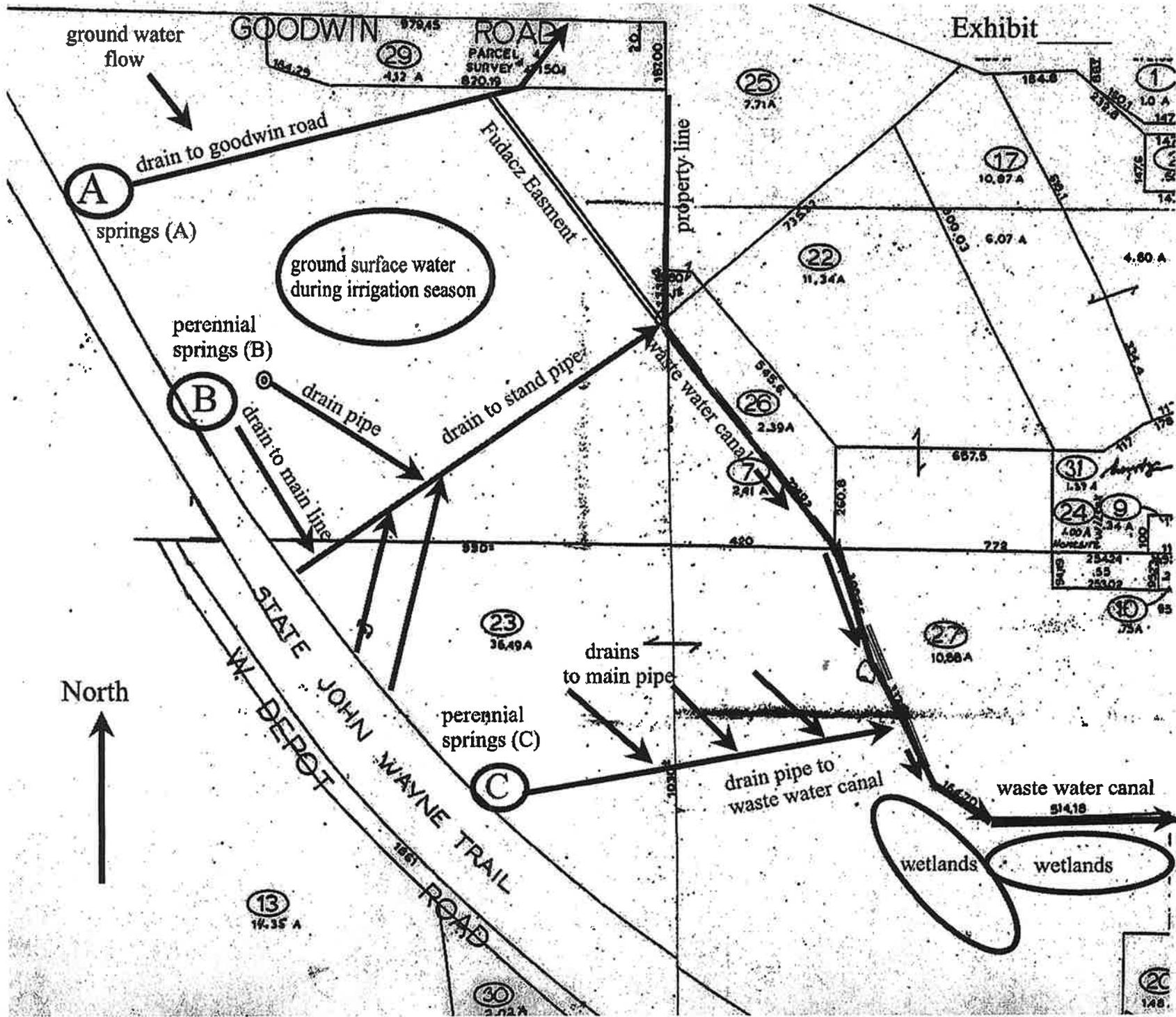


*March 8, 2023*

Photo 5 : Open ditch running water on surface ditch from perennial spring C area.



Photo 6 : open ditch running on March 8, 2023 in the area of perennial spring C drainage



Exhibit

1. AN EASEMENT AWARDED TO RUTH MASON IN CIVIL CAUSE NO. 5696, BY DECREE ENTERED JUNE 23, 1919; AND RECORDED IN DOCKET 23, PAGE 618, OF THE RIGHT TO GO UPON THE LANDS OF JOHN A. YEARWOOD, BEING THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 11, AND OPEN UP AND MAINTAIN ANY SURFACE DITCHES OR CHANNELS, FOR THE PURPOSE OF RECEIVING FROM CERTAIN SPRINGS ON THE LANDS OF SAID YEARWOOD, NOT TO EXCEED TEN INCHES WATER MINERS MEASURE, UNDER FOUR INCH PRESSURE. PREFERENCE TO THE RECORD OF SAID DECREE IS HEREBY MADE FOR FURTHER PARTICULARS.
  
2. AN EASEMENT GRANTED TO JOHN NEWMAN, BY DEED DATED NOVEMBER 1, 1913, RECORDED IN BOOK 44 OF DEEDS, PAGE 365, WITH THE RIGHT TO THE USE OF ALL THE DRAIN WATER FLOWING FROM AND THROUGH FOUR BLIND DITCHES AND FLOWING INTO ONE MAIN BLIND DITCH, ALL ON THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 11, ALL OF WHICH WATER PASSES FROM SAID LAND UPON AND TO THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 11 AT A POINT AT ABOUT 150 FEET SOUTH OF THE CENTER OF THE DIVISION LINE BETWEEN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION. REFERENCE TO THE RECORD OF SAID INSTRUMENT IS HEREBY MADE FOR FURTHER PARTICULARS.
  
3. AN EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES, DELINEATED ON THE FACE OF, OR DEDICATED BY, SURVEY.
 

FOR	: IRRIGATION DITCH
AFFECTS	: A PORTION OF SAID PREMISES, ALL AS SHOWS ON SAID SURVEY
SURVEY	: VOLUME 12 PAGES 2 AND 3.

END OF EXHIBIT "1"

DEED RECORD---No. 44

365

EXC

RECORDING No. 103521

M.B.  
M.H.

FROM  
 JOHN YEARWOOD, ET UX  
 TO  
 JOHN NEWMAN

Filed for record in the Auditor's office of Kittitas County,  
 Wash., at the request of J. R. Newman  
 on the 19th day of Dec. 19 30  
 at 25min. past 3 P. M.  
 Beaumont Apple  
 Auditor of Kittitas County, Wash.  
 By Margaret Burns Deputy

**This Indenture**, Made the 1st day of November A. D. one thousand nine hundred thirteen  
 by and between J. A. Yearwood and Ettymay Yearwood his wife  
 of Thorp, County of Kittitas, in the State of Washington, grantors, parties of the  
 first part, and John Newman  
 of the County of Kittitas, in the State of Washington, grantee, party of the second part:  
 WITNESSETH, That the said parties of the first part, for and in consideration of the sum of

one..... Dollars,  
 to him paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents,  
 GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM, unto the said parties of the second part, his heirs and  
 assigns, the following described lots, tracts or parcels of land lying and situate in the County of Kittitas and  
 State of Washington, to-wit: All of the drain water flowing from and through four blind ditches  
 and flowing into one main blind ditch all on the Northwest quarter of the South East  
 quarter of Section eleven Township eighteen north, Range seventeen E.W.M. all of which  
 water passes from said land upon and to the North east quarter of the Southeast quarter  
 of said section II in Township 18 North, Range 17 E.W.M. at a point about 150 feet south  
 of the center of the division line between the Northwest quarter of the southeast quarter  
 and the Northeast quarter of the Southeast quarter of said section township and range.  
 The parties of the first part has the right to shut down the gates in said blind  
 ditches at any time to irrigate the Northwest quarter of the southeast quarter of said  
 section township and range.

It is intended by this conveyance to convey to second parties all the water flowing  
 through said main blind ditch and party of the first part does not guarantee the per-  
 manency of any certain amount of water.

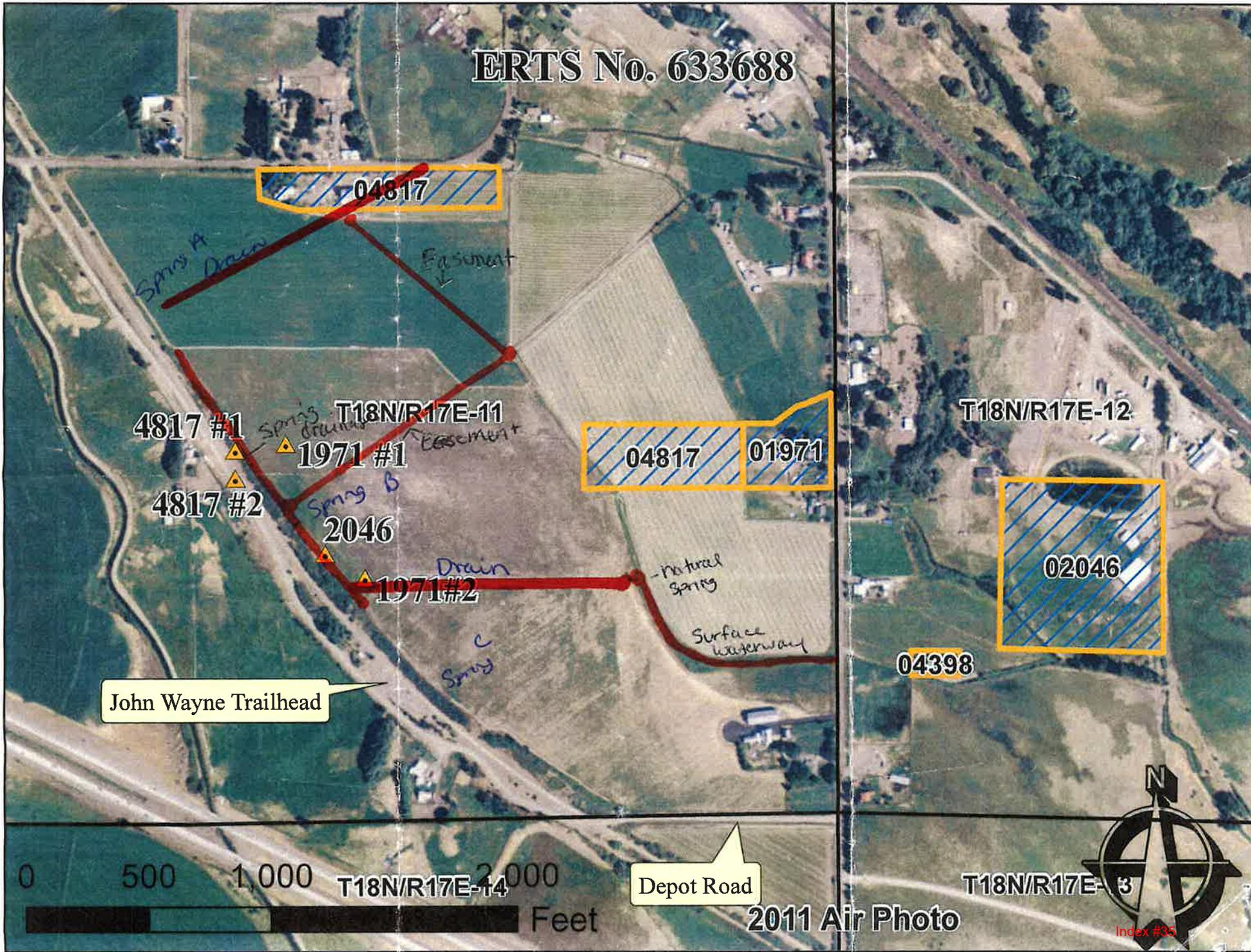
TO HAVE AND TO HOLD, the premises aforesaid, with all and singular the rights, appurtenances and immunities there-  
 unto belonging, or in anywise appertaining, unto the said party of the second part, and unto his heirs and  
 assigns, forever; the said J. A. and Ettymay Yearwood hereby covenanting that they are lawfully  
 seized of an indefeasible estate in fee, in the premises herein conveyed; that they have good right to convey the same;  
 that the said premises are free and clear of any incumbrances done or suffered by them or those under whom they  
 claim and that they will WARRANT AND DEFEND the title to the said premises unto the said  
 party of the second part, and unto his heirs and assigns, FOREVER, against the lawful claims and demands  
 of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand and seal  
 this 1st day of November, A. D. 1913  
 Signed, Sealed and Delivered in Presence of  
 J. A. Wilcox  
 John Yearwood (Seal)  
 Ettymay Yearwood (Seal)

STATE OF WASHINGTON, }  
 County of Kittitas. } ss. THIS CERTIFIES, that on this 4th day of November, A. D.  
 one thousand nine hundred thirteen, before me, the undersigned, Notary Public  
 in and for said County and State, personally appeared the within named John Yearwood and Etta May Yearwood  
 whose names are subscribed to the foregoing  
 instrument as parties thereunto, personally known to me to be the individual s described in, and who executed the with-  
 in DEED, and acknowledged that they executed the same freely and voluntarily, and for the uses and purposes therein  
 mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate  
 first above written.  
 (Notary Seal) J. A. Wilcox

# ERTS No. 633688



**From:** [Erinn Boitano](#)  
**To:** [Jeremiah Cromie](#)  
**Cc:** [Johnny Boitano](#)  
**Subject:** comments for THORP LANDING PLAT  
**Date:** Thursday, March 9, 2023 3:01:14 PM

---

**CAUTION:** This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

To Whom It May Concern:

As residents and adjacent neighbors to the proposed Thorp Landing Plat we have many concerns.

The current lots proposed were recently rezoned in our opinion incorrectly due to the fact that they are inside flood areas. With that being said they were indeed rezoned but careful consideration should be taken because many of the proposed lots are in a flood plane.

Most nearby residents do not have deep wells and adding 10 more homes plus the other newly approved 7 will most definitely have a negative effect on our aquafer which will then lead to residents needing to dig deeper wells.

Adding 10 more septic systems (17 if you include the other newly approved lots) and greatly increased infrastructure could potentially lead to well contamination. In the summer everyone flood irrigates which brings the water table to a very high level in this area which will easily carry contaminates to not only our aquafer but nearby streams.

By adding 10 more building lots that each include homes, shops, roads and such, they will negatively affect the surface water and drainage patterns, potentially causing severe damage to these newly constructed homes but also the existing residences and farms.

It is our hope that you deny their request for development. It is not good for the betterment of the existing residents.

Johnny & Erinn Boitano  
681 Goodwin Rd.  
THORP, WA 98946

**From:** [paula.thompson](#)  
**To:** [Jeremiah Cromie](#)  
**Subject:** LP-23-00001  
**Date:** Thursday, March 9, 2023 4:58:22 PM

---

**CAUTION:** This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

During the 2022 Comprehensive Plan update last fall the SEPA checklist was inadequate and the County's excuse, as usual, was this is a non-project action and nothing can be speculated about environmental issues and concerns. Now we at the project state of a plat application and a totally inadequate SEPA checklist once again submitted with no identification of wetlands and perennial springs and associated water rights which have deeded easements and prescriptive easements through this property to deliver this water to the water right holders. There have been several lawsuits pertaining to these water rights over the last 100 years concerning disruption of their delivery and have been put in the record for this SEPA. The delivery rights of the water right holders has been upheld in court and will be vigorously defended.

The creation of these lots without fire hydrants will lower the fire rating of the Thorp Fire District and increase insurance cost for every other landowner.

A turn lane on Thorp Hwy should be required due to the 17 lots served by Thorp Landing Lane.

They do not address irrigation runoff from the proposed lots in the Water runoff item. They cannot allow irrigation runoff onto adjacent land within the plat to surround lands. There is no irrigation plan addressing these issues and responsibilities.

Placing homes, driveways, out buildings etc definitely may have affects on existing drainage patterns and creat new patterns with unintended consequences with in and outside the plat.



# KITTITAS COUNTY

## DEPARTMENT OF PUBLIC WORKS

### MEMORANDUM

**TO:** All Staff  
**FROM:** Public Works Plan Review Team  
**DATE:** March 10, 2023  
**SUBJECT:** LP-23-00001 Thorp Landing

<b>ACCESS</b>	<ol style="list-style-type: none"><li>1. An approved access permit shall be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right-of-way.</li><li>2. Private roads serving any of the lots within this development shall be inspected and certified by a licensed professional engineer for conformance with current Kittitas County Road Standards, 2015 edition. Kittitas County Public Works shall require this road certification to be completed prior to final approval of the project. If a performance guarantee is used in lieu of the required improvements, the private road shall be constructed and certified to comply with the minimum requirements of the International Fire Code prior to issuance of a building permit.</li><li>3. All road construction within the public or private right-of-way shall be designed by or under the direct supervision of a civil engineer, licensed to practice in the State of Washington. Please submit road plan and profile drawings along with any associated drainage reports for a formal Civil Review to Kittitas County Public Works. (KCC 12.04.020)</li><li>4. Roads longer than 150' in length are required to provide a Fire Apparatus Road Turnaround meeting the requirements of Appendix D in the International Fire Code.</li><li>5. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain access.</li><li>6. Future access onto proposed lots may not be accessed off a county road if there is an alternative road to access from (i.e, proposed lots 5 and 6 must access from Thorp Landing Ln and not Goodwin Rd).</li><li>7. Kittitas County will not accept private roads for maintenance as public streets or roads until such streets or roads are brought into conformance with current County Road Standards and formally adopted by the Kittitas County Board of County Commissioners.</li><li>8. In addition to the above-mentioned conditions, all applicable Kittitas County Road Standards apply to this proposal. Access is not guaranteed to any existing or created parcel on this application.</li></ol>
---------------	---

<b>ENGINEERING</b>	<p>1. Transportation Concurrency - A transportation impact analysis (TIA) shall be required for all development that will generate more than nine (9) peak hour vehicle trips. Please provide estimated traffic generation for peak hours to determine if a TIA will be required. (KCC 12.10.040(c)). A courtesy review identifies a peak hour of 9.9 vehicles per hour, requiring a Traffic Impact Analysis.</p> <p>2. Plat Approvals - All plats must show the acceptance signature of the County Engineer. The acceptance block shall be as follows (per KCC 16.24.170)</p> <p style="text-align: center;">EXAMINED AND APPROVED This ____ day of ____, A.D., 20__.</p> <p style="text-align: center;">_____ Kittitas County Engineer</p> <p>3. Newly created lots shall access onto an internal road system and not directly onto a County Road. Please include a note that lot access is to be only to the internal private road, and no direct access from an individual lot onto the County Road.</p> <p>4. Please include the following notes:</p> <ul style="list-style-type: none"> <li>a. Kittitas County will not accept private roads for maintenance as public streets or roads until such streets or roads are brought into conformance with current County Road Standards and formally adopted by the Kittitas County Board of County Commissioners.</li> <li>b. Maintenance of the access is the responsibility of the property owners who benefit from its use.</li> <li>c. An approved access permit will be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right-of-way.</li> <li>d. Any further subdivisions or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.</li> <li>e. A public utility easement 10 feet in width is reserved along all lot lines. The 10-foot easement shall abut the exterior plat boundary and shall be divided 5 feet of each side of interior lot lines. Said easement shall also be used for irrigation.</li> </ul> <p>5. A grading permit (GP-22-00008) was previously obtained. Please note the expiration date on the grading permit.</p>
<b>SURVEY</b>	No survey review performed on this application.

<p><b>FLOOD</b></p>	<p>A portion of the proposed plat is located in the FEMA identified special flood hazard area (100-year floodplain). If possible, any future development should remain outside of the floodplain in order to reduce risk and avoid mandatory flood insurance purchase requirements. All activities within the floodplain must be permitted through the floodplain development permit process and follow the regulations within KCC 14.08.</p> <p>In accordance with KCC Chapter 14.08.220, all subdivisions as well as new development shall:</p> <ol style="list-style-type: none"> <li>1. Be consistent with the need to minimize flood damage.</li> <li>2. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.</li> <li>3. Have adequate drainage provided to reduce exposure to flood damage.</li> <li>4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments containing greater than 50 lots or 5 acres (whichever is lesser) and shall be included as part of the application and shall be noted on the final mylar.</li> </ol> <p>All subdivisions shall show on the face of both the preliminary and final plat, for either short or long plats, the boundary of the 100year floodplain and floodway.</p>
<p><b>WATER MITIGATION/ METERING</b></p>	<p>For the proposed plat, the applicant must provide legal water availability for all new uses on the proposed lots of this project, which can be provided through mitigation certificates. This plat is not eligible for the Kittitas County Water Bank, mitigation must be provided from a private water bank. Prior to final plat approval and recording, the following conditions shall be met:</p> <p>In accordance with KCC Chapter 13.35.027, the applicant shall provide one of the following documents before final plat approval:</p> <ol style="list-style-type: none"> <li>1. A letter from a water purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the new use;</li> <li>2. An adequate water right for the proposed new use; or</li> <li>3. A certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank.</li> </ol> <p>All applicants for land divisions shall also submit information on "proximate parcels" held in "common ownership" as those terms are defined in WAC 173-539A-030 and otherwise demonstrate how the proposed new use will not violate RCW 90.44.050 as currently existing or hereafter amended.</p> <p>Failure to obtain mitigation before commencement of an activity requiring mitigation shall be a code violation subject to enforcement under Title 18 KCC.</p> <p><b>Final Plat Notes</b></p> <p>The following notes shall be placed on the face of the plat:</p>

	C-1	“Metering is required for all new uses of domestic water for residential well connections and usage must be recorded in a manner consistent with Kittitas County Code Chapter 13.35.027 and Ecology regulations.”
	C-2	“The approval of this division of land provides no guarantee that use of water under the ground water exemption (RCW 90.44.050) for this plat or any portion thereof will not be subject to curtailment by the Department of Ecology or a court of law.”

Please contact Kittitas County Public Works (509) 962-7523 with any questions.



## KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

“Building Partnerships – Building Communities”

March 13, 2023

Thorp Landing LLC  
c/o Joel Greear  
1410 Dolarway Rd Suite 301  
Ellensburg, WA 98926

Terra Design Group Inc.  
Attn: Chad Bala  
852 Barnes Road  
Ellensburg, WA 98926

Jeff Slothower  
PO Box 1088  
Ellensburg, WA 98926

### **RE: Thorp Landing Long Plat, LP-23-00001 Transmittal of Comments**

Dear applicants,

The comment period for the Thorp Landing Preliminary Long Plat, LP-23-00001 ended on Thursday, March 9, 2023 at 5:00 pm. Community Development Services received the following comments during this time:

- February 21, 2023 Snoqualmie Tribe
- February 21, 2023 WSDOT Aviation
- February 22, 2023 Washington State Department of Health – Office of Drinking Water
- February 23, 2023 Colville Tribe
- February 24, 2023 Kittitas County Fire Marshal
- February 28, 2023 Westside Irrigating Company
- March 1, 2023 Wash. State D.O.H. – Office of Drinking Water (Updated Comments)
- March 7, 2023 Dept. of Ecology
- March 8, 2023 Washington State Parks & Recreation
- March 9, 2023 Kittitas County Public Health

The following comments were received after the comment period ended:

- March 10, 2023 Kittitas County Public Works

If you wish to provide any responses to any of the received comments, please do so by **5:00 pm on March 28, 2023**. If you would like additional time to address any of the comments, please contact me directly to extend the response due date. If you have questions about any comments from an agency, please contact them directly.

If you have any questions regarding this matter, please contact me at (509) 962-7046, or by e-mail at [jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us).

Sincerely,

A handwritten signature in black ink that reads "Jeremiah Cromie". The signature is written in a cursive style with a large initial 'J'.

Jeremiah Cromie  
Planner II

*Enclosed:*

*Comments listed above*



# KITTITAS COUNTY

## DEPARTMENT OF PUBLIC WORKS

### MEMORANDUM

**TO:** All Staff  
**FROM:** Public Works Plan Review Team  
**DATE:** March 10, 2023  
**SUBJECT:** LP-23-00001 Thorp Landing

<b>ACCESS</b>	<ol style="list-style-type: none"><li>1. An approved access permit shall be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right-of-way.</li><li>2. Private roads serving any of the lots within this development shall be inspected and certified by a licensed professional engineer for conformance with current Kittitas County Road Standards, 2015 edition. Kittitas County Public Works shall require this road certification to be completed prior to final approval of the project. If a performance guarantee is used in lieu of the required improvements, the private road shall be constructed and certified to comply with the minimum requirements of the International Fire Code prior to issuance of a building permit.</li><li>3. All road construction within the public or private right-of-way shall be designed by or under the direct supervision of a civil engineer, licensed to practice in the State of Washington. Please submit road plan and profile drawings along with any associated drainage reports for a formal Civil Review to Kittitas County Public Works. (KCC 12.04.020)</li><li>4. Roads longer than 150' in length are required to provide a Fire Apparatus Road Turnaround meeting the requirements of Appendix D in the International Fire Code.</li><li>5. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain access.</li><li>6. Future access onto proposed lots may not be accessed off a county road if there is an alternative road to access from (i.e, proposed lots 5 and 6 must access from Thorp Landing Ln and not Goodwin Rd).</li><li>7. Kittitas County will not accept private roads for maintenance as public streets or roads until such streets or roads are brought into conformance with current County Road Standards and formally adopted by the Kittitas County Board of County Commissioners.</li><li>8. In addition to the above-mentioned conditions, all applicable Kittitas County Road Standards apply to this proposal. Access is not guaranteed to any existing or created parcel on this application.</li></ol>
---------------	---

<b>ENGINEERING</b>	<p>1. Transportation Concurrency - A transportation impact analysis (TIA) shall be required for all development that will generate more than nine (9) peak hour vehicle trips. Please provide estimated traffic generation for peak hours to determine if a TIA will be required. (KCC 12.10.040(c)). A courtesy review identifies a peak hour of 9.9 vehicles per hour, requiring a Traffic Impact Analysis.</p> <p>2. Plat Approvals - All plats must show the acceptance signature of the County Engineer. The acceptance block shall be as follows (per KCC 16.24.170)</p> <p style="text-align: center;">EXAMINED AND APPROVED This ____ day of ____, A.D., 20__.</p> <p style="text-align: center;">_____ Kittitas County Engineer</p> <p>3. Newly created lots shall access onto an internal road system and not directly onto a County Road. Please include a note that lot access is to be only to the internal private road, and no direct access from an individual lot onto the County Road.</p> <p>4. Please include the following notes:</p> <ul style="list-style-type: none"> <li>a. Kittitas County will not accept private roads for maintenance as public streets or roads until such streets or roads are brought into conformance with current County Road Standards and formally adopted by the Kittitas County Board of County Commissioners.</li> <li>b. Maintenance of the access is the responsibility of the property owners who benefit from its use.</li> <li>c. An approved access permit will be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right-of-way.</li> <li>d. Any further subdivisions or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.</li> <li>e. A public utility easement 10 feet in width is reserved along all lot lines. The 10-foot easement shall abut the exterior plat boundary and shall be divided 5 feet of each side of interior lot lines. Said easement shall also be used for irrigation.</li> </ul> <p>5. A grading permit (GP-22-00008) was previously obtained. Please note the expiration date on the grading permit.</p>
<b>SURVEY</b>	<p>No survey review performed on this application.</p> <p>Survey Review (03/14/2023)</p> <p>1. Together with the owner information, the engineer of record information shall be included on the face of the preliminary plat.</p>

<p><b>FLOOD</b></p>	<p>A portion of the proposed plat is located in the FEMA identified special flood hazard area (100-year floodplain). If possible, any future development should remain outside of the floodplain in order to reduce risk and avoid mandatory flood insurance purchase requirements. All activities within the floodplain must be permitted through the floodplain development permit process and follow the regulations within KCC 14.08.</p> <p>In accordance with KCC Chapter 14.08.220, all subdivisions as well as new development shall:</p> <ol style="list-style-type: none"> <li>1. Be consistent with the need to minimize flood damage.</li> <li>2. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.</li> <li>3. Have adequate drainage provided to reduce exposure to flood damage.</li> <li>4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments containing greater than 50 lots or 5 acres (whichever is lesser) and shall be included as part of the application and shall be noted on the final mylar.</li> </ol> <p>All subdivisions shall show on the face of both the preliminary and final plat, for either short or long plats, the boundary of the 100year floodplain and floodway.</p>
<p><b>WATER MITIGATION/ METERING</b></p>	<p>For the proposed plat, the applicant must provide legal water availability for all new uses on the proposed lots of this project, which can be provided through mitigation certificates. This plat is not eligible for the Kittitas County Water Bank, mitigation must be provided from a private water bank. Prior to final plat approval and recording, the following conditions shall be met:</p> <p>In accordance with KCC Chapter 13.35.027, the applicant shall provide one of the following documents before final plat approval:</p> <ol style="list-style-type: none"> <li>1. A letter from a water purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the new use;</li> <li>2. An adequate water right for the proposed new use; or</li> <li>3. A certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank.</li> </ol> <p>All applicants for land divisions shall also submit information on "proximate parcels" held in "common ownership" as those terms are defined in WAC 173-539A-030 and otherwise demonstrate how the proposed new use will not violate RCW 90.44.050 as currently existing or hereafter amended.</p> <p>Failure to obtain mitigation before commencement of an activity requiring mitigation shall be a code violation subject to enforcement under Title 18 KCC.</p> <p><b>Final Plat Notes</b></p> <p>The following notes shall be placed on the face of the plat:</p>

	C-1	“Metering is required for all new uses of domestic water for residential well connections and usage must be recorded in a manner consistent with Kittitas County Code Chapter 13.35.027 and Ecology regulations.”
	C-2	“The approval of this division of land provides no guarantee that use of water under the ground water exemption (RCW 90.44.050) for this plat or any portion thereof will not be subject to curtailment by the Department of Ecology or a court of law.”

Please contact Kittitas County Public Works (509) 962-7523 with any questions.

**From:** [Jeremiah Cromie](#)  
**To:** "Joel Greear"  
**Cc:** [Chad Bala](#); [Jeff Slothower](#); [Dan Carlson](#); [Chris Cruse](#)  
**Subject:** RE: LP-23-00001 Thorp Landing - Transmittal of Comments  
**Date:** Wednesday, March 15, 2023 8:04:03 AM  
**Attachments:** [LP-23-00001 Thorp Landing - Combined Comments.pdf](#)

---

Joel,

Please see the attached comments.

**Jeremiah Cromie**  
Planner II  
Kittitas County  
Community Development Services  
411 N. Ruby Street; Suite 2  
Ellensburg, WA 98926  
Office: 509-962-7046  
[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)

---

**From:** Joel Greear <[joel@centralpavingllc.com](mailto:joel@centralpavingllc.com)>  
**Sent:** Tuesday, March 14, 2023 7:54 PM  
**To:** Jeremiah Cromie <[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)>  
**Cc:** Chad Bala <[bala.ce@gmail.com](mailto:bala.ce@gmail.com)>; Jeff Slothower <[jslothower@lwhsd.com](mailto:jslothower@lwhsd.com)>; Dan Carlson <[dan.carlson@co.kittitas.wa.us](mailto:dan.carlson@co.kittitas.wa.us)>; Chris Cruse <[chris@cruseandassoc.com](mailto:chris@cruseandassoc.com)>  
**Subject:** Re: LP-23-00001 Thorp Landing - Transmittal of Comments

**CAUTION:** This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Hi Jeremiah,

Thank you for this information. Other than the public works comments, I do not see any of the other agency comments attached or included in your previous email?

Thank you,

Joel Greear

\_\_\_\_\_

[ ]  
O: 509-929-1044

C: 509-899-7371

[www.centralpavingllc.com](http://www.centralpavingllc.com)

*Equal Opportunity Employer*

The information transmitted is intended only for the person or entity to which it was originally addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

On Mon, Mar 13, 2023 at 9:40 AM Jeremiah Cromie <[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)> wrote:

Good morning,

Please see the attached correspondence regarding your preliminary plat application (LP-23-00001 Thorp Landing). I have also placed hard copies in the mail.

While the Public Works comments mentioned no survey review was performed, I have sent the preliminary plat and associated documents to the county surveyor for review. Any comments from him will be sent to you as soon as I receive them.

Let me know if you have any questions.

**Jeremiah Cromie**  
**Planner II**  
**Kittitas County**  
**Community Development Services**  
411 N. Ruby Street; Suite 2  
Ellensburg, WA 98926  
Office: 509-962-7046  
[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)

---

The information transmitted by this email is intended only for the person or entity to which it is addressed. This email may contain confidential and/or privileged material. If you are not the intended recipient of this message, be aware that any use, review, retransmission, distribution, or reproduction is strictly prohibited. If you received this in error, please contact the sender immediately and delete the material from all devices.  
message id: 38eb45916c6dcbdac24bb8719d004a14

**From:** [Jeremiah Cromie](#)  
**To:** "Joel Greear"  
**Cc:** [Chad Bala](#); [Jeff Slothower](#); [Dan Carlson](#); [Chris Cruse](#)  
**Subject:** RE: LP-23-00001 Thorp Landing - Transmittal of Comments  
**Date:** Friday, March 24, 2023 8:05:28 AM

---

Joel,

Thank you for the response. The County grants your request for extension to respond to comments on your proposal (LP-23-00001 Thorp Landing) for an additional 10 days. Please have all response comments submitted by **5 PM April 7, 2023** or request another extension by that time.

Thank you.

**Jeremiah Cromie**  
Planner II  
Kittitas County  
Community Development Services  
411 N. Ruby Street; Suite 2  
Ellensburg, WA 98926  
Office: 509-962-7046  
[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)

---

**From:** Joel Greear <[joel@centralpavingllc.com](mailto:joel@centralpavingllc.com)>  
**Sent:** Thursday, March 23, 2023 7:28 PM  
**To:** Jeremiah Cromie <[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)>  
**Cc:** Chad Bala <[bala.ce@gmail.com](mailto:bala.ce@gmail.com)>; Jeff Slothower <[Jslothower@lwhsd.com](mailto:Jslothower@lwhsd.com)>; Dan Carlson <[dan.carlson@co.kittitas.wa.us](mailto:dan.carlson@co.kittitas.wa.us)>; Chris Cruse <[chris@cruseandassoc.com](mailto:chris@cruseandassoc.com)>  
**Subject:** Re: LP-23-00001 Thorp Landing - Transmittal of Comments

**CAUTION:** This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Hi Jeremiah,

Per your letter dated 3/13/2023, Thorp Landing Long Plat, LP-23-00001 Transmittal of Comments (attached), Thorp Landing, LLC is requesting additional time to address the comments. At this time we request an additional 10 days, extending the deadline for response to 4/7/2023. Please confirm receipt of this request.

Thank you,

Joel Greear



O: 509-929-1044

C: 509-899-7371

[www.centralpavingllc.com](http://www.centralpavingllc.com)

*Equal Opportunity Employer*

The information transmitted is intended only for the person or entity to which it was originally addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

On Mon, Mar 13, 2023 at 9:40 AM Jeremiah Cromie <[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)> wrote:

Good morning,

Please see the attached correspondence regarding your preliminary plat application (LP-23-00001 Thorp Landing). I have also placed hard copies in the mail.

While the Public Works comments mentioned no survey review was performed, I have sent the preliminary plat and associated documents to the county surveyor for review. Any comments from him will be sent to you as soon as I receive them.

Let me know if you have any questions.

**Jeremiah Cromie**  
**Planner II**  
**Kittitas County**  
**Community Development Services**  
411 N. Ruby Street; Suite 2  
Ellensburg, WA 98926  
Office: 509-962-7046  
[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)

---

The information transmitted by this email is intended only for the person or entity to which it is addressed. This email may contain confidential and/or privileged material. If you are not the intended recipient of this message, be aware that any use, review, retransmission, distribution, or reproduction is strictly prohibited. If you received this in error, please contact the sender immediately and delete the material from all devices.

message id: 38eb45916c6dcbdac24bb8719d004a14

**From:** [Jeremiah Cromie](#)  
**To:** "[Chad Bala](#)"  
**Cc:** [Joel Greear](#); [Jeff Slothower](#); [Dan Carlson](#); [Chris Cruse](#)  
**Subject:** RE: LP-23-00001 Thorp Landing - Transmittal of Comments  
**Date:** Wednesday, April 5, 2023 2:39:44 PM

---

Chad,

Thank you for the response. The County grants your request for extension to respond to comments on your proposal (LP-23-00001 Thorp Landing) for an additional 10 days from the previously required April 7<sup>th</sup>, 2023 deadline (established in March 24, 2023 e-mail). Please have all response comments submitted by **5 PM April 17, 2023** or request another extension by that time.

Thank you.

**Jeremiah Cromie**  
**Planner II**  
**Kittitas County**  
**Community Development Services**  
411 N. Ruby Street; Suite 2  
Ellensburg, WA 98926  
Office: 509-962-7046  
[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)

---

**From:** Chad Bala <bala.ce@gmail.com>  
**Sent:** Wednesday, April 5, 2023 1:08 PM  
**To:** Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>  
**Cc:** Joel Greear <joel@centralpavingllc.com>; Jeff Slothower <jslothower@lwhsd.com>; Dan Carlson <dan.carlson@co.kittitas.wa.us>; Chris Cruse <chris@cruseandassoc.com>  
**Subject:** Re: LP-23-00001 Thorp Landing - Transmittal of Comments

**CAUTION:** This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Jeremiah,

On behalf of Thorp Landing LLC, I am requesting additional time to address the comments pertaining to LP-23-00001. At this time we request an additional 10 days from the April 7th, 2023 deadline (per your email dated 3-24-2023), extending the deadline to 4-17-2023.

Please confirm receipt of this request.

Thank you

Chad

On Mar 24, 2023, at 8:05 AM, Jeremiah Cromie <[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)> wrote:

Joel,

Thank you for the response. The County grants your request for extension to respond to comments on your proposal (LP-23-00001 Thorp Landing) for an additional 10 days. Please have all response comments submitted by **5 PM April 7, 2023** or request another extension by that time.

Thank you.

**Jeremiah Cromie**  
**Planner II**  
**Kittitas County**  
**Community Development Services**  
411 N. Ruby Street; Suite 2  
Ellensburg, WA 98926  
Office: 509-962-7046  
[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)

---

**From:** Joel Greear <[joel@centralpavingllc.com](mailto:joel@centralpavingllc.com)>

**Sent:** Thursday, March 23, 2023 7:28 PM

**To:** Jeremiah Cromie <[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)>

**Cc:** Chad Bala <[bala.ce@gmail.com](mailto:bala.ce@gmail.com)>; Jeff Slothower <[Jslothower@lwhsd.com](mailto:Jslothower@lwhsd.com)>; Dan Carlson <[dan.carlson@co.kittitas.wa.us](mailto:dan.carlson@co.kittitas.wa.us)>; Chris Cruse <[chris@cruseandassoc.com](mailto:chris@cruseandassoc.com)>

**Subject:** Re: LP-23-00001 Thorp Landing - Transmittal of Comments

**CAUTION:** This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Hi Jeremiah,

Per your letter dated 3/13/2023, Thorp Landing Long Plat, LP-23-00001 Transmittal of Comments (attached), Thorp Landing, LLC is requesting additional time to address the comments. At this time we request an additional 10 days, extending the deadline for response to 4/7/2023. Please confirm receipt of this request.

Thank you,

Joel Greear



O: 509-929-1044

C: 509-899-7371

[www.centralpavingllc.com](http://www.centralpavingllc.com)

*Equal Opportunity Employer*

The information transmitted is intended only for the person or entity to which it was originally addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

On Mon, Mar 13, 2023 at 9:40 AM Jeremiah Cromie

<[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)> wrote:

Good morning,

Please see the attached correspondence regarding your preliminary plat application (LP-23-00001 Thorp Landing). I have also placed hard copies in the mail.

While the Public Works comments mentioned no survey review was performed, I have sent the preliminary plat and associated documents to the county surveyor for review. Any comments from him will be sent to you as soon as I receive them.

Let me know if you have any questions.

**Jeremiah Cromie**  
**Planner II**  
**Kittitas County**  
**Community Development Services**  
411 N. Ruby Street; Suite 2  
Ellensburg, WA 98926  
Office: 509-962-7046  
[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)

---

The information transmitted by this email is intended only for the person or entity to which it is addressed. This email may contain confidential and/or privileged material. If you are not the intended recipient of this message, be aware that any use, review, retransmission, distribution, or reproduction is strictly prohibited. If you received this in error, please contact the sender immediately and delete the material from all devices.

| message id: 38eb45916c6dcbdac24bb8719d004a14

**From:** [Jeremiah Cromie](#)  
**To:** "Joel Greear"  
**Cc:** [Chad Bala](#); [Jeff Slothower](#); [Dan Carlson](#); [Chris Cruse](#)  
**Subject:** RE: LP-23-00001 Thorp Landing - Transmittal of Comments  
**Date:** Friday, April 14, 2023 8:39:02 AM

---

Joel,

Yes, we received your most recent request on Wednesday April 12, 2023 for an extension for response comments. The County grants your request for extension to respond to comments on your proposal (LP-23-00001 Thorp Landing) for an additional 14 days from the previously required April 17<sup>th</sup>, 2023 deadline (established in April 5, 2023 e-mail). Please have all response comments submitted by **5 PM May 1, 2023** or request another extension by that time.

Kittitas County considers all requests past the original March 28, 2023 deadline to be a mutually agreed upon extension of time under KCC 15A.03.040(4)(d) that does not count towards time elapsed towards 120 days for notice of a decision under KCC 15A.03.090, RCW 36.70B.080 and WAC 365-196-845(10).

Let me know if you have any questions.

**Jeremiah Cromie**  
Planner II  
Kittitas County  
Community Development Services  
411 N. Ruby Street; Suite 2  
Ellensburg, WA 98926  
Office: 509-962-7046  
[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)

---

**From:** Joel Greear <joel@centralpavingllc.com>  
**Sent:** Thursday, April 13, 2023 7:52 PM  
**To:** Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>  
**Cc:** Chad Bala <bala.ce@gmail.com>; Jeff Slothower <Jslothower@lwhsd.com>; Dan Carlson <dan.carlson@co.kittitas.wa.us>; Chris Cruse <chris@cruseandassoc.com>  
**Subject:** Re: LP-23-00001 Thorp Landing - Transmittal of Comments

**CAUTION:** This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Hi Jeremiah,

Confirming you received my request?

Thank you,

Joel Greear



O: 509-929-1044

C: 509-899-7371

[www.centralpavingllc.com](http://www.centralpavingllc.com)

*Equal Opportunity Employer*

The information transmitted is intended only for the person or entity to which it was originally addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

On Wed, Apr 12, 2023 at 11:34 AM Joel Greear <[joel@centralpavingllc.com](mailto:joel@centralpavingllc.com)> wrote:

Hi Jeremiah,

We are still working through the comments from the fire marshal, and request additional time to work these out. At this time we request an additional 14 days from the 4-17-2023 deadline (per your email dated 4/5/2023), extending the deadline to 5/1/2023. Please confirm receipt of this request.

Thank you,

Joel Greear



O: 509-929-1044

C: 509-899-7371

[www.centralpavingllc.com](http://www.centralpavingllc.com)

*Equal Opportunity Employer*

The information transmitted is intended only for the person or entity to which it was originally addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

On Wed, Apr 5, 2023 at 2:39 PM Jeremiah Cromie <[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)> wrote:

Chad,

Thank you for the response. The County grants your request for extension to respond to comments on your proposal (LP-23-00001 Thorp Landing) for an additional 10 days from the previously required April 7<sup>th</sup>, 2023 deadline (established in March 24, 2023 e-mail). Please have all response comments submitted by **5 PM April 17, 2023** or request another extension by that time.

Thank you.

**Jeremiah Cromie**  
**Planner II**  
**Kittitas County**  
**Community Development Services**  
411 N. Ruby Street; Suite 2  
Ellensburg, WA 98926  
Office: 509-962-7046  
[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)

---

**From:** Chad Bala <[bala.ce@gmail.com](mailto:bala.ce@gmail.com)>  
**Sent:** Wednesday, April 5, 2023 1:08 PM  
**To:** Jeremiah Cromie <[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)>  
**Cc:** Joel Greear <[joel@centralpavingllc.com](mailto:joel@centralpavingllc.com)>; Jeff Slothower <[jslothower@lwhsd.com](mailto:jslothower@lwhsd.com)>; Dan Carlson <[dan.carlson@co.kittitas.wa.us](mailto:dan.carlson@co.kittitas.wa.us)>; Chris Cruse <[chris@cruseandassoc.com](mailto:chris@cruseandassoc.com)>  
**Subject:** Re: LP-23-00001 Thorp Landing - Transmittal of Comments

**CAUTION:** This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Jeremiah,  
On behalf of Thorp Landing LLC, I am requesting additional time to address the comments pertaining to LP-23-00001. At this time we request an additional 10 days from the April 7th, 2023 deadline (per your email dated 3-24-2023), extending the deadline to 4-17-2023. Please confirm receipt of this request.

Thank you

Chad

On Mar 24, 2023, at 8:05 AM, Jeremiah Cromie  
<[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)> wrote:

Joel,

Thank you for the response. The County grants your request for extension to respond to comments on your proposal (LP-23-00001 Thorp Landing) for an additional 10 days. Please have all response comments submitted by **5 PM April 7, 2023** or request another extension by that time.

Thank you.

**Jeremiah Cromie**  
Planner II  
Kittitas County  
Community Development Services  
411 N. Ruby Street; Suite 2  
Ellensburg, WA 98926  
Office: 509-962-7046  
[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)

---

**From:** Joel Greear <[joel@centralpavingllc.com](mailto:joel@centralpavingllc.com)>

**Sent:** Thursday, March 23, 2023 7:28 PM

**To:** Jeremiah Cromie <[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)>

**Cc:** Chad Bala <[bala.ce@gmail.com](mailto:bala.ce@gmail.com)>; Jeff Slothower <[Jslothower@lwhsd.com](mailto:Jslothower@lwhsd.com)>;  
Dan Carlson <[dan.carlson@co.kittitas.wa.us](mailto:dan.carlson@co.kittitas.wa.us)>; Chris Cruse  
<[chris@cruseandassoc.com](mailto:chris@cruseandassoc.com)>

**Subject:** Re: LP-23-00001 Thorp Landing - Transmittal of Comments

**CAUTION:** This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Hi Jeremiah,

Per your letter dated 3/13/2023, Thorp Landing Long Plat, LP-23-00001 Transmittal of Comments (attached), Thorp Landing, LLC is requesting additional time to address the comments. At this time we request an additional 10 days, extending the deadline for response to 4/7/2023. Please confirm receipt of

this request.

Thank you,

Joel Greear



O: 509-929-1044

C: 509-899-7371

[www.centralpavingllc.com](http://www.centralpavingllc.com)

*Equal Opportunity Employer*

The information transmitted is intended only for the person or entity to which it was originally addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

On Mon, Mar 13, 2023 at 9:40 AM Jeremiah Cromie

<[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)> wrote:

Good morning,

Please see the attached correspondence regarding your preliminary plat application (LP-23-00001 Thorp Landing). I have also placed hard copies in the mail.

While the Public Works comments mentioned no survey review was performed, I have sent the preliminary plat and associated documents to the county surveyor for review. Any comments from him will be sent to you as soon as I receive them.

Let me know if you have any questions.

**Jeremiah Cromie**  
**Planner II**  
**Kittitas County**  
**Community Development Services**  
411 N. Ruby Street; Suite 2  
Ellensburg, WA 98926  
Office: 509-962-7046  
[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)

---

The information transmitted by this email is intended only for the person or entity to which it is addressed. This email may contain confidential and/or privileged material. If you are not the intended recipient of this message, be aware that any use, review, retransmission, distribution, or reproduction is strictly prohibited. If you received this in error, please contact the sender immediately and delete the material from all devices.  
message id: 38eb45916c6dcbdac24bb8719d004a14

**From:** [Joe Dietzel](#)  
**To:** ["Chad Bala"](#); ["kcf1@fairpoint.net"](mailto:kcf1@fairpoint.net); [Darren Higashiyama](#); [Jeremiah Cromie](#)  
**Subject:** Thorp Landing Subdivision  
**Date:** Wednesday, April 26, 2023 2:49:19 PM  
**Attachments:** [image001.png](#)

---

Good Afternoon,

After further review of the information regarding the 5 acre lots to be built on Thorp Landing Lane, the fire flow requirements and the fire hydrant system requirements are hereby waived. The lots are required to be sprinklered from the irrigation canal(s), the lots are low hazard WUIC scores, and the lots do not have a high ability to expose to other structures in the event of a fire. Thank you for your time.

*Joseph A Dietzel*

Kittitas County  
Deputy Fire Marshal  
509-962-7657  
[joe.dietzel@co.kittitas.wa.us](mailto:joe.dietzel@co.kittitas.wa.us)



**To schedule inspections:** <https://www.co.kittitas.wa.us/cds/building/inspection-request.aspx> OR call (509) 962-7694

**To view permit or inspection status:** <https://co-kittitas-wa.smartgovcommunity.com/ApplicationPublic/ApplicationHome>

**If this is a public records request, please go to:** <https://www.co.kittitas.wa.us/request/default.aspx>

---

The information transmitted by this email is intended only for the person or entity to which it is addressed. This email may contain confidential and/or privileged material. If you are not the intended recipient of this message, be aware that any use, review, retransmission, distribution, or reproduction is strictly prohibited. If you received this in error, please contact the sender immediately and delete the material from all devices.  
message id: 38eb45916c6dcbdac24bb8719d004a14

RECEIVED  
MAY 01 2023

Kittitas County CDS

May 1, 2023

Jeremiah Cromie, Planner II  
Kittitas County Community  
Development Services  
411 N. Ruby Street, Ste. 2  
Ellensburg WA 98926

Re: Thorp Landing Plat, LP-23-00001

Dear Jeremiah:

The purpose of this letter is to respond to the comments Community Development received for the above-referenced land use application. We have broken out the individual comment letters into a matrix and included two exhibits for your review. Please see the following, Response to Comments Matrix, Exhibit A, and Exhibit B.

Regards,

Chad Bala



Cc: Thorp Landing LLC  
Jeff Slothower

## Response to Comments Matrix

DATE	COMMENT LETTER	ITEMS	RESPONSE TO COMMENTS
2/21/23	Snoq. Tribe	No substantive comments to offer at this time. If the scope for the project or parameters for the APE change we reserve the right to modify our current position.	At this time the plat will not be modified. Please also see RLR's cultural resources report dated July 5, 2022.
2/21/23	WSDOT Av.	WSDOT has reviewed and found that there are no land use compatibility or airspace issues in relations to the local airports. No comments.	Agreed. This plat has no airspace issues with local airports.
2/22/23	WA ST DOH	DOH concurs with the applicant's statement in the SEPA Checklist that drinking water for the 10 lot development will be provided by a Group B Water System that will be submitted to KC Health for review and approval.	Applicant understands this and has identified that 2 lots will be served by an existing and approved Group B Water System and that a new well is proposed on lot 7 of the proposed plat and will be approved as a Group B Water System serving the rest of the proposed plat.
2/23/23	WAST DOH	Is this for a stand-alone development consisting of a 10 connection water system or is it being added to the existing Thorp Landing Water System to generate a 16 connection water system?	Staff clarified in the email chain and referenced the SEPA Checklist that 2 lots of the proposed plat will be served by an existing approved Group B Water System and the 8 other lots will be serviced by a newly proposed Group B Water System. See also Exhibit A
3/1/23	WA ST DOH	Extraction of water for both wells would be considered a project and the combined groundwater extraction would need to be evaluated as a total. As an example and clarification regarding the implication of "project", if the applicant does not have any water rights, then the total quantity of groundwater that can be extracted (or pumped) from the ground, on any single day, is a single exempt well limit of 5,000 gallons. The Applicant would not gain two exempt well limits simply because the project is split into two pieces.	See Exhibit A.
		If the applicant is able to proceed with an expanding Group B and a second Group B, then KC Health would administer the approval of the two.	For clarification. The existing (County approved) Group B Water System, is not being expanded and is approved for 6 connections (See Exhibit 10 of the application submittal). See email chain between and County, DOH, & KCDP dated Feb. 22 & March 1, 2023.

<b>2/23/23</b>	<b>Colville Tribe</b>	Request any ground disturbing activities to have an IDP in place prior to implementation. This undertaking involves division of plats for the purpose of rural residential development.	Per RLR Arch. & Cultural Resource consultant, who has already surveyed the property, recommends the project to proceed as planned and finds no historic properties affected (RLR Cultural Resources Report dated July 5, 2022).
		The Tribal Historic Preservation Officer expects to also see the development plans for these individual parcels through their various implementations.	Kittitas County is the oversight for any future development on this proposed plat whether it be for building permits, road construction etc. See RLR report.
		If ground disturbing activities are to be conducted, such as the installation of septic system or scraping of driveway, creation of concrete pad, a cultural resource surface survey and subsurface testing of the area in and directly around the proposed ground disturbance are recommended as a surface observation will not be an accurate assessment of the existent potential for subsurface cultural deposits.	Per RLR Arch. & Cultural Resource consultant, has already surveyed the property. This report is part of the file for review and has been reviewed by the Yakama Nation, who has reviewed and agreed with therefore allowing Kittitas County to move forward with this proposal. Within the executive summary of RLR's report it notes that this site has been continuously in the past and currently farmed and further notes that no cultural material was located during their subsurface testing. With the aforementioned RLR recommended the project to proceed as planned and finds no historic properties affected (RLR Cultural Resources Report dated July 5, 2022).
		There are known cultural resources of historic significance nearby and these particular parcels are considered moderately to very high risk for an inadvertent discovery according to the DAHP predictive model.	See RLR's Cultural Resource Report on file with Kittitas County. Please note that RLR's report states that this site has been continuously in the past and currently farmed and further notes that no cultural material was located during their subsurface testing (RLR Cultural Resources Report dated July 5, 2022).
		CCT H/A recommends that during implementation there be an inadvertent discovery plan (IDP) in place to ensure compliance with all of Section 106 and relevant cultural resource laws both federally and to the State of Washington.	As part of RLR's Cultural Report, specifically Pages 35 & 36, an Inadvertent Discovery Procedure (Plan) has been established and accepted by the Yakama Nation and Kittitas County (RLR Cultural Resources Report dated July 5, 2022).
<b>2/24/23</b>	<b>KC Fire Marshall</b>	Fire apparatus Access Road required	Agreed. This private road, which a portion has already been built and certified by an engineer, will be completed to the Kittitas County Private Road Standards.
		Key Box required if a gate is installed.	Agreed. Please note at this time no gate is proposed therefore a key box will not be needed or required.
		Fire flow documentation must be provided to the KCFMO previous to final inspection.	See Exhibit B. Per Fire Marshall Email dated 4-26-23 Fire Flow Requirements and the hydrants system requirements are waived.

		Fire flow must comply with IFC Appendix B. In cases where buildings/structures do not exist yet, the reference of NFPA 1142, 22, 20 and 24 may be required. This requirement provides for a reduction of the fire flow if the structures are protected with an approved fire sprinkler systems installed in accordance with the IFC Chapter. 9.	See Exhibit B. Per Fire Marshall Email dated 4-26-23 Fire Flow Requirements and the hydrants system requirements are waived.
		Fire Flow in the amount of 1000 gallons per minute for the duration of 1 hour.	See Exhibit B. Per Fire Marshall Email dated 4-26-23 Fire Flow Requirements and the hydrants system requirements are waived.
		Please install a water system that is capable of this flow rate and separate from any residential water supplies.	See Exhibit B. Per Fire Marshall Email dated 4-26-23 Fire Flow Requirements and the hydrants system requirements are waived.
		Please submit design plans to the KCCDS so they can be reviewed/approved by Safebuilt.	See Exhibit B. Per Fire Marshall Email dated 4-26-23 Fire Flow Requirements and the hydrants system requirements are waived.
		The code allows for alternate water supplies, such as tanks, and a stand alone hydrant to suffice so long as the fire flow and rate of delivery are the same.	See Exhibit B. Per Fire Marshall Email dated 4-26-23 Fire Flow Requirements and the hydrants system requirements are waived.
		Fire hydrant system: when required the fire hydrant system shall comply with IFC Appendix C and Section 507. Contact KCFMO to determine hydrant spacing, flow requirements, and discharge port specifications.	See Exhibit B. Per Fire Marshall Email dated 4-26-23 Fire Flow Requirements and the hydrants system requirements are waived.
		Depending on the proposed project, the hydrant system may need to comply with Sections in NFPA 22, 24 and/or 25.	See Exhibit B. Per Fire Marshall Email dated 4-26-23 Fire Flow Requirements and the hydrants system requirements are waived.
		Hydrant systems require a KCFMO permit. If a pump is needed to ensure the proper operation of a hydrant system a KCFMO permit is required.	See Exhibit B. Per Fire Marshall Email dated 4-26-23 Fire Flow Requirements and the hydrants system requirements are waived.
		Wildfire protection. All residential, commercial-residential structures will receive a WUIC evaluation upon submission of the preliminary site analysis, unless pre-application approval is granted. Shortly after pre-application approval the KCFMO will perform a WUIC evaluation and attach it to the official comments. The WUIC requirements will comply with the IWUIC.	See Exhibit B. Per Fire Marshall Email dated 4-26-23 the lots are required to be sprinklered from the irrigation canal(s), the lots are low hazard WUIC scores, and the lots do not have a high ability to expose to other structure in the event of a fire.
<b>2/28/23</b>	<b>Westside Irrig. Ditch Co. (WSIC)</b>	WSIC sites KCC 16.18 as County requirements	See Exhibit A.
		WSIC bylaws have been amended to require the following:	
		Any stockholder etc, who undertakes any subdivision within WSIC service area must construct an adequate water transmission system, including easements or right of way to allow irrigation delivery to each newly created or reconfigured lot.	The applicant agrees to this.

		The development proponent must provide WSIC and the County with adequate drawings or surveys, showing elevations, the locations of anticipated new parcels and the routing of the proposed irrigation delivery system across WSIC lands.	The applicant agrees to this.
		Newly proposed irrigation facilities must not impair the rights or uses of downgradient water owners or users, who shall be consulted in connection with the system design.	The applicant agrees to this.
		Only following confirmation that the newly proposed irrigation facilities are adequate in all respects for continuing irrigation water delivery to affected WSIC lands will the WSIC Board of Trustees ("Board") or it's designee provide written certification thereof to the County.	The applicant agrees to this.
		Owners of all subdivided lands receiving WSIC water through a common headgate must appoint a single representative for purposes of communicating with WSIC and its Ditch Supervisor on all matters concerning irrigation water deliveries.	The applicant agrees to this.
		WSIC will encourage landowners to formally organize as a water users association or similar entity, which they may conclusively determine their relative rights and obligations concerning water deliveries; collection and remittance of WSIC assessments and charges etc.	The applicant agrees to this.
		Following final County subdivision approval, the Board will reapportion and reallocate WSIC stock to each newly configured parcel(s) into the name of then current owners of affected property.	The applicant agrees to this.
		If one or more stockholders of subdivided lands become delinquent in the payment of WSIC assessments, the Ditch Supervisor will reduce deliveries to the affected WSIC headgate in proportion to the delinquency, with affected stockholders being responsible for allocating reduced deliveries to the paid-up lands only.	The applicant agrees to this.
3/7/23	WA ST DOE	In Washington State, prospective water users must obtain authorization from the Dept. of Ecology before diverting surface water or withdrawing groundwater, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, up to 5,000 gallons per day for industrial purposes, stock watering, and for the irrigation of up to one-half acre of non-commercial lawn and garden are exempt from the permitting process.	See Exhibit A. See also response to Washington State Department of Health comment.

3/8/23	WA ST PARKS & RECREATION COMMISSION	1. Potential Adverse Impact: Trespass: Mitigation Measure: proponent should be responsible for professionally surveying, marking, recording for the common property line. State Parks is requesting a copy of the survey be provided for records.	The preliminary plat map was provided as part of the submittal application. This map reflects the current property boundaries of the proposed lots. If this plat is approved it will eventually be recorded. Once it's recorded a recorded version will be provided to the WA ST Parks and Recreation Dept.
		2. Potential Adverse Impact: Trespass, dumping, uncontrolled access, and indiscriminate use. Mitigation Measure: If Proponent needs to access State Park Land, either temporarily or permanently, the project proponent will need to apply for and obtain legal easement for access.	This proposal isn't proposing any access to the State Parks Land. The access for this proposal is through the established Thorp Landing Lane, which will be extended to serve these lots. No trespassing dumping signs will be established along the property line adjacent to the WA State Parks Land.
		3. Potential Adverse Impact: Impacts to recreation during construction. State Parks in concerned with public safety during construction.	There is no adverse impact as the construction is on private property. A portion of the road is approved by Kittitas County and built.
		4. Potential Adverse Impact: Noise, light, glare, natural resources. Mitigation: Provide development setbacks or other protection measures to protect the existing mature vegetation and associated root system that exist along the common property line. Submit plans immediately for review and approval and incorporate Parks comments into the project as necessary.	Standard Kittitas County Setback within the AG-5 zone will apply. Specifically Per KCC 17.28A.040 Front setback is 25', 17.28A.050 Side setback is 5', 17.28A.060 Rear setback is 25'. Noise, light and glare has been addressed within the CC&R's that will govern over this proposal. As for submitting plans to the jurisdictional agency, in this case Kittitas County, will review building plan submittals for consistency with county codes, setbacks, & critical areas etc.
		5. Potential Adverse Impact: Stormwater discharge. Mitigation Measure: Grade, shape or otherwise contour the project to prevent stormwater from discharging onto State Parks property.	As reflected within the application submittal, specifically Exhibit #16 of the plat submittal application, is the stormwater erosivity waiver through the WA Dept. of Ecology. All stormwater/erosion will be onsite and addressed as part of the road construction, thus staying on site. As for residential construction all stormwater will stay on the proposed lots. With each lot being 5 acre plus in size and most likely construction taking place closer to the access road, it is not foreseeable that stormwater will discharge onto WA ST Parks land.
3/9/23	KC Public Health	On-site sewage must adhere to the standards set by both the WAC and KCC in accordance with KCC 13.04.090, a minimum of one soil log for each proposed lot where individual sewage disposal system are contemplated must be completed.	See Exhibit A.

		In accordance with WAC 246-272A-0210, all on-site septic setbacks must be met with particular attention being paid to the distances between neighboring lots, reserve areas, and the location of the Group B well.	The applicant agrees to this.
		Prior to final plat approval:	The applicant agrees to this.
		A-1 soil logs are required for lots.	The applicant agrees to this.
		A-2 An individual well site review is required for locating of the proposed Group B.	The applicant agrees to this.
3/9/2023	Fudacz	SEPA Checklist #3 Water subsection 3. Applicant indicated that there are no known drainage issues that could be affected by subdividing parcel 443233 into 10 five acre lots. This is incorrect there are numerous natural springs and historic wooden and cement tile drains across many sections of the proposed large plat, including recorded irrigation easement. See Exhibit A	See Exhibit A.
		Landowner exhibited a lack of responsibility citing items	See Exhibit A.
		Exhibits B and C outline historical significance and legal rights to said waters	See Exhibit A.
		Wetlands and stream critical areas report failed to meet the standards outlined in the Critical Areas Studies and failed to highlight perennial springs throughout the property dating back to 1913. Critical areas report was sub-par and the hydrology exists citing a March 8, 2023 date and pictures of water running on the surface and through drain pipes and makes a statement that water is running year round and no irrigation related as stated in the Critical Areas Report.	See Exhibit A.
		Since a wetland was not properly identified in the original study on May 10, 2022, an adequate and or proper Eastern Washington Wetland rating was not given, thus not identifying property setbacks and buffer zones associated with the wetland areas.	See Exhibit A.
		Kittitas County GIS mapping the area of Perennial Spring C is listed within a wetland area, but this study indicates that it is not a wetland.	See Exhibit A.
		Exhibit D indicating the locations of documented springs with the DOE and lands that have the rights to such water. Spring 1971#2 and 2046 lie within the Perennial Spring C as outline in Exhibit A. Springs 4817#1 and 4817#2 lie within Perennial Spring B.	See Exhibit A.

		In addition, Exhibit A, Perennial Spring A provided drinking water to landowners in the main part of the Thorp Community and was associated with Parcel 025933 until transfer of rights.	See Exhibit A.
		These springs and the rights to this water correspond to the shaded areas in Exhibit D.	See Exhibit A.
		Current landowners have no right to use any water associated with these perennial springs, nor do any future owners have the right to use these waters for irrigation, stock, or to divert or obstruct waterways for prescribed/documentated easements as outlined in RCW 90.03.410.	See Exhibit A.
3/9/23	Paula Thompson	Referencing the 2022 Comprehensive Plan SEPA Checklist was inadequate and that the use of a non-project action and nothing can be speculated about environmental issues and concerns.	See Exhibit A.
		Plat Sepa Checklist submitted once again with no identification of wetlands and perennial springs and associated water rights which have deeded easements and prescriptive easements through this property to deliver water to the water right holders.	According to KC GIS under the wetland layer, there is a wetland within the Goodwin Road County Right-of-Way. This is basically the road side ditch. The applicant commissioned a Critical Area Report (See Exhibit 12 of the application submittal) which identifies this wetland within the county right-of- way. Even though this wetland is within the county right-of-way the Critical Area consultant reviewed this wetland in accordance with Kittitas County Code and established the appropriate buffers consistent with the county code. At the same time on the GIS mapping system of the county you will see a wetland identified within the Railroad right-of-way and Thorp Depot Road. This wetland is off the property but there is a tail water ditch that travels along and crosses Parcel 19591 (not part of this proposed plat application) and crosses Thorp Landing Road and crossing other existing parcels eventually crossing the Thorp Hwy. Per the Exhibit 12 of the plat submittal (Critical Area Report), Section 4.4 Irrigation regime Pg. 7 looks to identify this tail water section as a tail water ditch. Therefore wetlands were identified off-site and not literally on the proposed Plat. See Also Exhibit A

		Several lawsuits pertaining to these water rights over the last 100 years concerning the disruption of their delivery have been put in the record for this SEPA. The delivery rights of the water right holders has been upheld in court and will be vigorously defended.	See Exhibit A.
		The creation of these lots without fire hydrants will lower the fire rating of the Thorp Fire District and increase insurance cost for every other landowner.	Per Fire Marshall Email dated 4-26-23 Fire Flow Requirements and the hydrants system requirements are waived.
		A turn lane on Thorp Hwy should be required due to the 17 lots served by the Thorp Landing Lane.	Kittitas County Public Works has already approved the approved access permit, grading permit from Thorp Hwy into the existing parcels serving them. Currently the Applicant is working with a transportation consultant to review and address any other road items regarding this proposed 10 lot plat.
		They do not address irrigation runoff from the proposed lots in the water runoff item.	Water runoff including stormwater was addressed within the SEPA Checklist 3. Water, c. Water Runoff. Please note Exhibit 16 of the submittal that contains the WA DOE Stormwater Erosivity Waiver. Please note irrigation water that is pertinent to the users will not be disrupted etc. See also Exhibit A.
		They can't allow irrigation runoff onto adjacent land within the plat to surrounding lands.	See Exhibit A.
		There is no irrigation plan addressing these issues and responsibilities.	West Side Irrigation Company (WSIC) commented on the proposed plat. The applicant will be required to design, submit etc., an irrigation distribution plan to West Side Irrigation Company for review and approval, by their Board, prior to final plat approval. Furthermore, WSIC has amended their bylaws to also require a single representative of this plat to represent this plat community in communicating with WSIC.
		Placing homes, driveways, outbuildings, etc. definitely may have affects on existing drainage patterns and create new patterns with unintended consequences within and outside the plat.	See Exhibit A.

	<b>Johnny &amp; Erinn 3/9/23 Boitano</b>	Current lots proposed were incorrectly rezoned due to the fact that they are inside flood areas.	This proposed ten lot plat is not completely within the floodplain. As you can see in Exhibit #4 of the Plat Application submittal there is a small portion of a 500 yr floodplain and 100 yr floodplain. In Exhibit #2 these floodplain areas have been identified on the survey map. More specifically the floodplain is the back portion of Lots 6, 7, 8, 9, & 10, and a majority of it is 500 year floodplain. With floodplains in Kittitas County, one is allowed to build within the 100 year floodplain as long as flood development requirements are met.
		Most nearby residents do not have deeper wells and adding 10 more homes plus the other newly approved 7 will have negative impact on our aquifer which will then lead to residents needing to dig deeper wells.	This plat proposes a Group B water system (a single well) to serve these ten lots. This system will be designed and submitted to Kittitas County Health for review and approval.
		Adding 10 more septic systems (17 if you include the other newly approved lots) will greatly increase infrastructure and could potentially lead to well contamination. In the summer everyone flood irrigates which brings the water table to a very high level in this area, which will easily carry contaminants to not only our aquifer but nearby streams.	Per the Kittitas County Health Department's comment letter and county code, this proposed plat is allowed to apply for individual septic systems etc.
		Adding 10 building lots (homes, shops, roads and such), will negatively affect the surface water and drainage patterns, potentially causing severe damage to these newly constructed homes but also to existing residences and farms.	See Exhibit A.
<b>1/12/22</b>	<b>KCPublic Health</b>	Comment Letter from Public Health on Connor Short Plat	See Exhibit A.
<b>3/10/23</b>	<b>KC Dept of Public Works (DPW)</b>	Access	
		1. An Approved access permit shall be required from DPW prior to creating any new driveway access or performing work within the county right of way.	Agreed. Please note that a portion of Thorp Landing Lane has been reviewed and approved by KC, and built. Thorp Landing Lane will be extended to serve this proposed plat.
		2. Private roads serving any of the proposed lots will be inspected and certified by a licensed professional engineer for conformance with the current KC Road Standards, 2015 edition.	Agreed. Please note that a portion of Thorp Landing Lane has been reviewed and approved by KC, and built. Thorp Landing Lane will be extended to serve this proposed plat.
		Road certification will be required prior to final approval.	Agreed. Please note that a portion of Thorp Landing Lane has been reviewed and approved by KC, built, and includes a road certification (See Exhibit 15 of plat submittal).

		If a performance guarantee is used in lieu of the required improvements, the private road shall be constructed and certified to comply with the minimum requirements for the International Fire Code prior to issuing a building permit.	Agreed.
		3. All road construction within the public or private right of way shall be designed by or under the direct supervision of a civil engineer, licensed in the State of WA.	Agreed.
		Please submit road plan and profile drawings along with any associated drainage reports for a formal civil review to Kittitas County DPW (12.04.020).	Agreed.
		4. Roads longer than 150' in length are required to provide a fire apparatus road turnaround meeting the requirements of Appendix D in the International Fire Code.	Agreed. The preliminary plat map reflects the location of the turnaround.
		5. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain access.	Agreed.
		6. Future access onto proposed lots may not be accessed off a county road if there is an alternative road to access from (i.e., proposed Lots 5 & 6 must access from Thorp Landing Lane and not Goodwin Road).	Agreed.
		7. KC will not access private roads for maintenance as a public street or road, until such streets and roads are brought into conformance with current county road standards and formally adopted by KC Board of County Commissioners.	Agreed.
		8. In addition to the above mentioned conditions, all applicable KC Road Standards apply to this proposal. Access is not guaranteed to any existing or created parcel on this application.	Agreed.
		Engineering	
		1. Transportation Concurrency. A Transportation Impact Analysis (TIA) shall be required for all development that will generate more than 9 peak hr trips.	The applicant has discussed this with KCDPW and are in the process per KCDPW guidance.
		Please provide estimated traffic generation for peak hours to determine if a TIA will be required.	The applicant has discussed this with KCDPW and are in the process per KCDPW guidance.
		2. Plat Approval regarding Engineer Signature Block	Agreed. This engineer signature be established.
		3. Newly created lots shall access onto an internal road system and not directly onto a county road.	Agreed. The lots will access Thorp Landing Lane then access a county road.

	Please include a NOTE: that lot access is to be only to the internal private road, and no direct access from an individual lot onto the county road.	Agreed.
	4. Include NOTES a through e.	Agreed.
	5. A grading permit (GP-22-00008) was previously obtained. Please note the expiration date on the grading permit.	GP-22-00008 was issued on July 7, 2022 and per Conditions of Approval #1, this permit expires two years from the date of issuance. See Exhibit #14 of Plat Submittal.
	Survey	
	No survey review performed on this application.	A preliminary plat (survey ) was submitted for review as part of the submittal application. It is understood that as part of Final Platting review, the Survey will be reviewed, if that is what this comment is intended to mean.
	Flood	
	In summary of flood comments: all activities within floodplain must be permitted through the floodplain development permit process and follow the regulations within KCC 14.08. 1 through 4 listed items.	Agreed.
	All subdivisions shall show on the face of both the preliminary and final plat the boundary of the 100 yr flood plain and floodway.	Agreed. All floodplain boundaries have been included on the preliminary plat map submitted with the application.
	Water Mitigation/Metering	
	The applicant must provide legal water availability for all new uses on the proposed lots of this project, which can be provided through mitigation certificates.	Agree
	This plat is not eligible for the Kittitas County Water Bank. Mitigation must be provided from a private water bank.	Agree
	Prior to final plat approval and recording conditions 1 thru 3 shall be met in accordance with KCC 13.35.027.	Agree
	1. A letter from a water purveyor stating the purveyor has adequate water rights and will provide the necessary water for the new use.	Agree
	2. An adequate water right for the proposed use; or	Agree
	3. A certificate of water budget neutrality from the Dept. of Ecology or other adequate interest in water rights from a water bank.	Agree
	All applicants of land divisions shall also submit information on proximate parcels held in common ownership as those terms are defined in WAC 173-539A-030 and otherwise demonstrate how the proposed new use will not violate RCW 90.44.050 as currently existing or hereafter amended.	See Exhibit A. Applicant is in the process of obtaining water for this proposal.
	Final Plat Notes required C-1 and C-2	Agreed.

## **EXHIBIT A TO COMMENT RESPONSE MATRIX RE THORP LANDING**

### **Response to March 1, 2023 Washington State Department of Health Comment:**

All domestic water to serve the property which is the subject of this plat application will be withdrawn from two wells. One well has already been classified as a Group B system, and it serves lots not involved with the plat, but which are described as Kittitas County Tax Parcel Nos. 19588, 19589, 19590, 19591, 19592, and 19593. Two of these lots are owned by third parties and they had building permits issued after the current landowner bought a Kittitas County Mitigation Package. The plat will add 10 lots to the above six lots, for a total of 16 lots. Each lot may withdraw 275 gallons per day, so the combined withdrawal of ground water from the property is under 5,000 gallons per day. Because all of the property has irrigation water from the West Side Irrigation Company, there is no need for any outdoor irrigation to occur using ground water. The applicant, through covenants, conditions and restrictions, will restrict individuals acquiring lots within the plat to 275 gallons of water per day with no outdoor use of water. Additionally, *see* responses related to outdoor irrigation below in response to the West Side Irrigation Company's comments.

### **Response to February 28, 2023 West Side Irrigation Company's Comment:**

The applicant is aware of Kittitas County Code §16.18 which sets forth the County requirements and the applicant is aware of the West Side Irrigation Company's rules and regulations regarding delivery of water. The applicant intends to provide two points for all lots within the plat to access water from the West Side Canal. The water will be delivered to each lot in a piped system, with each lot having an irrigation riser which will be metered. Further, through the use of covenants, conditions and restrictions, the applicant will require that the application of all West Side Irrigation Company water to lots within the plat for purposes of irrigation will be required to be through a sprinkler system. No flood irrigation of these lots will be allowed.

### **Response to March 7, 2023 Comments by the Washington State Department of Ecology:**

*See* response to Washington State Department of Health comments above.

### **Response to Comments made by the Fudacz Family:**

The comment by Mr. Fudacz regarding "numerous natural springs and historical wooden and cement tile drains across many sections of the proposed plat . . ." is an overstatement of Mr. Fudacz and his family's rights to convey irrigation water across this property.

The Fudacz family were claimants in *Ecology v. Acquavella*, Yakima County Superior Court Cause No. 77-2-01484-5. Acquavella was a general water rights adjudication that was commenced to adjudicate the rights of all claimants of surface water (including springs) within the Yakima River Basin. The action was filed in Yakima County, but it covered water rights in Kittitas, Yakima, and Benton Counties. In that case, the Court divided the area within the adjudication into different "subbasins". In each subbasin the water right claimants presented their evidence to a referee appointed by the Court to take evidence and then render a recommendation to the Court on the water rights claims that were filed by each claimant. The Referee's decisions were then presented

to the superior court judge. The individual claimants then had an opportunity to object to the Referee's findings and in most cases the court remanded the objections back to the Referee for the taking of additional evidence or for the processing of additional argument. Then the Referee would issue a second report, often referred to as a "Supplemental Report of the Referee". The Court then typically entered a Conditional Final Order which adopted the Report of the Referee and the Supplemental Report of the Referee.

The Fudacz family were claimants in Acquavella, and annexed hereto as Exhibit A-1, is a true and correct copy of the Report of the Referee for Subbasin 8 (Thorp) and related materials. The Exhibit, which attaches a copy of the Report of the Referee, identifies the background information that the Referee relied upon in making decisions on the Fudacz's water rights.

Of special note in that background section is Section 7 "Special Issues Specifically Return Flows" (Exhibit A-1, page 5) that provides that while a party can obtain a right in return flows, it must meet the general qualifications of a water right, including having a Chapter 90.14 claim form supporting the use of the water rights. Chapter 90.14 claim forms were forms that landowners were required to file under Chapter 90.14 RCW prior to 1974. If a water right claimant failed to file a 90.14 claim form, then in Acquavella they did not receive a water right.

The Report of the Referee at page 74 discusses the Fudacz's water rights. It specifically says that the claimants make use of return flow waters or tail waters which are defined as return flows. However, the Referee concludes that no rights can be acquired in those return flows because the Fudaczes did not file 90.14 claim forms. Instead, the Fudaczes were awarded three water rights which ultimately became certificates at the conclusion of Acquavella, specifically, Certificate S4-83993-J, Certificate S4-83971-J, and Certificate S4-83948-J, (attached as Exhibit A-2). That is the sum total of the water rights that the Fudaczes have which flow across the applicant's property. The points of diversion of those three water rights are identified on the attached Exhibit A-3.

In addition, the Fudaczes have three easements which burden the property. One which is identified on the face of the proposed plat which runs across the Northeast corner of Lot 6, the Northeasterly portion of Lot 7 (within the flood zone), and across the Northeasterly corner of Lot 8. The other easements relate to a pipeline or drain that appears to gather the water collected from the four diversion points and distribute the water underground to a riser at the northeasterly intersection of Lots 8 and 9. The Fudaczes have no other rights to use any water that crosses or originates on the applicant's property. The diversion points of the Fudacz's water rights will be identified on the face of the plat and through restrictive covenants, the applicant will prevent soil disturbance and development in the vicinity of these diversion points.

Portions of the Fudacz's comments are not comments on the plat, and one is intended to denigrate the applicant and will not be responded to. The applicant has provided accurate information to both the County and to the Hearings Examiner in support of its plat application.

The applicant understands the rules and regulations relating to wetland and stream critical areas. The applicant submitted a report from a critical areas expert and intends to adhere to that report and County law. The applicant has no obligation to highlight "perennial springs" throughout the

property dating back to 1913. In fact, the Fudaczes have no rights to utilize any spring on the property other than the rights identified above and referenced at Exhibit A-2.

The Fudaczes also assert that the critical areas report was “sub par”. If the Fudaczes think the critical areas report is “sub par”, they fail to identify why the critical areas report was “sub par” and they fail to produce their own critical areas report. The photographs the Fudaczes produced are useless to the applicant, the County, and the Hearing’s Examiner because they are taken out of context and fail to demonstrate anything. The Fudaczes as a neighbor have historically been opposed to any activity which results in additional individuals moving to the area and/or houses being built in the vicinity of their property.

The Fudacz’s assert “an adequate and/or proper Eastern Washington Wetland Rating was not given, thus not identifying proper setback and buffer zones associated with wetland areas”. They then reference a wetland within the Goodwin Road County Right-of-Way. This is basically the road side ditch. The applicant commissioned a Critical Area Report (See Exhibit 12 of the application submittal) which identifies this wetland within the county right-of-way. Even though this wetland is within the county right-of-way, the Critical Area consultant reviewed this wetland in accordance with Kittitas County Code and established the appropriate buffers consistent with the county code. At the same time on the GIS mapping system of the county you will see a wetland identified within the old Railroad right-of-way and Thorp Depot Road. This wetland is off the property but there is a tail water ditch that travels along and crosses Parcel 19591 (not part of this proposed plat application) and crosses Thorp Landing Road and crossing other existing parcels eventually crossing the Thorp Hwy. Per Exhibit 12 of the plat submittal (Critical Area Report), Section 4.4 Irrigation regime Pg. 7 identifies this tail water section as a tail water ditch. Therefore, wetlands were identified off-site and not on the proposed Plat.

The Fudaczes also reference an additional spring, but it appears that this spring is no longer used and is therefore no longer an issue.

The Fudaczes allude to the applicant’s potential or intended interference or potential interference with their water rights. The applicant does not assert that it has a right to use any spring that forms the basis of the Fudacz’s water rights and the applicant does not intend to interfere with Fudacz’s water rights. The Fudacz’s rights are limited as discussed above, and all of the irrigation water that will be used on the applicant’s property will be delivered underground through a pipe system and be obtained from the West Side Irrigation Company. The Fudaczes cite to RCW 90.03.410, which is a provision of the water code that rarely is, if ever, used by any jurisdiction. It provides that willful, meaning intentional, interference to a dam, dike, headgate, weir, canal or reservoir, flume, or other structure or appliance for the diversion, carriage, storage, apportionment, or measurement of water for irrigation, is guilty of a misdemeanor. As stated above, the applicant does not claim the right to use any of the springs that feed the Fudacz’s water rights. Irrigation water will be delivered to the lots from the West Side Irrigation Company, and will be delivered through a piped system. Through the use of restrictive covenants, no lot will have the ability to apply irrigation water to the property except West Side Irrigation Company water that the lot is entitled to through the West Side Irrigation Company and the system the applicant will construct,

which complies with Kittitas County Code and the West Side Irrigation Company's rules and regulations.

**Response to Comments Received by Ms. Thompson:**

Ms. Thompson raises an issue with the 2022 Comprehensive Plan SEPA checklist that she alleges was inadequate. Ms. Thompson is referring to the applicant's 2022 request to Kittitas County to change the comprehensive plan designation of the property which is subject to this plat and to rezone the property to 5 acre density. Ms. Thompson was opposed to that request but did not file a challenge to the SEPA checklist or to the SEPA determination issued by Kittitas County as a result of that application. The County approved the comprehensive plan change and the rezone of the property. Ms. Thompson has now filed a petition to the Eastern Washington Growth Management Hearings Board challenging the County's decision. The outcome of that decision does not affect this plat application because under clear and unambiguous Washington law, this application is vested to the 5 acre zoning.

The vested rights doctrine started as a common law doctrine under which a land use application, under proper conditions, would be considered only under the land use statutes and ordinances in effect at the time of the application's submission. *Friends of the Law v. King County*, 123 Wn.2d 518, 522, 869 P.2d 1056 (1994). Common law vesting no longer exists in Washington and the vested rights doctrine is now only statutory. In *Potala Village Kirkland LLC v. Kirkland*, 183 Wn.App. 191, 334 P.3d. 1143 (2014) the Washington Court of Appeals held that the statutory vested rights doctrine, which applies only to building permits and plat applications, did not supplement common law vesting. *Id.* at 203. Instead, the court found statutory vesting replaced common law vesting. *Id.* at 203; see also, *Town of Woodway v. Snohomish County*, 180 Wn.2d 165, 322 P.3d 1219 (2014). In addition to statutory vesting in RCW 58.17.033 and RCW 19.27.095, local governments may also enact vesting ordinances. *Erickson & Associates, Inc. v. McLerran*, 123 Wn.2d 864, 872-73, 872 P.2d 1090 (1994).

Kittitas County has adopted Chapter 15A of the Kittitas County Code, which defines how all land use development applications filed in the County are processed. Title 15A.02.080 defines a project permit application. Chapter 15A.03 establishes the process the County follows in processing applications. KCC 15A.03.030 defines what must be in an application for it to be processed. KCC 15A.03.040 defines the process for determining when an application is complete so that it can be processed. In Kittitas County plat (short or long) applications vest as of the date the application is complete. That application was deemed complete on February 7, 2023, and is therefore vested as of February 7, 2023.

Consistent with the above vesting law, the Washington State Legislature (within the Growth Management Act) adopted RCW 36.70A.302. This statute specifies what the Eastern Washington Growth Management Hearings Board can do if it determines that part or all of the Comprehensive Planned Development Regulations subject to the appeal are invalid. RCW 36.70A.302(2) provides as follows:

A determination of invalidity is prospective in effect and does not extinguish rights that vested under state or local law before receipt of the board's order by the city or county. The determination of invalidity does not apply to a completed development permit application for a project that vested under state or local law before receipt

of the board's order by the county or city or to related construction permits for that project.

Thus, because this application vested when the County deemed the plat application complete, the Eastern Washington Growth Management Hearings Board's decision in the underlying Growth Management Act appeal filed by Ms. Thompson, Mr. Fudacz, and Mr. Boitano does not affect this plat application.

**Supplemental Response to Comments by the Kittitas County Health Department:**

The applicant contacted Holly Erdman at the Kittitas County Health Department regarding the public health comment. In discussions with Ms. Erdman, it is clear that the heading of her comment referencing the Conner Short Plat and the date of the comment are incorrect; however, the applicant was able to confirm that the substance of Ms. Erdman's comments on behalf of Kittitas County Public Health did in fact relate to this plat application. The applicant understands and agrees to her comments. Specifically, the applicant understands that prior to final plat approval, the applicant will have to comply with KCC 13.35.027, by providing a certificate of water budget neutrality or other adequate interest in water rights from a water bank.

**EXHIBIT A-1**

**YAKIMA RIVER BASIN  
WATER RIGHTS ADJUDICATION**

The State of Washington, Department of Ecology v.  
James J. Acquavella, et al.  
Yakima County Superior Court Cause No. 77-2-01484-5

**REPORT OF REFEREE**

**RE: SUBBASIN NO. 8  
(THORP)**

Submitted to:  
The Honorable Walter A. Stauffacher  
Yakima County Superior Court

REPORT OF REFEREE - VOLUME 19

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
2 IN AND FOR THE COUNTY OF YAKIMA

3 IN THE MATTER OF THE DETERMINATION )  
4 OF THE RIGHTS TO THE USE OF THE )  
5 SURFACE WATERS OF THE YAKIMA RIVER )  
6 DRAINAGE BASIN, IN ACCORDANCE WITH )  
7 THE PROVISIONS OF CHAPTER 90.03, )

8 THE STATE OF WASHINGTON, )  
9 DEPARTMENT OF ECOLOGY, )

10 Plaintiff, )

11 v. )

12 JAMES J. ACQUAVELLA, et. al., )

13 Defendants. )  
14

No. 77-2-01484-5

REPORT OF REFEREE

Re: Subbasin No. 8  
(Thorp)

15 To the Honorable Judge of the above-entitled Court, the following report is  
16 respectfully submitted:

17 I. BACKGROUND

18 This report concerns the determination of a portion of the surface water  
19 rights of the Yakima River Drainage Basin, specifically those rights located  
20 within Subbasin No. 8 (Thorp). The criteria used by the Referee in the  
21 evaluation of claims in this subbasin, consisting of applicable law and bases for  
22 water right determinations, can be found in the Report of the Referee to the  
23 Court, Preface to Subbasin and Major Category Reports, Volume 2, dated May 18,  
24 1988.

25 Evidentiary hearings were conducted by the Referee on December 6, 7, 8 and  
26 9, 1989.

27 REPORT OF REFEREE  
28 Re: Subbasin No. 8

1

29 REFEREE'S OFFICE  
1600 SW Perry St., Suite F.  
Yakima, WA 98902-5713  
(509) 454-7221



1 north of the Thorp subbasin. Subbasin No. 6 had a water purveyor, the Taneum  
2 Ditch Company, that set forth through expert testimony, the general water duty of  
3 6.6 acre-feet per year per acre irrigated needed from their primary sources of  
4 water. Although the source of water for the Taneum Ditch Company is Taneum Creek  
5 located in Subbasin No. 6, the service area (or place of use) lies predominately  
6 within Subbasin No. 8. The Referee will utilize the water duty of 6.6 acre-feet  
7 per year per acre irrigated when testimony is not provided for historic use.

8 The maximum rate of diversion or withdrawal will be calculated on the basis  
9 of 1.0 cubic foot per second (449 gallons per minute) for each 50 acres of  
10 irrigation, irrespective of the type of crop. Therefore, for each irrigated  
11 acre, the Referee calculates the maximum instantaneous rate of diversion to be  
12 0.02 cubic foot per second (9 gallons per minute). It is the opinion of the  
13 Referee that the aforementioned duty of water is a reasonable maximum application  
14 rate for the soil and topographic conditions in Subbasin No. 8. These volumes  
15 and rates of water application will be employed by the Referee when quantitative  
16 evidence of the rate and volume of a right was neither submitted nor made clear  
17 during testimony.

#### 18 IV. STIPULATIONS

19 Three stipulations were adopted during the hearing, among all claimants and  
20 their counsel. The first stipulation concerns the use of exhibits and testimony  
21 and reads as follows:  
22

23 It is hereby stipulated by all claimants in the above-entitled cause that  
24 all exhibits entered and all testimony taken at the hearing on claims held  
25 beginning December 6, 1989, may be utilized by any party in the proof of a  
26 claim or the contesting of a claim whenever relevant and material.

27 REPORT OF REFEREE  
28 Re: Subbasin No. 8

3

29 REFEREE'S OFFICE  
1600 SW Perry St., Suite F.  
Yakima, WA 98902-5713  
(509) 454-7221

1 The second is a stipulation by the parties in relation to the description  
2 of properties identified in the claims of the defendants to this action, and  
3 reads as follows:

4 It is hereby stipulated that the description of lands set forth in the  
5 claims of the respective claimants is the correct description of the lands  
6 for which the water right is claimed and that such claim will constitute  
7 proof of the ownership thereof in the absence of a contest as to such  
8 title.

9 In the third, the parties stipulated to the following in relation to "non-  
10 diversionary" stock and wildlife watering use with regards to Subbasin No. 8:

11 1. Waters in natural watercourses in the subbasin shall be retained when  
12 naturally available, an amount not to exceed 0.25 cubic feet per second  
13 (cfs), for stock water uses in such watercourses as they flow across or are  
14 adjacent to lands, which are now used as pasture or range for livestock.  
15 Retention of such water shall be deemed senior (or first) in priority,  
16 regardless of other rights confirmed in this cause. Regulations of these  
17 watercourses by the plaintiff shall be consistent with such retention  
18 requirements.

19 2. Waters in natural watercourses in the subbasin shall be retained when  
20 naturally available, an amount not to exceed 0.25 cubic feet per second  
21 (cfs), for wildlife watering uses in such watercourses as they flow across  
22 or are adjacent to lands, which are now used as pasture or range for  
23 wildlife. Retention of such water shall be deemed senior (or first) in  
24 priority, regardless of other rights confirmed in this cause. Regulations  
25 of these watercourses by the plaintiff shall be consistent with such  
26 retention requirements.

27 3. Waters in naturally occurring ponds and springs (with no surface  
28 connection to a stream) in the subbasin shall be retained for stock water  
29 uses, when such ponds and springs are located on or adjacent to lands which  
are now used as pasture or range for livestock. Said uses embody  
entitlements to a level in the water bodies sufficient to provide water for  
animals drinking directly therefrom while ranging on riparian lands, and  
with the same priority as provided in paragraph 1. Regulation of the ponds  
and springs by the plaintiff shall be consistent with such retention  
requirements.

4. Waters in naturally occurring ponds and springs (with no surface  
connection to a stream) in the subbasin shall be retained for wildlife  
watering uses, when such ponds and springs are located on or adjacent to  
lands which are now used as pasture or range for wildlife. Said uses  
embody entitlements to a level in the water bodies sufficient to provide  
water for wildlife drinking directly therefrom while ranging on riparian  
lands, and with the same priority as provided in paragraph 2. Regulation

REPORT OF REFEREE  
Re: Subbasin No. 8

4

REFEREE'S OFFICE  
1600 SW Perry St., Suite F.  
Yakima, WA 98902-5713  
(509) 454-7221

1 of the ponds and springs by the plaintiff shall be consistent with such  
2 retention requirements.

3 5. Nothing in this stipulation mandates that any lands, associated with  
4 water rights or water retention as provided herein, shall be reserved for  
5 wildlife purposes.

#### 6 V. LAND DESCRIPTIONS

7 The Referee has chosen, in the interest of minimizing future controversy  
8 and confusion, to reduce legal descriptions of properties relating to confirmed  
9 rights to the smallest reasonable legal subdivision in which are contained the  
10 actual places of use. It is believed that the basic integrity of the right will  
11 not only be preserved, but strengthened by this measure.

#### 12 VII. SPECIAL ISSUES

##### 13 Return Flows

14 Many of the defendants in this subbasin are asserting rights to the use of  
15 return flow waters. The Court has used the definition of "return flows"  
16 contained in 2 Hutchins, Water Right Laws in the Nineteen Western States (1974),  
17 page 568 as follows: "'Return flow' is water diverted for irrigation or other  
18 use that returns to the stream from which it is diverted, or to some other  
19 stream, or that would do so if not intercepted by some obstacle."

20 The Court considers return flow waters to include waste water and seepage  
21 water. The defendants who are claiming return flow waters lie below the Kittitas  
22 Reclamation District canal. The contract between the United States and the  
23 Kittitas Reclamation District specifically addresses return flow waters within  
24 the reclamation district boundaries as follows:

25 34. (a) The United States does not abandon or relinquish any of the  
26 waste, seepage or return flow-waters attributable to the irrigation of the  
27 lands to which water is supplied under this contract. All such waters are  
28 reserved and intended to be retained for the use and benefit of the United  
29 States as a source of supply for the project.

REPORT OF REFEREE  
Re: Subbasin No. 8

5

REFEREE'S OFFICE  
1600 SW Perry St., Suite F.  
Yakima, WA 98902-5713  
(509) 454-7221

1 (b) If suitable drainage or return-flow water from any part of the  
2 project shall at any time be or become available at points where it can be  
used on lands within the District, the United States may supply such water  
as a part of the supply to which the lands in the District are entitled.

3 Therefore, return flow waters that originate from the Kittitas Reclamation  
4 District (KRD) system may be considered by the United States to be part of the  
5 water to which district lands are entitled, or part of the four acre-feet per  
6 acre that is delivered by KRD to district patrons.

7 Additionally, in a recent Washington State Supreme Court case, State of  
8 Washington, D.O.E. v. U.S. Bureau of Reclamation, et al., 118 Wn.2d 761, 827 P.2d  
9 275 (1992), the Supreme Court held that the appropriator of the water retains its  
10 rights to use the water so long as the water remains within the boundaries of the  
11 appropriator's property and that only Federal agencies and those entities with  
12 whom they contract have authority to make decision regarding the distribution of  
13 water within a Federal irrigation project. The Supreme Court found that the  
14 Federal government, through the Bureau of Reclamation, was the appropriator of  
15 water in a Federal project and had control of the water until it left the project  
16 boundaries.

17 Additionally, the return flow water derived from irrigation practices using  
18 water from the Kittitas Reclamation District, the West Side Irrigating Company,  
19 Taneum Canal Company and the Menastash Water Ditch Company canals or seepage from  
20 the canals would be foreign return flows as the water in these canals is diverted  
21 from the Yakima River outside Subbasin No. 8, Taneum Creek or Manastash Creek,  
22 also outside of Subbasin No. 8. The Washington State Court of Appeals has held  
23 in the case of Dodge v. Ellensburg Water Co., 46 Wn App. 77, 82, 729 P.2d 631  
24 (1986), that ". . . no water rights, prescriptive or otherwise, exist in these  
25 waters." In a much earlier case, Elgin v. Weatherstone, 123 Wash. 429, 212 P.

27 REPORT OF REFEREE  
28 Re: Subbasin No. 8

6

29 REFEREE'S OFFICE  
1600 SW Perry St., Suite F.  
Yakima, WA 98902-5713  
(509) 454-7221

1 562 (1923), the Washington Supreme Court ruled that foreign waters are of a  
2 vagrant or fugitive nature and may be used by the first person who can take them  
3 from the stream where they are found. The ruling also found that the fact that a  
4 riparian owner was first to appropriate vagrant surplus waters in a creek did not  
5 give him the exclusive right to take it the next year.

6 The above cited cases lead the Referee to conclude that rights cannot be  
7 confirmed for the use of return flow waters that originate from the application  
8 of water from either the Kittitas Reclamation District, the West Side Irrigating  
9 Company, the Taneum Canal Company or the Manastash Water Ditch Association,  
10 canals, or seepage from those canals. Therefore, the only possible rights to  
11 return flow waters that could be confirmed in the Thorp Subbasin would be return  
12 flows resulting solely from the use of surface waters originating within the  
13 subbasin, such as Fogey Creek. In order for the Referee to recommend that rights  
14 be confirmed for use of return flow waters, the defendants would need to present  
15 evidence to show that the return flows originated from use of creek(s) water, not  
16 Yakima Project water or foreign return flows; evidence of the quantity of return  
17 flow water used; historic use of the water; and the legal foundation for the  
18 water use. Without that specific testimony, the Referee cannot recommend  
19 confirmation of rights for use of return flow water.

## 21 VI. WATER RIGHT PRIORITIES

22 When the testimony and evidence leading to a confirmed right is no more  
23 specific with respect to the priority date than the year, the Referee has elected  
24 to use the 30th of June as representing a midpoint of that particular year. In  
25 those cases when the priority to be confirmed is not more specific than the  
26

27 REPORT OF REFEREE  
28 Re: Subbasin No. 8

7

REFeree'S OFFICE  
1600 SW Perry St., Suite F.  
Yakima, WA 98902-5713  
(509) 454-7221

1 month, the last day of that month will be used. This has been done in the  
2 interest of consistency and compatibility with other rights.

3  
4 VIII. TESTIMONY AND REFEREE'S ANALYSES

5 Plaintiff Testimony

6 The Plaintiff State of Washington, Department of Ecology, was represented  
7 by Mr. Charles B. Roe and Ms. Ceil Buddeke, Assistant Attorneys General.

8 The State introduced into evidence the following generic exhibits:

9 <u>NUMBER</u>	<u>DESCRIPTION</u>
10 SE-1	Map -- Subbasin No. 8--Inset A.
11 SE-2	Map -- Subbasin No. 8.
12 SE-3	Water Right Certificates, Permits, Surface Water Claims RE: Subbasin No. 8.
13 SE-4	Investigation Reports for the Claimants in Subbasin No. 8

14 Additionally, oral testimony was given by Mr. Clay Keown, Field  
15 Investigator, Ecology Adjudication Section.

16 Claimant Testimony

17 Seventy-three defendants filed statements of claim or notices of appearance.  
18 All claimants and their legal counsel, if so represented, are as follows:

19 <u>Court</u>			
20 <u>Claim</u>			
<u>No.</u>	<u>Name</u>	<u>Attorney</u>	<u>Page(s)</u>
21 2266	William Bews, Jr. Rt. 1 Box 375 Ellensburg, WA 98926	Kenneth D. Beckley P. O. Box 858 Ellensburg, WA 98926	19, 149
22			
23			
24 1722	Dale K. & Jewel E. Black Rt. 1 Box 415 Ellensburg, WA 98926	Hugh M. Spall P. O. Box 831 Ellensburg, WA 98926	24, 149
25			
26			

27 REPORT OF REFEREE  
28 Re: Subbasin No. 8

8

29 REFEREE'S OFFICE  
1600 SW Perry St., Suite F.  
Yakima, WA 98902-5713  
(509) 454-7221

1 COURT CLAIM NO. 4817 & 4942 - David W. and Lyla M. Fudacz  
2 COURT CLAIM NO. 4818 - Larry T. Fudacz

3 Late Statements of Claim and supplemental claims were filed by the Fudaczs  
4 for use of water from three unnamed springs and return flows for irrigation and  
5 stock water supply. The claimants were represented by James Hurson, attorney.  
6 David Fudacz testified at the evidentiary hearing on behalf of both claims.

7 The properties in question utilize the same sources of water and  
8 distribution system, and operate as a unit. Spring and return flow waters  
9 originate at two points, identified as "A" and "B" on the Fudacz exhibit map (DE  
10 92). Based on the aerial photo, the springs emerge within a 100 foot area in the  
11 SW~~1~~NW~~1~~SE~~1~~ of Section 11, although additional springs breakout all along the  
12 railroad tract area. The springs feed concrete underground lines conveying water  
13 to a point ("C") located at the southern most portion of the David and Lyla  
14 Fudacz property approximately 800 feet south and 1,320 feet west from the east  
15 quarter corner of Section 11, T. 18 N., R. 17 E.W.M.. The water is transported  
16 to their property to irrigate 7.71 acres of timothy hay. This same system also  
17 conveys water to Larry Fudacz's property for irrigation of 24.41 acres of timothy  
18 hay and row crops. They pasture up to 180 sheep and several horses and cattle.  
19 Surface methods are still the predominate method of application of water through  
20 both concrete and earthen ditches and plastic and concrete pipes. Both farms  
21 benefit from return flow when their neighbor, Andrew Dyk, irrigates his property.

22 David and Lyla Fudacz also have 4.12 acres which received water primarily  
23 from the West Side Irrigating Company and waste water from a ditch along Goodwin  
24 Road. Within the last few years, the claimants obtained an easement from their  
25 neighbors the Leavitts, and recently began taking delivery of water from the West  
26 Side Irrigating Company for the other 24.41 acre parcel. The West Side

27 REPORT OF REFEREE  
28 Re: Subbasin No. 8

74

29 REFEREE'S OFFICE  
1600 SW Perry St., Suite F.  
Yakima, WA 98902-5713  
(509) 454-7221

1 Irrigating Company is a Major Claimant in these proceedings. Their claim will be  
2 addressed through the Major Claimant pathway.

3 Three patents have issued each describing a portion of the property the  
4 Fudaczes own. The Northern Pacific Railroad received a patent dated May 31,  
5 1870, for several hundred acres, including the E~~NE~~ and the NE~~SE~~ of Section  
6 11. A patent issued to Rueben Pardee dated February 28, 1897, which in part  
7 described the NW~~SE~~ and the NE~~SW~~ of Section 11. The David and Lyla Fudacz  
8 property lies within the above described patented land. A patent issued to  
9 Alanson J. Mason dated September 29, 1888, and included the S~~SE~~ of Section 11  
10 wherein lies Larry Fudacz's property.

11 This general area was developed and irrigated beginning in the late 1800's,  
12 as testified to, not only by Mr. Fudacz, but by other claimants in these  
13 proceedings. In the early 1900's, the claimants' springs were the subject of  
14 litigation between Ruth Mason and John Yearwood/John Newman, et al. Mr. Yearwood  
15 had enlarged the spring channels on his property to convey the accumulating  
16 spring water off his property and to John Newman. The channelling work affected  
17 the flow of water onto the Mason property. The final opinion issued in June  
18 1919, resulting in Ms. Mason being entitled to use 10 miners inches under 4 inch  
19 pressure (0.2 cubic feet per second) from the springs for irrigation, domestic  
20 supply and stock water. The Yearwood and Newman uses were acknowledged, but  
21 there was no quantification of those uses. The Fudaczes own a portion of  
22 Yearwood and Newman properties.

23 The claimants make use of waste waters or tailwaters, which are defined as  
24 return flows. Although a right to use of natural return flows can be confirmed  
25 if historically used and quantified, and with the appropriate water right  
26 documentation, those flows imported into the subbasin are considered foreign

27 REPORT OF REFEREE  
28 Re: Subbasin No. 8

75

REFEREE'S OFFICE  
1600 SW Perry St., Suite F.  
Yakima, WA 98902-5713  
(509) 454-7221

1 return flows and are not subject to allocation. See the Special Issues Section  
2 of this report beginning on page 5.

3 Two 90.14 RCW water right claims were filed which appear to describe the  
4 Fudacz property. Claim No. 121941 was filed for use of water from a drain ditch  
5 on the south side of Goodwin Road for irrigation of lawn and garden and stock  
6 water supply. Since the "short form" was used, no specific point of diversion,  
7 quantities or date of first use was given. Use of the "short form" under RCW  
8 90.14 was for asserting a right to water for the purposes described in the Ground  
9 Water Code's exemption to the permit process (Section 90.44.050 RCW) which are  
10 domestic supply, stock watering, irrigation of up to one-half acre of lawn and  
11 non-commercial garden, and industrial supply as long as less than 5,000 gallons  
12 per day is being used. Use of the short form waived any right that may have  
13 existed in excess of those quantities and uses.

14 Under Claim No. 121943, 10 gallons per minute (gpm), 0.5 acre-foot per year  
15 was claimed from a spring for continuous stock water. No point of diversion was  
16 given. Claim No 121943 preserves a right to use of the spring for stock water  
17 only. The place of use described in these two claims was "All that portion of  
18 the NE\*SW\* and NW\*SE\* of Section 11, lying north and east of the Chicago,  
19 Milwaukee, and St. Paul Railroad". Only a portion of the David and Linda Fudacz  
20 land falls within the described place of use--the 4.12 acre parcel on which only  
21 water from the West Side Irrigating Co. and a waste water ditch are used for  
22 irrigation. The spring is used for stock water supply.

23 The Referee recommends that a right be confirmed to David W. and Lyla M.  
24 Fudacz under Court Claim No. 04817, under the Riparian Doctrine, with a priority  
25 date of February 28, 1897, for 0.02 cfs and 2 acre-feet per year for continuous  
26 stock water supply from the spring area. The springs are located within the

27 REPORT OF REFEREE  
28 Re: Subbasin No. 8

76

REFEREE'S OFFICE  
1600 SW Perry St., Suite F.  
Yakima, WA 98902-5713  
(509) 454-7221

1 following points of diversion: "A" is located approximately 1,500 feet north and  
2 200 feet east from the south quarter corner of Section 11; and "B" is located  
3 approximately 1,400 feet north and 200 feet east from the south quarter corner of  
4 Section 11; both being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 11, T. 18 N., R. 17 E.W.M.

5 Due to the lack of a RCW 90.14 claim for irrigation and lack of testimony  
6 about the nature of the return flow waters being used, the Referee cannot  
7 recommend confirmation of an irrigation right under either Court Claim No. 4817  
8 or 4818.

9  
10 COURT CLAIM NO. 1810 - Ben F. and Nina M. George

11 The Claimants filed a Statement of Claim asserting a right to use water  
12 from an unnamed spring for irrigation and stock water. Mr. George testified at  
13 the evidentiary hearing on behalf of their claim.

14 The subject property has been in the George family since 1928. The Georges  
15 own the SE $\frac{1}{4}$  of Section 3 and the NE $\frac{1}{4}$  of Section 10, T. 18 N., R. 17 E.W.M. and  
16 are entitled to water from both the Taneum Canal Company and the Kittitas  
17 Reclamation District (KRD). The portion of their property receiving water from  
18 the unnamed spring is located within the E $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 3, lying east of the  
19 Thorp Mill Ditch. This property does not benefit from water delivered through  
20 either the Taneum ditch or KRD. The State's Investigation Report identified this  
21 property having West Side Irrigating Company water appurtenant to it; however,  
22 Mr. George testified that he does not convey West Side water to this acreage.

23 Approximately 12 acres are irrigated from the unnamed spring. Water is  
24 diverted from a point located approximately 800 feet south and 900 feet west from  
25 the east quarter corner of Section 3, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 3.  
26 These springs originate east of the West Side canal and, although they flow

27 REPORT OF REFEREE  
28 Re: Subbasin No. 8

77

29 REFEREE'S OFFICE  
1600 SW Perry St., Suite F.  
Yakima, WA 98902-5713  
(509) 454-7221

1 CLAIMANT NAME: David W. and Lyla M. Fudacz COURT CLAIM NO. 4817

2 Source: Two unnamed springs

3 Use: Stock water

4 Period of Use: Continuous

5 Quantity: 0.02 cubic foot per second, 2 acre-feet per year

6 Priority Date: February 28, 1897

7 Point of Diversion: 1. 1,500 feet north and 200 feet east from the south  
8 quarter corner of Section 11;  
9 2. 1,400 feet north and 200 feet east from the south  
10 quarter corner of Section 11; both being within the  
11 NW~~SE~~ of Section 11, T. 18 N., R. 17 E.W.M.

12 Place of Use: That portion of the E~~W~~ of Section 11, T. 18 N.,  
13 R. 17 E.W.M. described as follows: Beginning at the east  
14 quarter corner of Section 11; thence N 89°19'11" W  
15 1,329.81 feet to a point which is the approximate center  
16 of Goodwin Road; thence S 00°17'19" 20 feet to the south  
17 right of way boundary of said county road and the true  
18 point of beginning; thence S 00°17'19" W 187 feet; thence  
19 N 89°19'11" W parallel with the south right of way of  
20 said county road 820.19 feet; thence N 73°03'37" 164.29  
21 feet; thence N 00°27'51" 131.02 feet; thence continuing N  
22 00°27'51" W 10 feet to a point on the south right of way  
23 of said county road; thence S 89°19'11" E on said road  
24 right of way 979.45 feet to the true point of beginning.

25  
26  
27 REPORT OF REFEREE  
28 Re: Subbasin No. 8

166

REFEREE'S OFFICE  
1600 SW Perry St., Suite F.  
Yakima, WA 98902-5713  
(509) 454-7221

**YAKIMA RIVER BASIN  
WATER RIGHTS ADJUDICATION**

The State of Washington, Department of Ecology v.  
James J. Acquavella, et al.  
Yakima County Superior Court Cause No. 77-2-01484-5

**SUPPLEMENTAL  
REPORT OF REFEREE**

**Re: SUBBASIN NO. 8  
(THORP)**

Submitted to:  
The Honorable Walter A. Stauffacher  
Yakima County Superior Court

**REPORT OF REFEREE - VOLUME 19A**

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
2 IN AND FOR THE COUNTY OF YAKIMA

3 IN THE MATTER OF THE DETERMINATION )  
4 OF THE RIGHTS TO THE USE OF THE )  
5 SURFACE WATERS OF THE YAKIMA RIVER )  
6 DRAINAGE BASIN, IN ACCORDANCE WITH )  
7 THE PROVISIONS OF CHAPTER 90.03, )

8 THE STATE OF WASHINGTON, )  
9 DEPARTMENT OF ECOLOGY, )

10 Plaintiff, )

11 v. )

12 James J. Acquavella, et al., )

13 Defendants. )

No. 77-2-01484-5

REPORT OF REFEREE  
PURSUANT TO ORDER ON  
EXCEPTIONS OF  
MARCH 9, 1995

14 To the Honorable Judge of the above-entitled Court, the following report is  
15 respectfully submitted:

16 The Order issued by the court on the March 9, 1995, ruled upon several  
17 exceptions to the Report of Referee and remanded certain exceptions to the Referee,  
18 with instructions, for further evaluation and subsequent recommendations to the  
19 Court.

20 The claims remanded to the Referee are identified as follows:

21 Harold E. Chamberlin and Sherry A. Chamberlin, Claim No. 02316

22 Gerald D. Detwiler and Carol L. Detwiler, Claim No. 02074

23 Douglas A. Dicken, Claim No. 01722

24 David W. Fudacz and Lyla M. Fudacz, Claim No. 04817

25 Larry T. Fudacz, Claim No. 04818

26 Elwin Gibson and Patricia Gibson and Irwin Loucks and Dorothy Loucks,  
27 Claim No. 02046

28 Charles Gust, Claim No. 01560

SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 8

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

- 1 Ivan Hutchinson and Mildred Hutchinson, Claim No. 00876
- 2 James Ogden, Claim No. 01961
- 3 Robert F. Lapen and Linda L. Lapen, Claim No. 01446
- 4 Vernon G. Meyer and Ellen F. Meyer, Claim No. 01875
- 5 Murray Pacific Corporation and Roger C. Sparks and Rita M. Sparks and
- 6 Dale Dyk and Bart G. Bland and Dave Duncan & Sons and James V. Leishman
- and Duncan Family Trust and Douglas A. Dicken, Claim No. 00931
- 7 Packwood Canal Company, Inc., Claim No. 00785
- 8 Gene Panattoni and Sally Panattoni, Claim No. 01208
- 9 Peoples National Bank of Washington, Claim No. 00738
- 10 Theiline P. Scheumann, Claim No. 01335
- 11 Randell Shannon and Tresa Shannon, Claim No. 01809
- 12 Virginia Anderson, Claim No. 00500
- 13 Thorp Town Ditch Association, Claim No. 00725
- 14 Larry O. Hillis and Veralene Hillis, Claim No. 01705
- 15 Wynn Vickerman, Claim No. 00596
- 16 Norma Jean Wilcox, Claim No. 01971
- 17 Willowbrook Farms Ltd. Partnership, Claim No. 00520
- 18 3 Bar G Ranch, Inc., Claim No. 02068

19 Ecology's exception to the annual quantity of water recommended for  
 20 confirmation to Richard O. and Rita Hutchinson, Claim No. 00877 and Ecology's  
 21 exception asking for a definition of the term "supplemental" as used by the Referee  
 22 and the Court were denied by the Court.

23 On February 10, 1995, the Court entered a Memorandum Opinion Re: RCW 90.14  
 24 and Substantial Compliance, incorporating the Court's earlier oral ruling

27 SUPPLEMENTAL REPORT OF REFEREE  
 28 Re: Subbasin No. 8

Referee's Office  
 15 W. Yakima Ave Ste 200  
 Yakima, WA 98902-3401

1 concerning substantial compliance. Exceptions making substantial compliance with  
2 RCW 90.14 arguments filed by the following claimants were denied by the Court:

- 3 1. Claim No. 02068, 3 Bar G Ranch
- 4 2. Claim No. 00932 & 17500, Dave Duncan, et al.
- 5 3. Claim No. 04817, 04818, 04942, Larry, David & Lyla Fudacz
- 6 4. Claim No. 02046, Claude & Lillian Gibson, Elwin & Patricia Gibson, Erwin  
& Dorothy Loukes
- 7 5. Claim No. 00829, Ronald & Margaret McMillian
- 8 6. Claim No. 01809, Randell & Teresa Shannon

9 On July 19, 1995, the Court entered a Memorandum Opinion Re: Priority Date -  
10 Date of Patent or Date of Entry addressing the proof needed to establish priority  
11 dates. The Referee will look to that opinion when considering evidence presented  
12 concerning priority dates. The claimants who filed exceptions specifically on  
13 priority date were Dale & Jewel Black (now Dickens), Claim No. 01722; Harold &  
14 Sherry Chamberlin, Claim No. 02316; Larry & Veralene Hillis, Claim No. 00894, 01705  
15 & 01204; and Willowbrook Farms, Claim No. 00520. Additionally, the Court entered a  
16 Memorandum Opinion on January 31, 1995, related to the exceptions filed by  
17 Grousemont Farms, Ivan and Mildred Hutchinson and Vernon and Ellen Meyer. That  
18 opinion guided the Referee in addressing those exceptions later in this report.

19 Hearings, for the purpose of opening the record for testimony and evidence  
20 relating to the exceptions, were conducted by the Referee beginning on June 5,  
21 1995. The Department of Ecology was represented by Assistant Attorney General Jo  
22 Messex Casey.

23 COURT CLAIM NO. 00500 -- Virginia Anderson

24 Court Claim No. 00500 was filed jointly by Arthur G. Thayer and John J. Thayer  
25 who did not appear at the original evidentiary hearing because of John Thayer's  
26 death and Arthur's poor health. Margaret A. Thayer, a sister, succeeded to the

27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 8

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 ambiguous on its face and that the described point of diversion is indeed located  
2 on Hatfield Canyon Creek. Therefore, the Referee's conclusion that no water right  
3 claim was filed on the unnamed stream should be affirmed.

4 Mr. Burrue1 filed WRC No. 121389 on a short form claiming ground water as a  
5 source for a domestic supply. Mr. Black did not appear to provide testimony  
6 supporting his contention that Mr. Burrue1 made an error in distinguishing the  
7 source as ground water, rather than surface water. Although Mr. Spall suggests  
8 that no well exists on the Black property, the record is silent in that regard.  
9 Mr. Black did testify that water from the smaller spring is used at the house and  
10 barn, but provided no historic use or quantification testimony regarding that use.  
11 Lacking that clarifying testimony, the Referee concludes that WRC No. 121389 has  
12 not been established as being a filing on the house spring. Further, there is no  
13 record upon which a right could be quantified even if a water right claim had been  
14 filed. The original finding of the Referee should stand and a right not be  
15 confirmed under Court Claim No. 01722.

16  
17 COURT CLAIM NO. 04817 -- David W. Fudacz  
(A)04942 & Lyla M. Fudacz

18 COURT CLAIM NO. 04818 -- Larry T. Fudacz

19 Attorney Richard T. Cole filed exceptions for David Fudacz relative to the  
20 Report of Referee for Subbasin No. 8 (Thorp). The exceptions relate to the  
21 findings of the Referee that all irrigation water rights associated with Court  
22 Claims 04817, 04818 and 04942 were waived and relinquished due to deficiencies in  
23 filing of Water Right Claims (WRC) as prescribed by RCW 90.14. The Court denied  
24 the claimant's substantial compliance arguments and their attempts to amend their  
25

26  
27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. B

1 RCW 90.14 claim through their exceptions, see the Court's Order On Exceptions for  
2 Subbasin No. 8 (Thorp) dated March 9, 1995.

3 Although the Court did not specifically refer the question of priority date to  
4 the Referee, that issue was the fourth exception filed by Fudacz. The claimants  
5 are asserting a priority date of June 30, 1889. The record is clear that a patent  
6 was issued to Rueben Pardee on February 28, 1897, for the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of  
7 Section 11, T. 18 N., R. 17 E.W.M. within which the Fudacz farmstead lies. The  
8 evidence indicates that the springs were in existence before the Westside Canal was  
9 put into service around 1890 and that flow from the springs increased dramatically  
10 over the next 20 years. Spring water has been used via pipelines and ditches to  
11 irrigate the 7.71 acre field and presumably supplied stock water to the adjoining  
12 4.12 acre field to the west. Testimony indicates that water is not run through the  
13 pipeline running north between the two Dave Fudacz parcels during the  
14 non-irrigation season. Therefore, the Referee recommends that the diversionary  
15 stock water right previously recommended be modified to eliminate the  
16 non-irrigation season and to reduce the annual quantity from 2 acre-feet per year  
17 to 1 acre-foot. Thus, Page 166, Line 4 is amended to read April 15 through  
18 October 31. The priority date of February 28, 1897, is appropriate as it reflects  
19 the patent date. The Riparian Doctrine has been relied upon lacking evidence to  
20 substantiate an earlier date. The Referee acknowledges that steps to sever the  
21 land from Federal ownership began earlier than 1897; however, the record lacks  
22 specific dates other than the homestead patent on which to base the priority date.  
23 The exception states that there is evidence that water was first used in 1884;  
24 however, that evidence was not brought to the Referee's attention.

25  
26  
27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 8

1 The Referee recommends that a diversionary stock water right be issued to the  
2 Fudacz's as described above.  
3

4 COURT CLAIM NO. 02046 -- Elwin Gibson  
5 & Patricia Gibson  
6 Irwin Loucks  
& Dorothy Loucks

7 The Referee recommended confirmation of two water rights: One from a spring  
8 located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 11, T. 18 N., R. 17 E.W.M. having a June 20, 1878,  
9 priority date, and the other being the Yakima River at a point in common with the  
10 diversion for the Thorp Mill Ditch having a priority date of December 28, 1888.  
11 The recommended Yakima River water right is for substantially fewer acres than  
12 encompassed by the claimants' farming practices. Exceptions to the Report of  
13 Referee relating to Court Claim No. 02046 were filed with the Court by Richard T.  
14 Cole on behalf of the claimants and by Jo Messex Casey, Assistant Attorney General,  
15 on behalf of Plaintiff State of Washington Department of Ecology (Ecology).  
16 Ecology requests refinement of the place of use for the spring water.

17 Claimants Gibson and Loucks assert that Water Right Claim (WRC) No. 118943  
18 substantially complies with the filing requirements of RCW 90.14 for their combined  
19 ownership. The basis for that conclusion is that Ben Gibson, the signatory on the  
20 claim form, mistakenly omitted major portions of their ranch ownership. Gibson and  
21 Loucks further contend that the Referee had both sufficient facts and the  
22 discretion to amend WRC Claim No. 118943 to include all of the claimant's land  
23 located within the SW $\frac{1}{4}$  and SE $\frac{1}{4}$  of Section 12 and the NE $\frac{1}{4}$  and NW $\frac{1}{4}$  of Section 13,  
24 T. 18 N., R. 17 E.W.M. The Court has ruled via Memorandum Opinion RE: RCW 90.14  
25 and Substantial Compliance that amendments to water right claims is exclusively a  
26

27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 8

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

**FINDINGS OF FACT**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I, DOUGLAS CLAUSING, as Referee in this proceeding, having carefully examined the testimony and evidence, do hereby make the following Findings of Fact pursuant to the Order on Exceptions entered by this court on March 9, 1995:

Based upon the additional testimony and evidence obtained at either the exception hearing or the supplemental hearing, the Report of Referee - Subbasin No. 8, dated May 9, 1994, should be modified as ordered by the Court on March 9, 1995, and by recommendations made herein. Following are the rights recommended for confirmation in the May 9, 1994, Report of Referee for Subbasin No. 8, which were not modified as a result of the exceptions taken and the additional recommendations made by the Referee as a result of the Court's rulings at the exception hearing and the testimony and evidence presented at the supplemental hearing:

CLAIMANT NAME:	Elwin and Patricia Gibson and Claude and Lillian Gibson	COURT CLAIM NO. <u>02046</u>
Source:	An unnamed spring	
Use:	Irrigation of 9.5 acres and stock water	
Period of Use:	April 1 to October 31	
Quantity:	0.19 cubic foot per second, 62.7 acre-feet per year for irrigation and 2 acre-feet per year for stock water	
Priority Date:	June 30, 1878	
Point of Diversion:	1100 feet north and 550 feet east from the south quarter corner of Section 11, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, T. 18 N., R. 17 E.W.M.	
Place of Use:	The NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, T. 18 N., R. 17 E.W.M.	

SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 8

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: David W. and Lyla M. Fudacz COURT CLAIM NO. 04817

2 Source: Two unnamed springs

3 Use: Stock water

4 Period of Use: April 15 to October 31

5 Quantity: 0.02 cubic foot per second, 1 acre-foot per year

6 Priority Date: February 28, 1897

7 Point of Diversion: 1. 1,500 feet north and 200 feet east from the south  
quarter corner of Section 11;  
8 2. 1,400 feet north and 200 feet east from the south  
quarter corner of Section 11; BOTH being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$   
9 of Section 11, T. 18 N., R. 17 E.W.M.

10 Place of Use: That portion of the E $\frac{1}{2}$  of Section 11, T. 18 N.,  
R. 17 E.W.M. described as follows: Beginning at the east  
11 quarter corner of Section 11; thence N 89°19'11" W  
1,329.81 feet to a point which is the approximate center  
12 of Goodwin Road; thence S 00°17'19" W 20 feet to the south  
right of way boundary of said county road and the true  
13 point of beginning; thence S 00°17'19" W 187 feet; thence  
N 89°19'11" W parallel with the south right of way of said  
14 county road 820.19 feet; thence N 73°03'37" W 164.29 feet;  
thence N 00°27'51" W 131.02 feet; thence continuing N  
15 00°27'51" W 10 feet to a point on the south right of way  
of said county road; thence S 89°19'11" E on said road  
16 right of way 979.45 feet to the true point of beginning.

17  
18  
19  
20  
21  
22  
23  
24  
25  
26

27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 8

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The aforementioned changes shall be incorporated into the Report of Referee  
dated May 9, 1994.  
SIGNED and DATED at Yakima, Washington, this 4<sup>th</sup> day of March,  
1997.

  
DOUGLAS CLAUDING, Referee

SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 8

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

RECEIVED  
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF YAKIMA

KIM M. EATON  
CLERK OF  
SUPERIOR COURT  
YAKIMA, WASHINGTON  
NOV 11 57  
RECEIVED

No. 77-2-01484-5

DEC 03 1999

LATHROP WASHINGTON  
MEMORANDUM OPINION AND ORDER  
RE: EXCEPTIONS TO SUPPLEMENTAL  
REPORT OF REFEREE SUBBASIN 8  
(THORP)

FILED  
DEC 02 1999

KIM M. EATON  
YAKIMA COUNTY CLERK

2  
3 IN THE MATTER OF THE DETERMINATION )  
4 OF THE RIGHTS TO THE USE OF THE )  
5 SURFACE WATERS OF THE YAKIMA )  
6 RIVER DRAINAGE BASIN, IN )  
7 ACCORDANCE WITH THE PROVISIONS OF )  
8 CHAPTER 90.03, REVISED CODE OF )  
9 WASHINGTON, )

10 STATE OF WASHINGTON,  
11 DEPARTMENT OF ECOLOGY,  
Plaintiff,

vs.

12 JAMES J. ACQUAVELLA, ET AL.,  
13 Defendants

14 I. INTRODUCTION

15 On July 10, 1997, various Subbasin 8 claimants participated in a hearing to resolve  
16 exceptions taken to the Supplemental Report of Referee for Subbasin 8. Many of the exceptions  
17 were resolved at the hearing; a few were not. This opinion clarifies the record regarding the status  
18 of the unresolved claims in that subbasin.

19 II. MATTERS RESOLVED AT JULY 10, 1997 HEARING

20 Judge Walter Stauffacher resolved the following exceptions by oral ruling.

21 a. Charles Gust - Claim No. 01560

22 The Court GRANTED Mr. Gust's exception. The water right shall have a priority date of  
23 June 30, 1882. Report of Proceedings (RP) at p. 20.

24 b. Wynn & Catherine Vickerman (Hubert A. and Mary M. Schmitt) - Claim No. 0596

25 The Vickermans have transferred ownership of the property in question to Hubert and Mary  
M. Schmitt and obtained the appropriate Substitution Order. The Referee recommended that two  
rights be confirmed to the Vickermans, however no legal description was provided to the Referee.  
Included with the exception filed by the Vickermans was a legal description for their property.

Therefore, the court granted their exception. RP at 21. However, after the Schmitts were substituted for the Vickermans, an amended legal description was submitted apparently as a result of a survey of the property. The following legal description was provided:

Parcel V of that certain survey as recorded December 2, 1997 in Book 23 of Surveys at page 28, under Auditor's File No. 199712020001, records of Kittitas County, State of Washington; being a portion of the Southeast quarter of the Southeast quarter of Section 30, Township 18 North, Range 18 East, W.M., in the County of Kittitas, State of Washington.

This legal description is a parcel within a survey recorded in the Kittitas County Auditor's office. In order for the Court to use this new legal description, a copy of the survey is needed to show that the parcel lies within the previously described land. Therefore, the Court requests a copy of the survey as soon as possible but no later than February 10, 2000.

c. David and Lila Fudacz, Larry Fudacz (Claim Nos. 04817 and 04818)

The Fudacz exception concerned the lack of an RCW 90.14 filing to support their claims to springs. In their exception, the Fudaczs made the court aware of WRC No. 133399 filed by John A. Wilcox. The court agreed that the claim covered the property and GRANTED the exception. Therefore, a right is confirmed for irrigation of 3 acres (the acreage remaining in the 90.14 claim not utilized by Norma Jean Wilcox as a part of the Wilcox claim) from the spring in the quantities of 0.06 cfs; 19.8 acre-feet per year with a June 30, 1910 priority date. RP at 21.

The Place of Use shall be the West 660 feet of the East 1008.7 feet of the South 260 feet of the NE1/4SE1/4 of Section 11, T. 18N., R. 17 E.W.M..

d. Gene & Sally Panattoni – Court Claim No. 01208

Ecology identified that the instantaneous and annual quantities were omitted from the Referee's Schedule of Rights on page 116 of the Supplemental Report. The Schedule should include such quantities and therefore the Court GRANTS Ecology's exception. The Panattoni's are awarded an instantaneous diversion of 0.02 cfs; 1 acre-foot per year. RP at 21.

e. Irwin & Dorothy Loucks – Court Claim No. 02046

2 into the Packwood Canal that is used on Grousemont's 15.2 acres is return flow. The 3 acre-  
3 feet limit is consistent with what was granted for Robinson Canyon Creek water uses by  
4 Packwood. Grousemont argues that the water duty for the area is 25 acre feet per acre and  
5 that based on Mr. Bain's analysis, half of that quantity is return flow and half is natural-flow.  
6 Similarly, Grousemont (per Richard Bain's measurement) asserts in regard to the  
7 instantaneous flow that 4.3 – 5.1 cfs is used (4.45 had been used in prior calculations).

8 The Pease Agreement entered into in 1903 indicates that 100 inches would be  
9 delivered through the flume to the lands now being irrigated by Grousemont. 100 inches  
10 equals approximately 2 cfs. That is the basis for the right. The Referee concluded that  
11 Taneum Canal Company return flow would make up some portion of that water.  
12 Grousemont offers the only evidence on how to split the diversion between natural and  
13 return flow; ½ return flow, ½ natural flow. Because the instantaneous right established by  
14 the Pease Agreement must be cut in half to 1 cfs to accommodate the portion that is return  
15 flow, the exception taken by Grousemont must be DENIED. The Court GRANTS the  
16 exception regarding annual use to confirm a right to 193.80 acre-feet. That quantity reflects  
17 half of the water duty (25.5 acre-feet) recognized by the Referee as applying to those lands  
18 (Report of Referee, page 76 lines 7-13). Thus, the acre feet quantity on the top of page 129  
19 should be changed from 45.6 acre-feet to 193.80 acre-feet.

20 f. Packwood Canal Company – Claim No. 00785/04801

21 Pursuant to the Order signed on July 8, 1999, the court will reserve ruling on Packwood's  
22 exceptions until the matter captioned Packwood Canal v. Ecology, No. 99-2-01764-1 is decided.

#### 23 IV. CONCLUSION

24 This Opinion and Order resolves nearly all exceptions to the Referee's Supplemental Report.  
25 Those matters not resolved (Packwood Canal Company, Wynn and Catherine Vickerman,  
Willowbrook Farms, Grousemont Farms) shall proceed as directed in the Court's analysis of their  
respective claim set forth above.

Dated this 2<sup>nd</sup> day of December.

  
Sidney Ottem, Court Commissioner

RECEIVED

OCT 9 AM 11 04

FILED

OCT - 9 2003

KIM M. EATON  
YAKIMA COUNTY CLERK

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

IN THE MATTER OF THE DETERMINATION )  
OF THE RIGHTS TO THE USE OF THE )  
SURFACE WATERS OF THE YAKIMA RIVER )  
DRAINAGE BASIN, IN ACCORDANCE WITH )  
THE PROVISIONS OF CHAPTER 90.03, )  
REVISED CODE OF WASHINGTON )

NO. 77-2-01484-5

THE STATE OF WASHINGTON,  
DEPARTMENT OF ECOLOGY,

CONDITIONAL FINAL ORDER  
SUBBASIN NO. 8  
(THORP)

Plaintiff,

v.

JAMES J. ACQUAVELLA, et al.,

Defendants.

I.

On May 9, 1994, the Referee, John E. Acord, filed with the Court the Report of Referee Re: Subbasin No. 8 (Thorp). Thereafter, this Court set December 8, 1994, for a hearing on exceptions to this report. Pursuant to the direction of the Court, the Referee then served a notice (together with a copy of the report) upon all parties setting a time period for filing any exceptions to the report and for the aforementioned hearing on exceptions.

17291

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

II.

On December 8, 1994, the Court held a hearing on exceptions to the Report of Referee. The Court, after reviewing the exceptions and other materials and being fully advised, filed its Order On Exceptions RE: Subbasin 8 (Thorp) on March 9, 1995, which, among other matters, ordered that the Referee schedule a supplemental hearing to further consider certain claims as specified by the order.

III.

On June 5 and 6, 1995, Referee Douglas Clausing conducted a supplemental hearing as directed by the Court. On March 4, 1997, the Referee filed the Supplemental Report of Referee Re: Subbasin No. 8 (Thorp). This Court set July 10, 1997, for a hearing on exceptions to the supplemental report. Pursuant to direction of the Court, the Referee then served notice (together with a copy of the supplemental report) upon all parties, setting a time period for filing any exceptions to the supplemental report and for the aforementioned hearing on exceptions.

IV.

On July 10, 1997, the Court held a hearing on exceptions to the Supplemental Report of Referee Re: Subbasin No. 8 (Thorp). The Court orally ruled on several exceptions during the hearing and in its Memorandum Opinion and Order Re: Exceptions to Supplemental Report of Referee Subbasin No. 8 (Thorp), dated

1 December 2, 1999. On January 28, 2000, the Court filed its  
2 Memorandum Opinion and Order Re: Packwood Canal's Exceptions to  
3 Supplemental Report of Referee Subbasin 8 (Thorp). The Court set  
4 a hearing on February 10, 2000, to take additional testimony in  
5 regard to the exceptions filed by Willowbrook Farms Limited and  
6 Theiline P. Scheumann (Grousemont Farms). On August 3, 2000, the  
7 Court filed its Memorandum Opinion and Order Re: Willowbrook  
8 Farms, Limited and Theiline P. Scheumann.

9 V.

10 Willowbrook Farms asked the Court to delay entry of a  
11 Conditional Final Order while it sought amendment of its RCW  
12 90.14 claim. Willowbrook Farms ultimately succeeded in amending  
13 its RCW 90.14 claim and filed a motion requesting the Court to  
14 confirm a water right consistent with the amended claim. The  
15 Court filed its Memorandum Opinion Re: Willowbrook Farms LLP on  
16 July 22, 2003.

17 VI.

18 The Court orders as follows:  
19

- 20
- 21 1. The Report of Referee for Subbasin No. 8 (Thorp), filed  
22 with the Court on May 9, 1994, as amended by the  
23 Supplemental Report of Referee Re: Subbasin 8 (Thorp) filed  
24 with the Court on March 4, 1997, as amended by the Court's  
25 Orders on December 2, 1999, January 28, 2000 and August 3,

26 3

27 Conditional Final Order  
28 Subbasin No. 8 (Thorp)

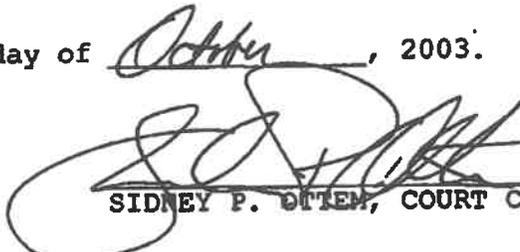
1 2000 and as further amended by the Memorandum Opinion on  
2 July 22, 2003 are entered as a Conditional Final Order  
3 confirming the rights recommended for confirmation in said  
4 reports, opinions and orders as existing rights.

5  
6 2. All claims to water rights before the Referee pertaining  
7 to Subbasin No. 8 not so confirmed are denied.

8  
9 3. The rights within Subbasin No. 8 (Thorp) shall be  
10 administered according to this Conditional Final Order.

11 4. This Conditional Final Order, relating to the  
12 confirmation of rights and denial of claims of water rights,  
13 constitutes a final order for purposes of appeal (see RAP  
14 2.2(d)), except for purposes of final integration of all  
15 confirmed rights as provided in Section XII of Pretrial  
16 Order No. 8 (Procedures for Claim Evaluation, dated March 3,  
17 1989) of this Court.

18  
19 DATED this 9<sup>th</sup> day of October, 2003.

20  
21  
22   
23 \_\_\_\_\_  
24 SIDNEY P. OTTEM, COURT COMMISSIONER

# EXHIBIT A-2

09/18/2019 04:45:36 PM 201909180085  
Page: 1 of 2  
Water Right WA STATE DEPT OF ECOLOGY  
Kittitas County Auditor

**Return Name and Address:**  
WA State Dept. of Ecology  
Central Regional Office  
1250 W. Alder Street  
Union Gap, WA 98903-0009

REVIEWED BY  
KITITAS COUNTY TREASURER  
DEPUTY W. W. W. W.  
DATE 9/18/2019

**PLEASE PRINT OR TYPE INFORMATION:**

<b>Document Title:</b> Certificate of Adjudicated Water Right
<b>Certificate Number:</b> S4-83993-J
<b>Grantor(s)</b> 1. WA State Dept. of Ecology
<b>Grantee(s)</b> 1. Larry T. Fudacz 2. David W. Fudacz 3. Lyla M. Fudacz
<b>Legal description (abbreviated)</b> Section 11, T. 18 N., R. 17 E.W.M.
<b>Reference Number(s) of documents assigned or released:</b>
<b>Assessor's Property Tax Parcel/Account Number(s):</b> 573233, 725836
<b>The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information.</b>



State of Washington  
 Department of  
 Ecology  
**CERTIFICATE OF ADJUDICATED  
 WATER RIGHT**



*This certificate of adjudicated water right is issued pursuant to the Final Decree made and entered by the Superior Court of the State of Washington in and for Yakima County on the 9th day of May 2019 in the case of State of Washington, Department of Ecology v. James J. Acquavella, et al., County Cause No. 77-2-01484-5. This water right is subject to and will be administered according to the Final Decree, which under Paragraph 8 incorporates all orders and opinions entered in the case. In the event of a conflict between this Certificate and the Final Decree, the Final Decree shall govern.*

<b>WATER RIGHT HOLDER:</b> Larry T. Fudacz David W. Fudacz Lyla M. Fudacz	<b>MAILING ADDRESS:</b> Larry T. Fudacz 211 Garden Street Cle Elum, WA 98922
--	---

<b>CERTIFICATE NUMBER:</b> S4-83993-J	<b>COURT CLAIM NUMBER:</b> 04817 (A)04942 04818	<b>PRIORITY DATE:</b> June 30, 1910
<b>SUBBASIN NUMBER:</b> 08	<b>SUBBASIN NAME:</b> Thorp	<b>CFO DATE:</b> October 9, 2003

**Source**

Two unnamed spring areas

**Quantity**

0.06 cubic foot per second, 19.8 acre-feet per year

**Purpose of Use**

Irrigation of 3 acres

**Period of Use**

April 1 through October 31

Point of Diversion

1: 1500 feet north and 2250 feet west of the southeast corner of Section 11, being within the NW¼SE¼ of Section 11, T. 18 N., R. 17 E.W.M.

2: 950 feet north and 1950 feet west of the southeast corner of Section 11, being within the SW¼SE¼ of Section 11, T. 18 N., R. 17 E.W.M.

Place of Use

The west 660 feet of the east 1008.7 feet of the south 260 feet of the NE¼SE¼ of Section 11, T. 18 N., R. 17 E.W.M.

Provisions and Limitations of Use

The right to the use of a water right established under the laws of the State of Washington and confirmed hereby is restricted to the lands or place of use, purpose(s) of use, and to the other specified terms and conditions herein described, unless approved for change as provided in RCW 90.03.380 or other statute.

This certificated water right may be subject to relinquishment for nonuse of water as provided in Chapter 90.14 RCW.

Given under my hand and the seal of this office at Union Gap, Washington, this 17<sup>th</sup> day of September, 2019.

Maia Bellon, Director  
Department of Ecology



A handwritten signature in cursive script that reads "Trevor Hutton".

Trevor Hutton, Section Manager  
Central Regional Office  
Water Resources Program

DATA REVIEW  
OK LB

To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

Return Name and Address:  
WA State Dept. of Ecology  
Central Regional Office  
1250 W. Alder Street  
Union Gap, WA 98903-0009

REVIEWED BY  
KITTITAS COUNTY TREASURER  
DEPUTY [Signature]  
DATE 8/9/2019

**PLEASE PRINT OR TYPE INFORMATION:**

<b>Document Title:</b> Certificate of Adjudicated Water Right
<b>Certificate Number:</b> S4-83971-J
<b>Grantor(s)</b> 1. WA State Dept. of Ecology
<b>Grantee(s)</b> 1. David W. Fudacz 2. Lyla M. Fudacz
<b>Legal description (abbreviated)</b> Section 12, T. 18 N., R. 17 E.W.M.
<b>Reference Number(s) of documents assigned or released:</b>
<b>Assessor's Property Tax Parcel/Account Number(s):</b> 643233
<b>The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information.</b>



State of Washington  
Department of  
Ecology  
**CERTIFICATE OF ADJUDICATED  
WATER RIGHT**



*This certificate of adjudicated water right is issued pursuant to the Final Decree made and entered by the Superior Court of the State of Washington in and for Yakima County on the 9th day of May 2019 in the case of State of Washington, Department of Ecology v. James J. Acauavella, et al., County Cause No. 77-2-01484-5. This water right is subject to and will be administered according to the Final Decree, which under Paragraph 8 incorporates all orders and opinions entered in the case. In the event of a conflict between this Certificate and the Final Decree, the Final Decree shall govern.*

<b>WATER RIGHT HOLDER:</b> David W. Fudacz Lyla M. Fudacz	<b>MAILING ADDRESS:</b> David W. Fudacz PO Box 24 Thorp, WA 98946
---	--

<b>CERTIFICATE NUMBER:</b> S4-83971-J	<b>COURT CLAIM NUMBER:</b> 04398	<b>PRIORITY DATE:</b> June 30, 1878
<b>SUBBASIN NUMBER:</b> 08	<b>SUBBASIN NAME:</b> Thorp	<b>CFO DATE:</b> October 9, 2003

**Source**

An unnamed spring

**Quantity**

0.01 cubic foot per second, 3.3 acre-feet per year for irrigation and 2 acre-feet per year for stock water

**Purpose of Use**

Irrigation of one-half acre and stock water

**Period of Use**

April 1 through October 31

**Point of Diversion**

1100 feet north and 550 feet east from the south quarter corner of Section 11, being within the SW¼SE¼ of Section 11, T. 18 N., R. 17 E.W.M.

**Place of Use**

The north 100 feet of the east 200 feet of the west 500 feet of the SW¼SW¼SW¼ of Section 12, T. 18 N., R. 17 E.W.M.

**Provisions and Limitations of Use**

The right to the use of a water right established under the laws of the State of Washington and confirmed hereby is restricted to the lands or place of use, purpose(s) of use, and to the other specified terms and conditions herein described, unless approved for change as provided in RCW 90.03.380 or other statute.

This certificated water right may be subject to relinquishment for nonuse of water as provided in Chapter 90.14 RCW.

Given under my hand and the seal of this office at Union Gap, Washington, this 8<sup>th</sup> day of August, 2019.

Maia Bellon, Director  
Department of Ecology



A handwritten signature in cursive script that reads "Trevor Hutton".

Trevor Hutton, Section Manager  
Central Regional Office  
Water Resources Program

DATA REVIEW  
OK LB

To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

Return Name and Address:  
WA State Dept. of Ecology  
Central Regional Office  
1250 W. Alder Street  
Union Gap, WA 98903-0009

REVIEWED BY  
KITTITAS COUNTY TREASURER  
DEPUTY V. M. Sholt  
DATE 8/9/2019

**PLEASE PRINT OR TYPE INFORMATION:**

<b>Document Title:</b> Certificate of Adjudicated Water Right
<b>Certificate Number:</b> S4-83948-J
<b>Grantor(s)</b> 1. WA State Dept. of Ecology
<b>Grantee(s)</b> 1. David W. Fudacz 2. Lyla M. Fudacz
<b>Legal description (abbreviated)</b> Section 11, T. 18 N., R. 17 E.W.M.
<b>Reference Number(s) of documents assigned or released:</b>
<b>Assessor's Property Tax Parcel/Account Number(s):</b> 11936
<b>The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information.</b>



State of Washington  
 Department of  
 Ecology  
**CERTIFICATE OF ADJUDICATED  
 WATER RIGHT**



*This certificate of adjudicated water right is issued pursuant to the Final Decree made and entered by the Superior Court of the State of Washington in and for Yakima County on the 9th day of May 2019 in the case of State of Washington, Department of Ecology v. James J. Acquavella, et al., County Cause No. 77-2-01484-5. This water right is subject to and will be administered according to the Final Decree, which under Paragraph 8 incorporates all orders and opinions entered in the case. In the event of a conflict between this Certificate and the Final Decree, the Final Decree shall govern.*

<b>WATER RIGHT HOLDER:</b> David W. Fudacz Lyla M. Fudacz	<b>MAILING ADDRESS:</b> David W. Fudacz PO Box 24 Thorp, WA 98946
---	--

<b>CERTIFICATE NUMBER:</b> S4-83948-J	<b>COURT CLAIM NUMBER:</b> 04817 (A)04942	<b>PRIORITY DATE:</b> February 28, 1897
<b>SUBBASIN NUMBER:</b> 08	<b>SUBBASIN NAME:</b> Thorp	<b>CFO DATE:</b> October 9, 2003

**Source**

Two unnamed springs

**Quantity**

0.02 cubic foot per second, 1 acre-foot per year

**Purpose of Use**

Stock water

**Period of Use**

April 15 through October 31

**Point of Diversion**

1. 1500 feet north and 200 feet east of the south quarter corner of Section 11;
  2. 1400 feet north and 200 feet east of the south quarter corner of Section 11;
- BOTH being within the NW¼SE¼ of Section 11, T. 18 N., R. 17 E.W.M.

**Place of Use**

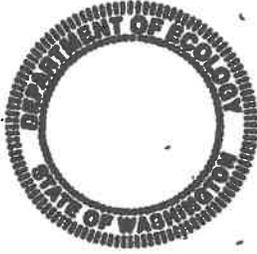
That portion of the E½ of Section 11, T. 18 N., R. 17 E.W.M. described as follows: Beginning at the east quarter corner of Section 11; thence N 89°19'11" W 1329.81 feet to a point which is the approximate center of Goodwin Road; thence S 00°17'19" W 20 feet to the south right-of-way boundary of said county road and the true point of beginning; thence S 00°17'19" W 187 feet; thence N 89°19'11" W parallel with the south right-of-way of said county road 820.19 feet; thence N 73°03'37" W 164.29 feet; thence N 00°27'51" W 131.02 feet; thence continuing N 00°27'51" W 10 feet to a point on the south right-of-way of said county road; thence S 89°19'11" E on said road right-of-way 979.45 feet to the true point of beginning.

**Provisions and Limitations of Use**

**The right to the use of a water right established under the laws of the State of Washington and confirmed hereby is restricted to the lands or place of use, purpose(s) of use, and to the other specified terms and conditions herein described, unless approved for change as provided in RCW 90.03.380 or other statute.**

**This certificated water right may be subject to relinquishment for nonuse of water as provided in Chapter 90.14 RCW.**

**Given under my hand and the seal of this office at Union Gap, Washington, this 8<sup>th</sup> day of August, 2019.**



**Maia Bellon, Director  
Department of Ecology**

A handwritten signature in cursive script that reads "Trevor Hutton".

**Trevor Hutton, Section Manager  
Central Regional Office  
Water Resources Program**

**DATA REVIEW  
OKLB**

***To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.***





**From:** [Jeremiah Cromie](#)  
**To:** "[Chad Bala](#)"; [Joel Greear](#); [Jeff Slothower](#); [Chris Cruse](#); [Jeff Greear](#)  
**Cc:** [Jamey Ayling](#); [Dan Carlson](#)  
**Subject:** LP-23-00001 Thorp Landing - Request for Additional Information (Traffic Concurrency)  
**Date:** Friday, May 5, 2023 5:01:51 PM  
**Attachments:** [LP-23-00001 Thorp Landing Transporation Concurrency Required Letter 5-5-23.pdf](#)

---

Hello,

Please see the attached correspondence regarding your plat application (LP-23-00001 Thorp Landing). Kittitas County needs the transportation concurrency done prior to issuing a SEPA decision as seen in the letter.

Let us know if you have any questions.

**Jeremiah Cromie**  
**Planner II**  
**Kittitas County**  
**Community Development Services**  
411 N. Ruby Street; Suite 2  
Ellensburg, WA 98926  
Office: 509-962-7046  
[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)



## KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

“Building Partnerships – Building Communities”

May 5, 2023

Thorp Landing LLC  
c/o Joel Greear  
1410 Dolarway Rd Suite 301  
Ellensburg, WA 98926

Terra Design Group Inc.  
Attn: Chad Bala  
852 Barnes Road  
Ellensburg, WA 98926

Jeff Slothower  
PO Box 1088  
Ellensburg, WA 98926

### **RE: Thorp Landing Long Plat, LP-23-00001 – Transportation Concurrency Required**

Dear applicants,

Kittitas County received your response comments on May 1, 2023 to the comments transmitted to you on March 13, 2023. After review, a traffic concurrency evaluation is required under KCC 12.10.040. The concurrency evaluation and determination has to be completed before issuing a SEPA decision under KCC 12.10.040. This traffic concurrency shall be submitted to Kittitas County Public Works (and CDS notified) no later than 5 P.M. July 6, 2023. This request is made under KCC 15A.03.045. If the application will be void if not submitted by this time or requesting an extension in writing as seen in KCC 15A.03.045(2).

If you have any questions regarding this matter, please contact me at (509) 962-7046, or by e-mail at [jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us).

Sincerely,

Jeremiah Cromie  
Planner II

*Enclosed:*

*Traffic Concurrency Analysis*



## Technical Memo

**To:** Joel Greear, Thorp Landing, LLC  
**From:** Ryan Shea, PTP  
**Date:** May 11, 2023  
**Project:** Thorp Landing  
**Subject:** Trip Generation and Distribution Memo

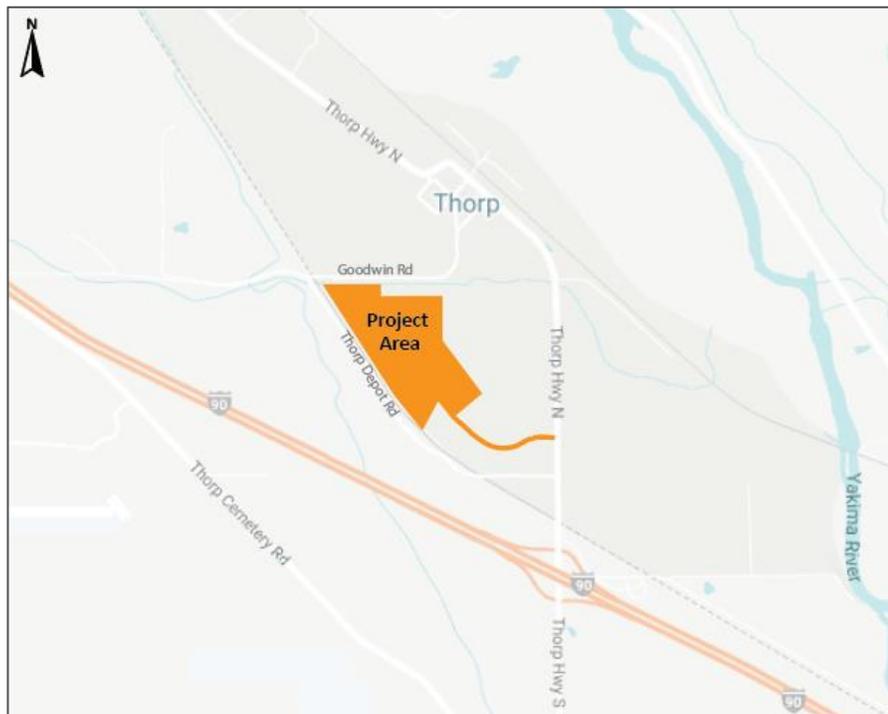
---

### Introduction

Thorp Landing, LLC is proposing to construct a 10-unit single family subdivision in Kittitas County, Washington. This project is located north of I-90 along Thorp Depot Road and Goodwin Road. This trip generation and distribution memo identifies the potential traffic that could be added by the proposed project.

**Figure 1** illustrates the site vicinity and the transportation network serving the project area.

**Figure 1. Site Vicinity**



## Proposed Development

The proposed Thorp Landing project will develop vacant land as a new 10-unit single-family residential plat. The project site is located north of I-90 along Thorp Depot Road and Goodwin Road, located within the unincorporated community of Thorp in Kittitas County. The total project site is approximately 54 acres.

Site access is expected to be provided via one intersection on Thorp Highway N. Regional access will be provided via I-90 which intersects Thorp Highway south of the project site.

A preliminary site plan for the project is attached to the report.

## Project Traffic Characteristics

The two project-related characteristics having the most effect on area traffic conditions are peak hour trip generation and the directional distribution of traffic volumes on the surrounding roadway network. These are discussed in the following paragraphs.

## Site Generated Traffic Volumes

Vehicle trip generation was estimated using the trip generation rates contained in the 11<sup>th</sup> edition of the *Trip Generation Manual* by the Institute of Transportation Engineers (ITE). The land-use category “Single-Family Detached Housing” (land-use code 210) with the variable of dwelling units was determined to be the most applicable to this project. For this analysis, the “fitted-curve” equation was used to estimate trips in preference to using a specific trip rate as this approach was recommended by ITE.

The trip generation rates used for the proposed project are shown in **Table 1**.

**Table 1 Trip Generation Rates -  
Single-Family Detached Housing (Land-Use Code 210)**

Time Period	Variable	Trip Rate	Enter %	Exit %
AM Peak Hour	Dwelling Units	0.92	26%	74%
PM Peak Hour	Dwelling Units	1.14 <sup>1</sup>	63%	37%
Daily	Dwelling Units	12.13 <sup>1</sup>	50%	50%

1. Fitted Curve Equation Rate

The total trip generation expected from this project is calculated by applying the unit measure (dwelling units) to the appropriate trip generation rate. The AM peak hour, PM peak hour and daily trip generation for the proposed Thorp Landing project is shown in **Table 2** below.

**Table 2. Project Trip Generation**

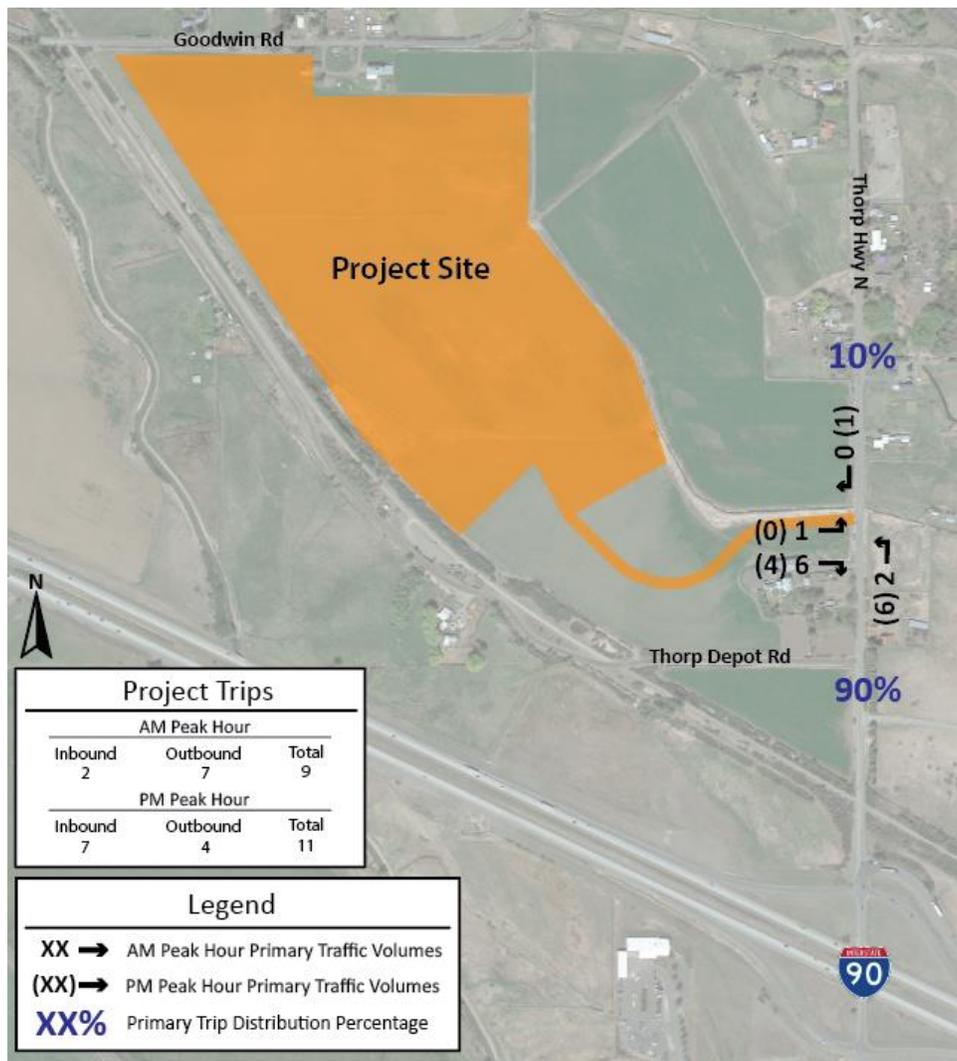
Time Period	Size	Total Trips	Enter	Exit
AM Peak Hour	10	9	2	7
PM Peak Hour	10	11	7	4
Daily	10	121	61	60

It should be noted that previously the project site was two separate parcels that would have each been expected to contain one single-family home. While the project proposes to construct 10 homes, this is ultimately only a net increase of 8 homes from what was previously constructable. However, as these homes were not constructed, this letter presents the traffic associated with all 10 proposed homes.

## Site Traffic Distribution and Assignment

For this study, the regional distribution of traffic to and from the proposed project was estimated based on the existing roadway system. It is expected that most of the project traffic will travel to/from the south to I-90. The regional traffic distribution percentages and site traffic assignment for the proposed development for the AM peak hour and PM peak hour is shown on **Figure 2**

**Figure 2. Site Traffic Distribution and Assignment**





**SCJ ALLIANCE**  
CONSULTING SERVICES

The proposed Thorp Landing project is estimated to generate 9 trip ends during the AM peak hour and 11 trip ends during the PM peak hour. Due to the relatively low trip generation, it is not expected that further traffic analysis related to potential project impacts is necessary.

Thank you for reviewing the enclosed materials. If you have any questions or comments, please contact me or

Respectfully,

SCJ Alliance

Ryan Shea, PTP, Senior Transportation Planner

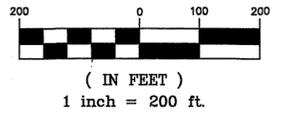
**Attachments:**

**Preliminary Site Plan**

N:\Projects\6319 Central Paving LLC\23-000120 Thorp Landing\04 - Dels\Reports\2023-0511 Thorp Landing Trip Gen.docx

**THORP LANDING**  
**PART OF SECTION 11, T. 18 N., R. 17 E., W.M.**  
**KITTITAS COUNTY, WASHINGTON**  
**- PRELIMINARY PLAT -**

P-22-0?



**LEGEND**

- x — FENCE
- ⊙ WELL
- ⊕ POINT OF DIVERSION

OWNER:  
 THORP LANDING LLC  
 1401 W DOLARWAY RD STE 301  
 ELLENSBURG, WA 98926  
 (509) 929-3980

TOTAL ACREAGE: 54.39 ACRES  
 NO. OF LOTS: 10  
 ZONE: AG 5  
 ASSESSOR'S NO. 493233 & 443233

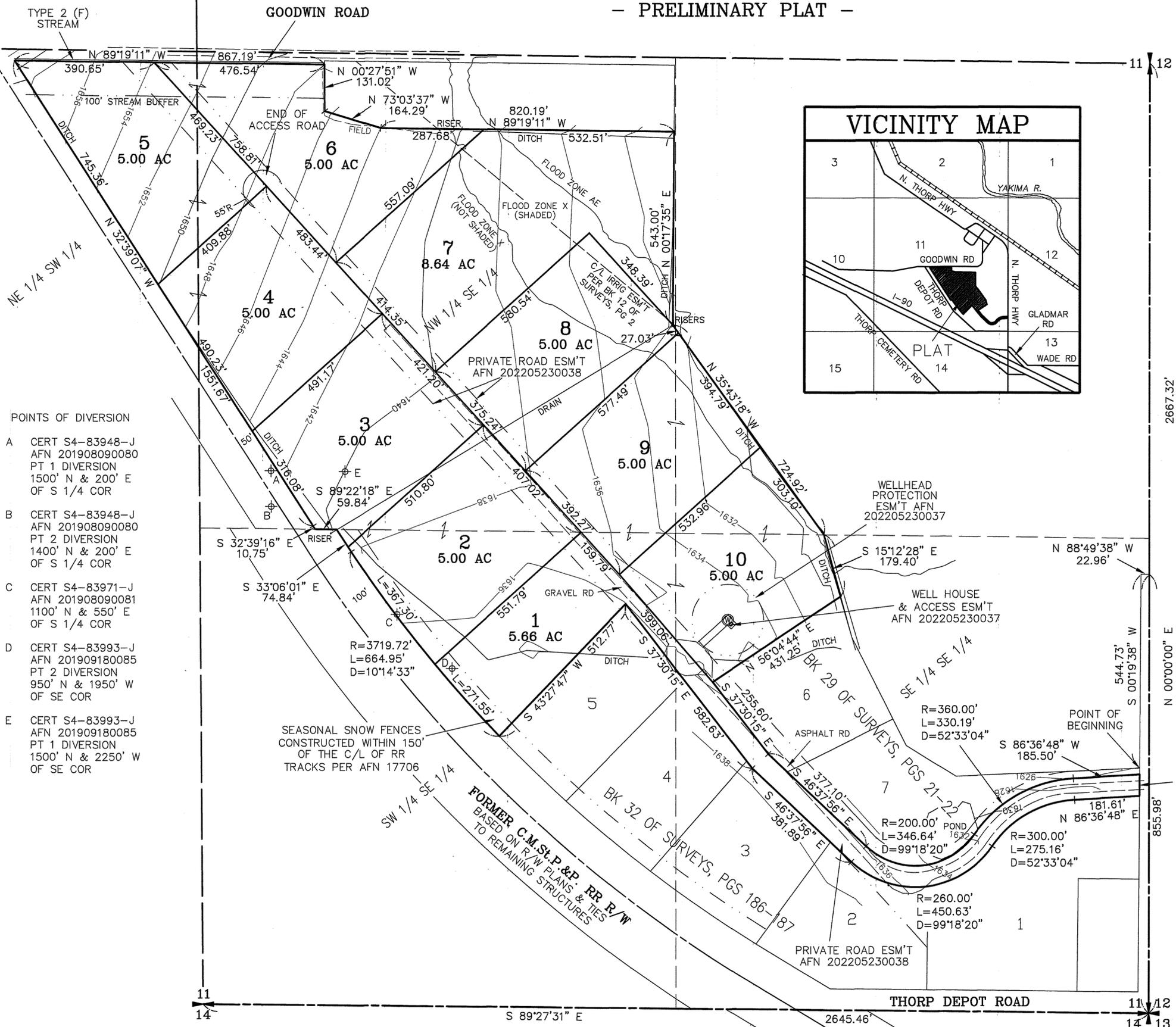
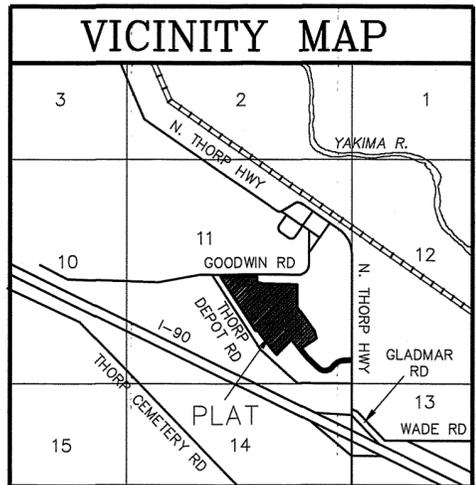
SOURCE OF WATER: GROUP B WATER SYSTEM

SEWER SYSTEM: SEPTIC TANKS  
 DRAINAGE: AS PER KITTITAS CO. STANDARDS  
 ACCESS: PRIVATE ACCESS ROAD &  
 COUNTY ROAD R/W

FLOOD ZONES SHOWN HEREON BASED ON FEMA  
 FIRM PANELS 53037C 1033D & 1041D.

VERT. DATUM = NAVD88 BASED ON TIES TO  
 NGS MONUMENT AA5991.

CONTOURS BASED ON FIELD LOCATES COMPLETED  
 11/17/22 AND ARE ACCURATE TO 1' CONTOUR  
 INTERVAL.



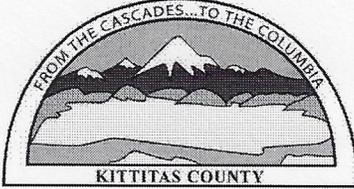
- POINTS OF DIVERSION**
- A CERT S4-83948-J  
 AFN 201908090080  
 PT 1 DIVERSION  
 1500' N & 200' E  
 OF S 1/4 COR
  - B CERT S4-83948-J  
 AFN 201908090080  
 PT 2 DIVERSION  
 1400' N & 200' E  
 OF S 1/4 COR
  - C CERT S4-83971-J  
 AFN 201908090081  
 1100' N & 550' E  
 OF S 1/4 COR
  - D CERT S4-83993-J  
 AFN 201909180085  
 PT 2 DIVERSION  
 950' N & 1950' W  
 OF SE COR
  - E CERT S4-83993-J  
 AFN 201909180085  
 PT 1 DIVERSION  
 1500' N & 2250' W  
 OF SE COR



1/25/2023

**CRUSE & ASSOCIATES**  
 PROFESSIONAL LAND SURVEYORS  
 217 E. Fourth St. P.O. Box 959  
 Ellensburg, WA 98926 (509) 962-8242

**THORP LANDING**



**KITTITAS COUNTY  
PUBLIC WORKS**

**Receipt Number: PW23-00333**

411 N. Ruby Street, Suite 1  
Ellensburg, WA 98926  
509-962-7523 / [www.co.kittitas.wa.us/public-works/](http://www.co.kittitas.wa.us/public-works/)

**Payer/Payee:** THORP LANDING LLC  
1401 W DOLARWAY RD STE 301  
ELLENSBURG WA 98926-9823

**Cashier:** REBECCA CRUSE  
**Payment Type:** CHECK (1076)

**Date:** 05/15/2023

**TC-23-00004 Transportation Concurrency**

<u>Fee Description</u>	<u>Fee Amount</u>	<u>Amount Paid</u>	<u>Fee Balance</u>
Concurrency Review - Plats and Commercial (Public Works)	\$3,690.00	\$3,690.00	\$0.00
<b>TC-23-00004 TOTALS:</b>	<b>\$3,690.00</b>	<b>\$3,690.00</b>	<b>\$0.00</b>
<b>TOTAL PAID:</b>		<b>\$3,690.00</b>	



# KITTITAS COUNTY

## DEPARTMENT OF PUBLIC WORKS

---

### DETERMINATION OF CONCURRENCY FINDING

**Project:** TC-23-00004 Thorp Landing LLC

**Description:** The long plat development (LP-23-00001) proposes 10 single family homes.

**Proponent:** SCJ Alliance

**Landowner:** Thorp Landing LLC

**Location:** The project is located near the 9200 block of N. Thorp Hwy, Thorp, WA, in a portion of Section 11, T18N, R17E, WM in Kittitas County. Assessor's map number: 18-17-11040-0033.

**Serving Roadway:** Private Rd off of N. Thorp Hwy

**Capacity Allocation:** 120 ADT

Kittitas County Department of Public Works has determined there will not be a significant impact to the County roads serving this project and there is sufficient capacity on the serving roadways for the additional traffic to be generated by this project. No mitigation will be required. This decision was made after review of the completed transportation concurrency management application which is on file with Public Works. This information is available to the public on request.

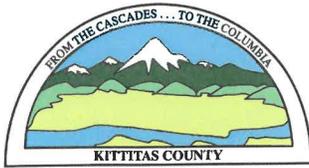
This concurrency finding is issued under KCC 12.10. This determination may be appealed per KCC 15A.07 or KCC 15A.08, based on the underlying land use decision. The applicant may request reconsideration of the results of the concurrency evaluation by the Public Works Director within 15 days of this notification.

**Signed:**

Kelee Hodges

**Date:**

May 30, 2023



# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Building Partnerships; Building Communities

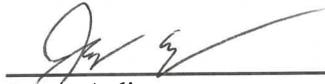
## SEPA ACTION DETERMINATION OF NONSIGNIFICANCE

- File:** SEPA Checklist (LP-23-00001)  
Thorp Landing Long Plat
- Description:** Thorp Landing LLC proposed a 10-lot plat (subdivision) on 2 parcels totaling 54.39 acres of land. The proposal includes 10 residential lots ranging in size from 5 acres to 8.64 acres.
- Proponent:** Thorp Landing LLC  
1410 Dolarway Rd. Suite 301  
Ellensburg, WA 98926
- Location:** Two tax parcels (443233 and 493233), located approximately .5 miles northwest of the intersection of N Thorp Hwy and I-90 off of Thorp Landing Lane in Section 11, Township 18, Range 17, W.M.; Kittitas County. The properties bear Kittitas County Map numbers 18-17-11040-0033 and 18-17-11040-0007.
- Lead Agency:** Kittitas County Community Development Services

The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request, or can be viewed at the Kittitas County Community Development Services website at: <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> under "Long Plats" and project file number "LP-23-00001 Thorp Landing".

This DNS is issued under WAC 197-11-355; the lead agency will not act on this proposal for 10 working days. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action on the grounds of noncompliance with the provisions of Chapter 43.21 RCW, shall be commenced on or before **June 15, 2023 at 5 p.m.** to Kittitas County Community Development Services, 411 N Ruby ST, Suite 2 Ellensburg, WA 98926.

**Responsible  
Official:**

  
\_\_\_\_\_  
Janey Ayling

**Title:** Kittitas County Community Development Services Planning Manager

**Address:** Kittitas County Community Development Services  
411 North Ruby St., Suite 2  
Ellensburg, WA 98926  
(509) 962-7506

**Date:** June 1, 2023

**Pursuant to Chapter 15A.07.010 KCC, this DNS may be appealed by submitting specific factual objections in writing with a fee of \$1670.00 to Kittitas County Community Development Services, 411 N Ruby St, Suite 2 Ellensburg, WA 98926. Timely appeals must be received no later than 5:00pm, June 15, 2023. Aggrieved parties are encouraged to contact CDS at (509) 962-7506 for more information on appeal process.**



## Notice of Public Hearing and SEPA Action Thorp Landing Preliminary Plat LP-23-00001

**To:** Applicable Agencies  
Parties of Record  
Applicant

**From:** Jeremiah Cromie, Planner II

**Date:** June 1, 2023

**Subject:** Thorp Landing Preliminary Plat (LP-23-00001)

NOTICE IS HEREBY given that the Kittitas County CDS and Kittitas County Hearings Examiner will meet at **6:00 p.m. on June 22, 2023** to conduct a virtual public hearing to consider the Thorp Landing Long Plat (LP-23-00001). The proposal includes creating 10 residential lots ranging in size from 5 acres to 8.64 acres on parcels 443233 and 493233. The subject parcels are zoned Agricultural 5 within a Rural Residential Land Use Designation. The property is located approximately .5 miles northwest of the intersection of N Thorp Hwy and I-90 off of Thorp Landing Lane.

Interested parties may also attend the hearing by using one of the methods listed below:

1. By online Webex video conferencing: **Meeting Link:** <https://kittitascounty.webex.com/kittitascounty/j.php?MTID=m7f1de461c6989ad36917fb25471fa1f8>
2. By <https://kittitascounty.webex.com> or the Cisco Webex App on your phone or electronic device: **Meeting Number:** 2480 191 7516 **Meeting Password:** Hearing
3. **By telephone:** 1-408-418-9388, **Meeting Number:** 2480 191 7516

Instruction for how to participate in virtual public hearings may be found at:

<https://www.co.kittitas.wa.us/uploads/documents/cds/Virtual%20Public%20Hearing%20Instructions.pdf>.

NOTICE IS HEREBY given that pursuant to WAC 197-11-355, Kittitas County Community Development Services did on, June 1, 2023, issue a Determination of Non-Significance (DNS) for the Thorp Landing Long Plat application (LP-23-00001).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a SEPA environmental checklist, other information on file with the lead agency and after considering existing laws and regulations that will be implemented by the applicant as part of the permit process. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment

period on the DNS. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action on the grounds of noncompliance with the provisions of Chapter 43.21C RCW shall be commenced on or before **June 15, 2023 by 5:00 PM**. The current appeal fee is \$1670.00.

Anyone with an interest in this matter is urged to attend this noticed virtual hearing where testimony will be taken. Written comments will also be received. Documents may be viewed at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx>, under “Long Plats” under file number “LP-23-00001 Thorp Landing,” or at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926 prior to the hearing. The staff report for the plat will be available on the county website at least one week prior to the hearing (June 15). Interested persons are encouraged to verify date and time prior to attending.

Contact: Jeremiah Cromie, Planner II  
(509) 962-7046, [jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)



# KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

## Affidavit of Mailing & Publication

PROPOSAL NAME: Thorp Landing Long Plat (LP-23-00001)

NOTIFICATION OF: Notice of Public Hearing and SEPA Action

NOTIFICATION MAIL DATE: June 1, 2023

I certify that the following documentation:

- Notice of Public Hearing and SEPA Action: Thorp Landing Long Plat

has been mailed and/or e-mailed to the attached list of persons and participants, and that proper notification (as attached) has been published in the Legal Newspaper(s) of Record for Kittitas County.

  
\_\_\_\_\_  
Signature

Jeremiah Cromie  
Planner II  
County of Kittitas  
State of Washington

Subscribed and sworn to before me this 1<sup>st</sup> day of June 2023



  
\_\_\_\_\_

Stephanie Mifflin  
Notary Public for the State of Washington residing  
in Ellensburg.

My appointment expires: 12.23.25



## KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

“Building Partnerships – Building Communities”

### Notice of Public Hearing and SEPA Action Thorp Landing Preliminary Plat LP-23-00001

**To:** Applicable Agencies  
Parties of Record  
Applicant

**From:** Jeremiah Cromie, Planner II

**Date:** June 1, 2023

**Subject:** Thorp Landing Preliminary Plat (LP-23-00001)

NOTICE IS HEREBY given that the Kittitas County CDS and Kittitas County Hearings Examiner will meet at **6:00 p.m. on June 22, 2023** to conduct a virtual public hearing to consider the Thorp Landing Long Plat (LP-23-00001). The proposal includes creating 10 residential lots ranging in size from 5 acres to 8.64 acres on parcels 443233 and 493233. The subject parcels are zoned Agricultural 5 within a Rural Residential Land Use Designation. The property is located approximately .5 miles northwest of the intersection of N Thorp Hwy and I-90 off of Thorp Landing Lane.

Interested parties may also attend the hearing by using one of the methods listed below:

1. By online Webex video conferencing: **Meeting Link:**  
<https://kittitascounty.webex.com/kittitascounty/j.php?MTID=m7f1de461c6989ad36917fb25471fa1f8>
2. By <https://kittitascounty.webex.com> or the Cisco Webex App on your phone or electronic device:  
**Meeting Number:** 2480 191 7516 **Meeting Password:** Hearing
3. **By telephone:** 1-408-418-9388, **Meeting Number:** 2480 191 7516

Instruction for how to participate in virtual public hearings may be found at:

<https://www.co.kittitas.wa.us/uploads/documents/cds/Virtual%20Public%20Hearing%20Instructions.pdf>.

NOTICE IS HEREBY given that pursuant to WAC 197-11-355, Kittitas County Community Development Services did on, June 1, 2023, issue a Determination of Non-Significance (DNS) for the Thorp Landing Long Plat application (LP-23-00001).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a SEPA environmental checklist, other information on file with the lead agency and after considering existing laws and regulations that will be implemented by the applicant as part of the permit process. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment

period on the DNS. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action on the grounds of noncompliance with the provisions of Chapter 43.21C RCW shall be commenced on or before **June 15, 2023 by 5:00 PM**. The current appeal fee is \$1670.00.

Anyone with an interest in this matter is urged to attend this noticed virtual hearing where testimony will be taken. Written comments will also be received. Documents may be viewed at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx>, under “Long Plats” under file number “LP-23-00001 Thorp Landing,” or at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926 prior to the hearing. The staff report for the plat will be available on the county website at least one week prior to the hearing (June 15). Interested persons are encouraged to verify date and time prior to attending.

Contact: Jeremiah Cromie, Planner II  
(509) 962-7046, [jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)

Kittitas County Fire Marshal  
[darren.higashiyama@co.kittitas.wa.us](mailto:darren.higashiyama@co.kittitas.wa.us)

Kittitas County Environmental Health  
[PublicHealthInspectors@co.kittitas.wa.us](mailto:PublicHealthInspectors@co.kittitas.wa.us)

Snoqualmie Tribe  
[steve@snoqualmietribe.us](mailto:steve@snoqualmietribe.us)  
[dahp@snoqualmietribe.us](mailto:dahp@snoqualmietribe.us)  
[adam@snoqualmietribe.us](mailto:adam@snoqualmietribe.us)

Kittitas County Building Dept.  
[Jeremy.larson@co.kittitas.wa.us](mailto:Jeremy.larson@co.kittitas.wa.us)  
[Steph.mifflin@co.kittitas.wa.us](mailto:Steph.mifflin@co.kittitas.wa.us)

Kittitas County Public Works  
[kelee.hodges.pw@co.kittitas.wa.us](mailto:kelee.hodges.pw@co.kittitas.wa.us)  
[candie.leader@co.kittitas.wa.us](mailto:candie.leader@co.kittitas.wa.us)  
[tate.mahre@co.kittitas.wa.us](mailto:tate.mahre@co.kittitas.wa.us)

WA State Department of Health  
[russell.mau@doh.wa.gov](mailto:russell.mau@doh.wa.gov)

Colville Tribe  
[guy.moura@colvilletribes.com](mailto:guy.moura@colvilletribes.com)  
[sam.rushing@colvilletribes.com](mailto:sam.rushing@colvilletribes.com)  
[connor.armi.hsy@colvilletribes.com](mailto:connor.armi.hsy@colvilletribes.com)  
[darnell.sam.adm@colvilletribes.com](mailto:darnell.sam.adm@colvilletribes.com)  
[john.sirois.adm@colvilletribes.com](mailto:john.sirois.adm@colvilletribes.com)  
[milton.davis.adm@colvilletribes.com](mailto:milton.davis.adm@colvilletribes.com)

Washington State Parks  
[ken.graham@parks.wa.gov](mailto:ken.graham@parks.wa.gov)  
[Eric.Jazdyk@parks.wa.gov](mailto:Eric.Jazdyk@parks.wa.gov)  
PO Box 42650  
Olympia, WA 98504-2650

Department of Ecology  
[tebu461@ecy.wa.gov](mailto:tebu461@ecy.wa.gov)  
[lowh461@ECY.WA.GOV](mailto:lowh461@ECY.WA.GOV)  
[wendy.neet@ecy.wa.gov](mailto:wendy.neet@ecy.wa.gov)  
[crosepacoordinator@ecy.wa.gov](mailto:crosepacoordinator@ecy.wa.gov)  
[rand461@ECY.WA.GOV](mailto:rand461@ECY.WA.GOV)  
[christopher.kossik@ecy.wa.gov](mailto:christopher.kossik@ecy.wa.gov)

West Side Irrigating Company  
[westsideirrigationco@gmail.com](mailto:westsideirrigationco@gmail.com)  
[lriegelfarm@gmail.com](mailto:lriegelfarm@gmail.com)  
[pdempsey@hnw.law](mailto:pdempsey@hnw.law)

Jarred Fudacz  
[fudaczj@gmail.com](mailto:fudaczj@gmail.com)  
9743 N Thorp Hwy  
Thorp, WA 98946

David & Lyla Fudacz  
9741 N Thorp Hwy  
Thorp, WA 98946  
(mailed)

Ryan Fudacz  
530 Goodwin Road  
Thorp, WA 98946  
(mailed)

Johnny & Erinn Boitano  
[boitanoeri@hotmail.com](mailto:boitanoeri@hotmail.com)  
[boitano17@hotmail.com](mailto:boitano17@hotmail.com)

Paula Thompson  
[donkdoc@gmail.com](mailto:donkdoc@gmail.com)

KCFD #1  
PO Box 34  
Thorp, WA 98946  
[kcfd1@fairpoint.net](mailto:kcfd1@fairpoint.net)

Washington State DOT  
[Jacob.Prilucik@wsdot.wa.gov](mailto:Jacob.Prilucik@wsdot.wa.gov)  
[SCPlanning@wsdot.wa.gov](mailto:SCPlanning@wsdot.wa.gov)  
[AviationLandUse@wsdot.wa.gov](mailto:AviationLandUse@wsdot.wa.gov)

Applicants  
Joel Greear [joel@centralpavingllc.com](mailto:joel@centralpavingllc.com)  
Chad Bala [bala.ce@gmail.com](mailto:bala.ce@gmail.com)  
Jeff Slothower [jslothower@lwhsd.com](mailto:jslothower@lwhsd.com)

**Sent:** Tuesday, May 30, 2023 2:29 PM

**To:** Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>

**Subject:** Ad: 379890 / Re: LP-23-00001 Thorp Landing (Publishing) - Notice of Public Hearing & SEPA DNS

**CAUTION:** This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Happy Tuesday, Jeremiah,

Thank you for sending this and for the heads up last week. Please see attached for your legal proof scheduled to run on June 1 and 8.

**Please reply back with a final approval or any needed changes by our 10:30am deadline on May 31.**

I hope you had a nice Memorial Day weekend - thank you!

## Megan Breckenridge

Advertising Assistant

Ellensburg Daily Record

Office: (509) 925-1414, ext. 570253

Direct Dial: (509) 204-8250

[mbreckenridge@kvnews.com](mailto:mbreckenridge@kvnews.com) / [legals@kvnews.com](mailto:legals@kvnews.com)

**[MY OFFICE HOURS: MON-FRI: 8:00am-4:00pm]**

---

**From:** Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>

**Sent:** Tuesday, May 30, 2023 2:16 PM

**To:** Megan Breckenridge <[mbreckenridge@kvnews.com](mailto:mbreckenridge@kvnews.com)>; KVNews Legals <[legals@kvnews.com](mailto:legals@kvnews.com)>

**Subject:** LP-23-00001 Thorp Landing (Publishing) - Notice of Public Hearing & SEPA DNS

**CAUTION, this email originated from outside the organization.**

Hello,

Please publish the attached legal in the **June 1, 2023 & June 8, 2023** editions of the Daily Record. Please let me know if there are any questions or issues.

Jeremiah Cromie

Planner II

Kittitas County

Community Development Services

**Notice of SEPA Action and Public Hearing  
Thorp Landing Plat  
LP-23-00001**

NOTICE IS HEREBY given that Kittitas County CDS and the Kittitas County Hearings Examiner will meet at 6:00 p.m. on June 22, 2023 to conduct a virtual public hearing to consider the Thorp Landing Long Plat application (LP-23-00001). The proposal includes creating 10 residential lots ranging in size from 5 acres to 8.64 acres on parcels 443233 and 493233. The subject parcels are zoned Agricultural 5 within a Rural Residential Land Use Designation. The property is located approximately .5 miles northwest of the intersection of N Thorp Hwy and I-90 off of Thorp Landing Lane.

All interested parties are encouraged to attend the hearing by using one of the methods listed below:

1. By online Webex video conferencing: **Meeting Link:**

<https://kittitascounty.webex.com/kittitascounty/j.php?MTID=m7f1de461c6989ad36917fb25471fa1f8>

2. By <https://kittitascounty.webex.com> or the Cisco Webex App on your phone or electronic device:

**Meeting Number:** 2480 191 7516 **Meeting Password:** Hearing

3. **By telephone:** 1-408-418-9388, **Meeting Number:** 2480 191 7516

Instruction for how to participate in virtual public hearings may be found at: <https://www.co.kittitas.wa.us/uploads/documents/cds/Virtual%20Public%20Hearing%20Instructions.pdf>.

NOTICE IS HEREBY given that pursuant to WAC 197-11-355, Kittitas County Community Development Services did on, June 1, 2023, issue a Determination of Non-Significance (DNS) for the Thorp Landing Long Plat application (LP-23-00001).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a SEPA environmental checklist, other information on file with the lead agency and after considering existing laws and regulations that will be implemented by the applicant as part of the permit process. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action on the grounds of noncompliance with the provisions of Chapter 43.21C RCW shall be commenced on or before **June 15, 2023 by 5:00 PM.**

Anyone with an interest in this matter is urged to attend this noticed virtual hearing where testimony will be taken. Written comments will also be received. Documents may be viewed at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx>, under "Long Plats" under file number "LP-23-00001 Thorp Landing," or at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926 prior to the hearing. The staff report for the plat will be available on the county website at least one week prior to the hearing (June 15). Interested persons are encouraged to verify date and time prior to attending.

Staff Planner: Jeremiah Cromie  
509-962-7046, [jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)

Dated: June 1, 2023

PUBLISH: Daily Record: June 1 & 8, 2023 / LEGAL #: 379890

**From:** [Megan Breckenridge](#)  
**To:** [Jeremiah Cromie](#)  
**Subject:** Re: 379890 / Re: LP-23-00001 Thorp Landing (Publishing) - Notice of Public Hearing & SEPA DNS  
**Date:** Tuesday, May 30, 2023 2:50:08 PM

---

**CAUTION:** This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Thank you for your final approval, Jeremiah!

## Megan Breckenridge

Advertising Assistant  
Ellensburg Daily Record  
Office: (509) 925-1414, ext. 570253  
Direct Dial: (509) 204-8250  
mbreckenridge@kvnews.com / legals@kvnews.com  
**[MY OFFICE HOURS: MON-FRI: 8:00am-4:00pm]**

---

**From:** Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>  
**Sent:** Tuesday, May 30, 2023 2:46 PM  
**To:** Megan Breckenridge <mbreckenridge@kvnews.com>  
**Subject:** RE: 379890 / Re: LP-23-00001 Thorp Landing (Publishing) - Notice of Public Hearing & SEPA DNS

**CAUTION, this email originated from outside the organization.**

Megan,

This looks good and I give approval. Thank you.

Jeremiah Cromie  
Planner II  
Kittitas County  
Community Development Services  
411 N. Ruby Street; Suite 2  
Ellensburg, WA 98926  
Office: 509-962-7046  
[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)

**From:** Megan Breckenridge <mbreckenridge@kvnews.com>

**From:** [Jeremiah Cromie](#)  
**To:** [Darren Higashiyama](#); [Public Health Inspectors](#); ["steve@snoqualmietribe.us"](#); ["dahp@snoqualmietribe.us"](#); ["adam@snoqualmietribe.us"](#); [Jeremy Larson](#); [Steph Mifflin](#); [Kelee Hodges](#); [Candie Leader](#); [Tate Mahre](#); ["russell.mau@doh.wa.gov"](#); ["guy.moura@colvilletribes.com"](#); ["sam.rushing@colvilletribes.com"](#); ["connor.armi.hsv@colvilletribes.com"](#); ["darnell.sam.adm@colvilletribes.com"](#); ["ken.graham@parks.wa.gov"](#); ["john.sirois.adm@colvilletribes.com"](#); ["milton.davis.adm@colvilletribes.com"](#); ["eric.jazdzyk@parks.wa.gov"](#); ["tebu461@ecy.wa.gov"](#); ["lowh461@ECY.WA.GOV"](#); ["wendy.neet@ecy.wa.gov"](#); ["crosepaordinator@ecy.wa.gov"](#); ["rand461@ECY.WA.GOV"](#); ["christopher.kossik@ecy.wa.gov"](#); ["westsideirrigationco@gmail.com"](#); ["1riegelfarm@gmail.com"](#); ["pdempsey@hnw.law"](#); ["fudaczj@gmail.com"](#); ["boitanoeri@hotmail.com"](#); ["boitano17@hotmail.com"](#); ["donkdoc@gmail.com"](#); ["kcf1@fairpoint.net"](#); ["Jacob.Prilucik@wsdot.wa.gov"](#); ["SCPlanning@wsdot.wa.gov"](#); ["AviationLandUse@wsdot.wa.gov"](#); [Chad Bala](#); ["Joel Greear"](#); [Jeff Slothower](#)  
**Cc:** [Jamey Avling](#); [Kelly Bacon \(CD\)](#); [Chace Pedersen](#)  
**Subject:** LP-23-00001 Thorp Landing - Notice of Public Hearing & SEPA Action  
**Date:** Thursday, June 1, 2023 9:53:08 AM  
**Attachments:** [LP-23-00001 Thorp Landing Notice of Public Hearing and DNS Memo.pdf](#)  
[LP-23-00001 Thorp Landing SEPA DNS.pdf](#)  
[Virtual Public Hearing Instructions - Revised 6-18-21.pdf](#)

---

Good morning,

Attached to this e-mail you will find the following items related to the Thorp Landing Long Plat (LP-23-00001):

- Notice of SEPA Action and Public Hearing Notice
- SEPA Determination Non-significance (DNS), and
- Instructional materials for the Virtual Public Hearing set for June 22, 2023.

Below are the links to all documents associated with the Thorp Landing Long Plat application (Please note the cultural resources report mentioned is not public record and is not a part of the files):

[LP-23-00001 Thorp Landing - Internal](#)

[LP-23-00001 Thorp Landing - External](#)

The staff report will be uploaded at least one week before the hearing date (June 15) to the website.

Please contact me if you have any questions.

**Jeremiah Cromie**  
**Planner II**  
**Kittitas County**  
**Community Development Services**  
411 N. Ruby Street; Suite 2  
Ellensburg, WA 98926  
Office: 509-962-7046  
[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)

## Jeremiah Cromie

---

**From:** Jeremiah Cromie  
**Sent:** Thursday, June 1, 2023 9:55 AM  
**To:** 'crosepacoordinator@ecy.wa.gov'  
**Subject:** FW: LP-23-00001 Thorp Landing - Notice of Public Hearing & SEPA Action  
**Attachments:** LP-23-00001 Thorp Landing Notice of Public Hearing and DNS Memo.pdf; LP-23-00001 Thorp Landing SEPA DNS.pdf; Virtual Public Hearing Instructions - Revised 6-18-21.pdf

**From:** Jeremiah Cromie  
**Sent:** Thursday, June 1, 2023 9:53 AM  
**To:** Darren Higashiyama <darren.higashiyama@co.kittitas.wa.us>; Public Health Inspectors <PublicHealthInspectors@co.kittitas.wa.us>; 'steve@snoqualmietribe.us' <steve@snoqualmietribe.us>; 'dahp@snoqualmietribe.us' <dahp@snoqualmietribe.us>; 'adam@snoqualmietribe.us' <adam@snoqualmietribe.us>; Jeremy Larson <jeremy.larson@co.kittitas.wa.us>; Steph Mifflin <stephanie.mifflin@co.kittitas.wa.us>; Kelee Hodges <kelee.hodges.pw@co.kittitas.wa.us>; Candie Leader <candie.leader@co.kittitas.wa.us>; Tate Mahre <tate.mahre@co.kittitas.wa.us>; 'russell.mau@doh.wa.gov' <russell.mau@doh.wa.gov>; 'guy.moura@colvilletribes.com' <guy.moura@colvilletribes.com>; 'sam.rushing@colvilletribes.com' <sam.rushing@colvilletribes.com>; 'connor.armi.hsy@colvilletribes.com' <connor.armi.hsy@colvilletribes.com>; 'darnell.sam.adm@colvilletribes.com' <darnell.sam.adm@colvilletribes.com>; 'john.sirois.adm@colvilletribes.com' <john.sirois.adm@colvilletribes.com>; 'milton.davis.adm@colvilletribes.com' <milton.davis.adm@colvilletribes.com>; 'ken.graham@parks.wa.gov' <ken.graham@parks.wa.gov>; 'Eric.Jazdzyk@parks.wa.gov' <Eric.Jazdzyk@parks.wa.gov>; 'tebu461@ecy.wa.gov' <tebu461@ecy.wa.gov>; 'lowh461@ECY.WA.GOV' <lowh461@ECY.WA.GOV>; 'wendy.neet@ecy.wa.gov' <wendy.neet@ecy.wa.gov>; 'crosepacoordinator@ecy.wa.gov' <crosepacoordinator@ecy.wa.gov>; 'rand461@ECY.WA.GOV' <rand461@ECY.WA.GOV>; 'christopher.kossik@ecy.wa.gov' <christopher.kossik@ecy.wa.gov>; 'westsideirrigationco@gmail.com' <westsideirrigationco@gmail.com>; '1riegelfarm@gmail.com' <1riegelfarm@gmail.com>; 'pdempsey@hnw.law' <pdempsey@hnw.law>; 'fudaczj@gmail.com' <fudaczj@gmail.com>; 'boitanoeri@hotmail.com' <boitanoeri@hotmail.com>; 'boitano17@hotmail.com' <boitano17@hotmail.com>; 'donkdoc@gmail.com' <donkdoc@gmail.com>; 'kcf1@fairpoint.net' <kcf1@fairpoint.net>; 'Jacob.Prilucik@wsdot.wa.gov' <Jacob.Prilucik@wsdot.wa.gov>; 'SCPlanning@wsdot.wa.gov' <SCPlanning@wsdot.wa.gov>; 'AviationLandUse@wsdot.wa.gov' <AviationLandUse@wsdot.wa.gov>; Chad Bala <bala.ce@gmail.com>; 'Joel Greear' <joel@centralpavingllc.com>; Jeff Slothower <Jslothower@lwhsd.com>  
**Cc:** Jamey Ayling <jamey.ayling@co.kittitas.wa.us>; Kelly Bacon (CD) <kelly.bacon.cd@co.kittitas.wa.us>; Chace Pedersen <chace.pedersen@co.kittitas.wa.us>  
**Subject:** LP-23-00001 Thorp Landing - Notice of Public Hearing & SEPA Action

Good morning,

Attached to this e-mail you will find the following items related to the Thorp Landing Long Plat (LP-23-00001):

- Notice of SEPA Action and Public Hearing Notice
- SEPA Determination Non-significance (DNS), and
- Instructional materials for the Virtual Public Hearing set for June 22, 2023.

Below are the links to all documents associated with the Thorp Landing Long Plat application (Please note the cultural resources report mentioned is not public record and is not a part of the files):

**From:** [Mau, Russell E \(DOH\)](#)  
**To:** [Jeremiah Cromie](#)  
**Cc:** [Smits, Brenda M \(DOH\)](#); [Holly Erdman](#); [Jesse Cox](#)  
**Subject:** RE: LP-23-00001 Thorp Landing - Notice of Public Hearing & SEPA Action  
**Date:** Monday, June 5, 2023 8:39:39 AM

---

**CAUTION:** This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Jeremiah:

I have re-reviewed the previous communications – the “confusion” regards the applicant continuing to identify a “10 parcel” development, versus expanding an existing Group B water system for 2 of the parcels and then a stand-alone Group B for the other 8 parcels. So, if the applicant does continue with the “10 parcel” development, then my comments apply, and I would like added to the record.

Thanks,

**Russell E. Mau, PhD, PE**  
Regional Engineer  
Office of Drinking Water  
Washington State Department of Health  
16201 East Indiana Avenue, Suite 1500, Spokane Valley, WA 99216  
[Russell.Mau@doh.wa.gov](mailto:Russell.Mau@doh.wa.gov)  
509-329-2116 | [www.doh.wa.gov](http://www.doh.wa.gov)

---

**From:** Jeremiah Cromie <[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)>  
**Sent:** Monday, June 5, 2023 8:13 AM  
**To:** Mau, Russell E (DOH) <[Russell.Mau@DOH.WA.GOV](mailto:Russell.Mau@DOH.WA.GOV)>  
**Cc:** Smits, Brenda M (DOH) <[brenda.smits@doh.wa.gov](mailto:brenda.smits@doh.wa.gov)>; Holly Erdman <[Holly.erdman@co.kittitas.wa.us](mailto:Holly.erdman@co.kittitas.wa.us)>; Jesse Cox <[jesse.cox@co.kittitas.wa.us](mailto:jesse.cox@co.kittitas.wa.us)>  
**Subject:** RE: LP-23-00001 Thorp Landing - Notice of Public Hearing & SEPA Action

External Email

Russell,

This was not a call for comments but rather just a notice of SEPA action taken and notice of a public hearing. Since you previously commented on this application, this notice was sent to you.

Since we have noticed the public hearing, you can submit comments for that. Would you like these comments to be added to the record and transmitted to the hearings examiner for the public hearing?

**Jeremiah Cromie**  
**Planner II**  
**Kittitas County**  
**Community Development Services**  
411 N. Ruby Street; Suite 2  
Ellensburg, WA 98926  
Office: 509-962-7046  
[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)

---

**From:** Mau, Russell E (DOH) <[Russell.Mau@DOH.WA.GOV](mailto:Russell.Mau@DOH.WA.GOV)>  
**Sent:** Saturday, June 3, 2023 8:00 PM  
**To:** Jeremiah Cromie <[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)>  
**Cc:** Smits, Brenda M (DOH) <[brenda.smits@doh.wa.gov](mailto:brenda.smits@doh.wa.gov)>; Holly Erdman <[Holly.erdman@co.kittitas.wa.us](mailto:Holly.erdman@co.kittitas.wa.us)>; Jesse Cox <[jesse.cox@co.kittitas.wa.us](mailto:jesse.cox@co.kittitas.wa.us)>  
**Subject:** RE: LP-23-00001 Thorp Landing - Notice of Public Hearing & SEPA Action

**CAUTION:** This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Jeremiah:

The Department of Health (DOH) Office of Drinking Water (ODW) has reviewed this application and has the following comments:

- In terms of groundwater extraction, the 10 parcel development appears to meet the definition of a “project”. As a project, the groundwater extraction needs to be evaluated as a total, whether the exempt well limit or any water right limit – i.e., the applicant cannot simply install 10 exempt wells. The applicant should consult with the Department of Ecology to confirm.
- As a 10 lot development, if drinking water is provided as a collective water system, the water system meets the definition of both a public water system and a Group A public water system.
- As a Group A public water system, the applicant would need to submit a water system application to DOH ODW. DOH ODW requires a Group A water application to be completed by a Professional Engineer licensed in the State of Washington.

If anyone has any questions or concerns, please contact DOH.

Thanks,

**Russell E. Mau, PhD, PE**

Regional Engineer

Office of Drinking Water

Washington State Department of Health

16201 East Indiana Avenue, Suite 1500, Spokane Valley, WA 99216

[Russell.Mau@doh.wa.gov](mailto:Russell.Mau@doh.wa.gov)

509-329-2116 | [www.doh.wa.gov](http://www.doh.wa.gov)

---

**From:** Jeremiah Cromie <[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)>

**Sent:** Thursday, June 1, 2023 9:53 AM

**To:** darren.higashiyama <[darren.higashiyama@co.kittitas.wa.us](mailto:darren.higashiyama@co.kittitas.wa.us)>; Public Health Inspectors <[PublicHealthInspectors@co.kittitas.wa.us](mailto:PublicHealthInspectors@co.kittitas.wa.us)>; 'steve@snoqualmtribe.us' <[steve@snoqualmtribe.us](mailto:steve@snoqualmtribe.us)>; 'dahp@snoqualmtribe.us' <[dahp@snoqualmtribe.us](mailto:dahp@snoqualmtribe.us)>; 'adam@snoqualmtribe.us' <[adam@snoqualmtribe.us](mailto:adam@snoqualmtribe.us)>; Jeremy Larson <[jeremy.larson@co.kittitas.wa.us](mailto:jeremy.larson@co.kittitas.wa.us)>; Steph Mifflin <[stephanie.mifflin@co.kittitas.wa.us](mailto:stephanie.mifflin@co.kittitas.wa.us)>; kelee.hodges.pw <[kelee.hodges.pw@co.kittitas.wa.us](mailto:kelee.hodges.pw@co.kittitas.wa.us)>; Candie Leader <[candie.leader@co.kittitas.wa.us](mailto:candie.leader@co.kittitas.wa.us)>; Tate Mahre <[tate.mahre@co.kittitas.wa.us](mailto:tate.mahre@co.kittitas.wa.us)>; Mau, Russell E (DOH) <[Russell.Mau@DOH.WA.GOV](mailto:Russell.Mau@DOH.WA.GOV)>; 'guy.moura@colvilletribes.com' <[guy.moura@colvilletribes.com](mailto:guy.moura@colvilletribes.com)>; 'sam.rushing@colvilletribes.com' <[sam.rushing@colvilletribes.com](mailto:sam.rushing@colvilletribes.com)>; 'connor.armi.hsy@colvilletribes.com' <[connor.armi.hsy@colvilletribes.com](mailto:connor.armi.hsy@colvilletribes.com)>; 'darnell.sam.adm@colvilletribes.com' <[darnell.sam.adm@colvilletribes.com](mailto:darnell.sam.adm@colvilletribes.com)>; 'john.sirois.adm@colvilletribes.com' <[john.sirois.adm@colvilletribes.com](mailto:john.sirois.adm@colvilletribes.com)>; 'milton.davis.adm@colvilletribes.com' <[milton.davis.adm@colvilletribes.com](mailto:milton.davis.adm@colvilletribes.com)>; Graham, Ken (PARKS) <[Ken.Graham@PARKS.WA.GOV](mailto:Ken.Graham@PARKS.WA.GOV)>; Jazdyk, Eric (Parks) <[Eric.Jazdyk@PARKS.WA.GOV](mailto:Eric.Jazdyk@PARKS.WA.GOV)>; Petropoulos, Terra (ECY) <[tebu461@ECY.WA.GOV](mailto:tebu461@ECY.WA.GOV)>; White, Lori (ECY) <[lowh461@ECY.WA.GOV](mailto:lowh461@ECY.WA.GOV)>; Neet, Wendy (ECY) <[wnee461@ECY.WA.GOV](mailto:wnee461@ECY.WA.GOV)>; 'crosepacoordinator@ecy.wa.gov' <[crosepacoordinator@ecy.wa.gov](mailto:crosepacoordinator@ecy.wa.gov)>; Anderson, Ryan (ECY) <[rand461@ECY.WA.GOV](mailto:rand461@ECY.WA.GOV)>; Kossik, Christopher (ECY) <[CKOS461@ECY.WA.GOV](mailto:CKOS461@ECY.WA.GOV)>; 'westsideirrigationco@gmail.com' <[westsideirrigationco@gmail.com](mailto:westsideirrigationco@gmail.com)>; '1riegelfarm@gmail.com' <[1riegelfarm@gmail.com](mailto:1riegelfarm@gmail.com)>; 'pdempsey@hnw.law' <[pdempsey@hnw.law](mailto:pdempsey@hnw.law)>; 'fudaczj@gmail.com' <[fudaczj@gmail.com](mailto:fudaczj@gmail.com)>; 'boitanoeri@hotmail.com' <[boitanoeri@hotmail.com](mailto:boitanoeri@hotmail.com)>; 'boitano17@hotmail.com' <[boitano17@hotmail.com](mailto:boitano17@hotmail.com)>; 'donkdoc@gmail.com' <[donkdoc@gmail.com](mailto:donkdoc@gmail.com)>; 'kcf1@fairpoint.net' <[kcf1@fairpoint.net](mailto:kcf1@fairpoint.net)>; 'Jacob.Prilucik@wsdot.wa.gov' <[Jacob.Prilucik@wsdot.wa.gov](mailto:Jacob.Prilucik@wsdot.wa.gov)>; 'SCPlanning@wsdot.wa.gov' <[SCPlanning@wsdot.wa.gov](mailto:SCPlanning@wsdot.wa.gov)>; 'AviationLandUse@wsdot.wa.gov' <[AviationLandUse@wsdot.wa.gov](mailto:AviationLandUse@wsdot.wa.gov)>; Chad Bala <[bala.ce@gmail.com](mailto:bala.ce@gmail.com)>; 'Joel Greear' <[joel@centralpavingllc.com](mailto:joel@centralpavingllc.com)>; Jeff Slothower <[jslothower@lwhsd.com](mailto:jslothower@lwhsd.com)>

**Cc:** Jamey Ayling <[jamey.ayling@co.kittitas.wa.us](mailto:jamey.ayling@co.kittitas.wa.us)>; Kelly Bacon (CD) <[kelly.bacon.cd@co.kittitas.wa.us](mailto:kelly.bacon.cd@co.kittitas.wa.us)>; Chace Pedersen <[chace.pedersen@co.kittitas.wa.us](mailto:chace.pedersen@co.kittitas.wa.us)>

**Subject:** LP-23-00001 Thorp Landing - Notice of Public Hearing & SEPA Action

## External Email

Good morning,

Attached to this e-mail you will find the following items related to the Thorp Landing Long Plat (LP-23-00001):

- Notice of SEPA Action and Public Hearing Notice
- SEPA Determination Non-significance (DNS), and
- Instructional materials for the Virtual Public Hearing set for June 22, 2023.

Below are the links to all documents associated with the Thorp Landing Long Plat application (Please note the cultural resources report mentioned is not public record and is not a part of the files):

[LP-23-00001 Thorp Landing - Internal](#)

[LP-23-00001 Thorp Landing - External](#)

The staff report will be uploaded at least one week before the hearing date (June 15) to the website.

Please contact me if you have any questions.

**Jeremiah Cromie**  
**Planner II**  
**Kittitas County**  
**Community Development Services**  
411 N. Ruby Street; Suite 2  
Ellensburg, WA 98926  
Office: 509-962-7046  
[jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)

---

The information transmitted by this email is intended only for the person or entity to which it is addressed. This email may contain confidential and/or privileged material. If you are not the intended recipient of this message, be aware that any use, review, retransmission, distribution, or reproduction is strictly prohibited. If you received this in error, please contact the sender immediately and delete the material from all devices.

message id: 38eb45916c6dcbdac24bb8719d004a14

**KITTITAS COUNTY**  
COMMUNITY DEVELOPMENT SERVICES  
411 NORTH RUBY STREET, SUITE 2  
ELLENSBURG, WA 98926

**RECEIVED**  
JUN 12 2023

Kittitas County CDS

Ryan Fudacz  
530 Goodwin Road  
Thorp, WA 98946

98946

SEATTLE WA 980  
1 JUN 2023 PM 4 L



quodient  
FIRST-CLASS MAIL  
IM1  
**\$000.60**  
06/01/2023 ZIP 98926  
043M31222296

**US POSTAGE**

NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES

SC 989265399Z 06225-95479-92-99

**KITTITAS COUNTY**  
COMMUNITY DEVELOPMENT SERVICES  
411 NORTH RUBY STREET, SUITE 2  
ELLENSBURG, WA 98926

**RECEIVED**  
JUN 06 2023

**Kittitas County CDS**

**RECEIVED**  
JUN 06 2023

Kittitas County

9327000100501793

SEATTLE WA 980  
1 JUN 2023 PM 4



quadrant  
FIRST-CLASS MAIL  
IML  
**\$000.60**  
06/01/2023 ZIP 98926  
043M31222296

**US POSTAGE**

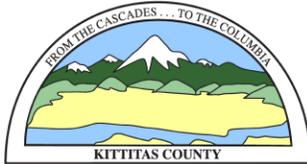
David & Lyla Fudacz  
9741 N Thorp Hwy  
Thorp, WA 98946

989265050

NIXIE 992 DE 1 0005/04/23

RETURN TO SENDER  
NO MAIL RECEIPT  
UNABLE TO FORWARD

9327000100501793



## STAFF REPORT THORP LANDING LONG PLAT (LP-23-00001)

### I. GENERAL INFORMATION

Requested Action: Thorp Landing LLC submitted an application for a 10-lot plat on 2 parcels totaling 54.39 acres of land. The proposal includes 10 residential lots ranging in size from 5.00 acres to 8.64 acres. The subject parcels are zoned Agriculture 5. It is part of a Rural Residential Land Use designation. These parcels had a land use designation change from Rural Working to Rural Residential and a zoning change from Agriculture 20 to Agriculture 5 under Ordinance 2022-017 (RZ/CP-22-00002 Thorp Landing) that was part of the County’s 2022 annual docket cycle for changes to the comprehensive plan, zoning map and development regulations.

Location: Two tax parcels (443233 and 493233), located approximately .5 miles northwest of the intersection of N. Thorp Hwy and I-90 off of Thorp Landing Lane in Section 11, Township 18, Range 17, W.M.; Kittitas County. The properties bear Kittitas County Map numbers 18-17-11040-0033 and 18-17-11040-0007.

### II. SITE INFORMATION

Total Project Size: 54.39 acres  
Number of Proposed Lots: 10 (2 currently existing)  
Domestic Water: 2 Group B Wells (Existing one to serve 2 lots, New one to serve 8 lots)  
Sewage Disposal: Septic  
Fire Protection: Thorp (Fire District 1)  
Irrigation District: Westside Irrigating Company

Site Characteristics:

North: Residential/Town of Thorp  
South: Residential/Some farmland  
East: A Few Residential Lots/Vacant Land  
West: Mostly Farming Uses

Access: Access to the site will be via Thorp Landing Lane (a private drive) from N. Thorp Highway.

### III. ADMINISTRATIVE REVIEW

Deemed Complete: A Long Plat Application and SEPA Checklist were submitted to Kittitas County Community Development Services on January 10, 2023 (Index #1 & 16). The application was deemed complete on February 7, 2023 (Index #20). A petition for review of the County’s redesignation of the property from a land use designation from Rural Working to Rural Residential and zoning change from Agriculture 20 to Agriculture 5 was submitted to the Growth Management Hearings Board on February 12, 2023 after the application had been deemed complete on February 7, 2023 and therefore vested.

Notice of Application: The site was posted pursuant to KCC 15A.03.110 on February 9, 2023 (Index #21). Two posting sites were established (One off of Thorp Landing Lane and the other near Goodwin Road). A Notice of Application was mailed to all state and local agencies/departments with potential interest in the project as required by KCC 15A.03.060, as well as to adjacent landowners located within five hundred (500) feet of any portion of

the boundary of the proposal's contiguous tax parcels on February 21, 2023 and noticed in the local county paper of record on February 21, 2023 (Index #23). The comment period for this notice ended on March 9, 2023. Some comments were transmitted to the applicant on March 13, 2023 (Index #38) and full comments were transmitted on March 15, 2023 to the applicant (Index #40).

#### **IV. ZONING & DEVELOPMENT STANDARDS**

The subject property is located approximately .65 miles northwest of the I-90 Thorp Exit and has a zoning designation of Agriculture 5. The purpose and intent of Agriculture 5 zone is to provide for an area where various agricultural activities and low-density residential developments co-exist compatibly.

The minimum lot size in Agriculture 5 districts is 5 acres unless in a cluster plat as seen in KCC 17.28A.030. As this property is not a cluster plat, the size of all lots must be at least 5 acres. As proposed, the plat meets the 5-acre minimum lot size criteria. KCC 17.28A.030 also requires the minimum average width to be at least 250 feet. All parcels except for one are greater than 250 feet in width, however averaging out the lot widths of all 10 lots achieves an average of 394.56 feet per lot which meets the width requirements.

The created parcels with potential future dwellings must be served by a legal 60 foot right of way or existing county road under KCC 17.28A.100. North Thorp Highway is an existing county road and Thorp Landing Lane is a private drive easement that is 60 feet wide which meets these criteria.

Preliminary Plats: The plat map submitted with the current application was reviewed under the existing KCC 16.12 Preliminary Plats and meets all requirements.

#### **V. COMPREHENSIVE PLAN**

The Kittitas County Comprehensive Plan designates the proposal site as “Rural Residential”. Kittitas County has established the following goals and policies to guide activities that are designated in these lands. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

RR-G2: Opportunities should exist for traditional rural lifestyle and rural based economies.

Consistency Statement

*The proposed plat provides for people to live a traditional rural lifestyle and support the rural based economy especially being near the small town of Thorp.*

RR-G10: The County should look for opportunities for a variety of rural density and housing choices while maintaining rural character and protecting health and safety.

Consistency Statement

*This plat provides housing choices on 5 acres which is a variety of rural density and does not require local government services to meet the housing needs of the county. The county and state have found 5 acres to be consistent with rural character.*

RR-G20: Protect residential activities from flooding areas and natural hazard areas.

Consistency Statement:

*The plat provides sufficient area outside the 100-year flood zone and outside the Type F stream building setback for future housing.*

RR-P25: New rural development shall provide adequate water for domestic use.

Consistency Statement

*The plat will have 2 Group B well systems that are approved through Kittitas County Public Health that will provide adequate water for domestic use.*

**CDS staff reviewed the project for consistency with the Kittitas County Comprehensive Plan as described above. CDS finds the proposed development consistent with the Goals and Policies of the Kittitas County Comprehensive Plan.**

**VI. ENVIRONMENTAL REVIEW**

A critical areas review of the parcel was conducted by CDS staff. There is a Type F Stream on the northern side of the project that has a 100' buffer and what looks like an irrigation line running through the SW portion of parcel 443233. Floodplain is located on the northeastern corner of parcels 443233 and 493233 A Critical area report conducted by GG Environmental was submitted to the County with the application materials (Index #14). This report indicated no jurisdictional wetlands and recognized the unnamed creek as a Type F stream with a 100-foot setback.

Kittitas County CDS issued a DNS for this project on June, 2023 (See Index #50) after utilizing the optional DNS process under WAC 197-11-355.

At the time of this writing, the SEPA DNS decision has not been appealed.

**VII. AGENCY AND PUBLIC COMMENTS**

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal and have been notified of the Public Hearing. Timely comments were received from the following agencies: Department of Health – Office of Drinking Water, Snoqualmie Tribe, Westside Irrigating Company, Kittitas County Public Health, Washington Department of Transportation – Aviation Division, Kittitas County Fire Marshal, Colville Tribe, Washington State Parks, Department of Ecology and Kittitas County Public Works. Public Comments were received from the following people (Index #'s 34-36):

1. Johnny & Erinn Boitano,
2. David, Lyla, Jarred and Ryan Fudacz,
3. Paula Thompson

Below are summaries of the substantive agency and public comments submitted as well as the response from the applicant regarding the comments. For full context and details please see Index #s 24-37, 39 and 44. Applicant responses can be seen in Index #45.

Snoqualmie Tribe: Snoqualmie Tribe commented that they do not have substantive comments at this time but if the project scope were to change, they reserve the right to modify their position.

Applicant response: “*At this time the plat will not be modified. Please also see RLR’s cultural resources report dated July 5, 2022.*”

Staff response: CDS staff provided these comments to the applicant and there is no change in plans considered at this time.

WSDOT Aviation: WSDOT Aviation found that there are no land use compatibility or airspace issues in relation to local airports.

Applicant response: “Agreed. This plat has no airspace issues with local airports.”

Staff response: CDS staff provided these comments to the applicant.

Department of Health – Office of Drinking Water (DOH-ODW): DOH-ODW commented that the project would be provided by a Group B water system that requires approval from Kittitas County Public Health in their initial comments on February 22, 2023. Public Health commented that their JPR with DOH that they don’t approve above 9 connections at the county so that the applicant would need to work with DOH for a system for 10 lots. DOH on February 23<sup>rd</sup>, 2023 then asked for clarification on what the applicant is proposing for the water system on these lots and if they were expanding the existing “Thorp Landing” water system. Staff then clarified on March 1, 2023 that the applicant was using an existing group B well to serve 2 of the new lots and a new group B well to serve the other 8 lots. After this clarification, DOH said that the two Group B water systems would be considered a “project” for ground water withdrawal and water rights and could not withdraw more than 5,000 gallons a day. They advised the applicant to confirm this with Ecology on the matter. They also said that the proposal for expansion of a group B well and a new group B well would be handled by Kittitas County Public Health. DOH sent new comments for the notice of Public Hearing on June 5, 2023, stating that if 10 lots are served as a collective water system, then it would require a Group A Water System that would have to be approved by them (Index #52).

Applicant response: “The plat will have 2 lots served by an existing and approved Group B well and a new Group B well is proposed on Lot 7 that will serve the rest of the proposed plat. The existing Group B Water system is not being expanded and is approved for 6 connections (see Exhibit 10 of application submittal). Also see e-mail chain from February 22 and March 1, 2023. All domestic water to serve the property which is the subject of this plat application will be withdrawn from two wells. One well has already been classified as a Group B system, and it serves lots not involved with the plat, but which are described as Kittitas County Tax Parcel Nos. 19588, 19589, 19590, 19591, 19592, and 19593. Two of these lots are owned by third parties and they had building permits issued after the current landowner bought a Kittitas County Mitigation Package. The plat will add 10 lots to the above six lots, for a total of 16 lots. Each lot may withdraw 275 gallons per day, so the combined withdrawal of ground water from the property is under 5,000 gallons per day. Because all of the property has irrigation water from the West Side Irrigation Company, there is no need for any outdoor irrigation to occur using ground water. The applicant, through covenants, conditions, and restrictions, will restrict individuals acquiring lots within the plat to 275 gallons of water per day with no outdoor use of water. Additionally, *see* responses related to outdoor irrigation below in response to the West Side Irrigation Company's comments.”

Staff response: CDS Staff transmitted these comments to the applicant and has proposed a condition to this proposal to get a Group B Well approvals from Kittitas County Public Health if they are adding 2 connections to an existing well and adding a new group B well. Staff have also proposed a condition for the plat to get a group A well approval from the state department of health if any system is to serve 10 or more lots.

Department of Ecology: The Department of Ecology made comments on the withdrawal of groundwater and said anything beyond 5,000 gallons of water per day withdrawn requires authorization from the Department of Ecology.

Applicant Response: See response to the Department of Health Comments

Staff response: CDS Staff provided comments to the applicant and proposed a condition to obtain approval from the Department of Ecology if planning on withdrawing over 5,000 gallons of water a day.

Colville Tribe: Colville Tribe requested an inadvertent discovery plan be in place prior to implementation. They also say if ground disturbing activities are to be conducted, then a cultural resource survey and sub-surface testing should be done.

Applicant Response: RLR Arch. & Cultural Resources has already surveyed the property and recommends the project to proceed as planned. Kittitas county is the overseer for future development within the plat. Yakama Nation has already reviewed the survey and agreed to its findings. There has been an Inadvertent Discovery Plan already established.

Staff response: CDS Staff is in receipt of the cultural resources survey. This survey was done for the road building of Thorp Landing Lane for Kittitas County SEPA Application SE-22-00015 but did not incorporate the entire plat area. Staff has recommended the proposal to have the inadvertent discovery plan in place during all ground disturbing activities.

Kittitas County Fire Marshal: The Kittitas County Fire Marshal's Office provided comments related to fire apparatus access roads, fire flow, hydrant systems and wildfire protection requirements on February 8, 2023. Staff received an e-mail from the Fire Marshal's office on April 26, 2023 (See Index #44) that previous fire flow and fire hydrant requirements for this plat are hereby waived and the lots are to be sprinkled from the irrigation canal(s) and that the lots are low hazard WUIC scores and do not have a high ability to expose to other structures in the event of a fire.

Applicant Response: At this time, there is no gate proposed and a key box will not be needed. Please see the Exhibit B, per the Fire Marshal E-mail, fire flow and hydrant systems are waived.

Staff response: Staff has recommended a plat note that requires all structures to be sprinkled and all roads constructed to meet International Fire Code (IFC) requirements.

Westside Irrigating Company (WSIC): WSIC commented that this plat lies wholly within their service area and that there are two turnouts on the Main Canal. They referenced KCC 16.18 which talks about provisions for the orderly system of providing irrigation water to property to be subdivided and requires a water delivery system with rights of way to each new lot to receive irrigation water. They talked about updated bylaws regarding subdivisions and that they have no formal objection to the proposal.

Applicant Response: The applicant agrees to this regarding Westside Irrigating Company comments and conditions for the plat. The applicant is aware of Kittitas County Code 16.18 which sets forth the County requirements and the applicant is aware of the West Side Irrigation Company's rules and regulations regarding delivery of water. The applicant intends to provide two points for all lots within the plat to access water from the West Side Canal. The water will be delivered to each lot in a piped system, with each lot having an irrigation riser which will be metered. Further, through the use of covenants, conditions and restrictions, the applicant will require that the application of all West Side Irrigation Company water to lots within the plat for purposes of irrigation will be required to be through a sprinkler system. No flood irrigation of these lots will be allowed.

Staff response: These comments have been provided to the applicant. Staff has recommended a condition to have a water delivery system (according to KCC 16.18) in place approved by WSIC prior to final plat approval.

Washington State Parks & Recreation (State Parks): State Parks commented their concerns about trespassing, noise and light glare, and potential stormwater discharge. They said if the project proponent needs access to state park land, they need to apply for and obtain legal access for easement.

Applicant Response: The preliminary plat map was submitted as part of the application. If the plat is approved, it will eventually be recorded, and a record will be provided to State Parks. There is no access for this proposal to State Parks land and access is through Thorp Landing Lane. No trespassing and dumping signs will be established on the property line with State Parks Land. Typical county setbacks will apply to development on the property and CCR's will cover noise, light and glare. The applicant has submitted an Ecology stormwater erosivity waiver and stormwater will stay on site and it is highly unlikely that that stormwater would ever discharge onto State Parks land.

Staff response: Staff has recommended conditions relating to signs for no trespassing and keeping all stormwater on site. The county currently does not have regulations pertaining to light and glare.

Kittitas County Public Health (KCPH): KCPH commented on well and septic requirements including the two proposed Group B water systems.

Applicant response: The applicant contacted Holly Erdman at the Kittitas County Health Department regarding the public health comment. In discussions with Ms. Erdman, it is clear that the heading of her comment referencing the Conner Short Plat and the date of the comment are incorrect; however, the applicant was able to confirm that the substance of Ms. Erdman's comments on behalf of Kittitas County Public Health did in fact relate to this plat application. The applicant understands and agrees to her comments. Specifically, the applicant understands that prior to final plat approval, the applicant will have to comply with KCC 13.35.027, by providing a certificate of water budget neutrality or other adequate interest in water rights from a water bank.

Staff response: CDS Staff has provided this comment to the applicant and proposed conditions regarding Group B well approvals, soil logs and water mitigation prior to final platting.

Kittitas County Public Works (KCPW): KCPW provided comments on access requirements, roads meeting fire codes, and that no access should be done from Goodwin Road. They also commented about projected traffic trips and the possibility of needing a traffic impact analysis. They had comments about required plat notes, flood development and water mitigation. A follow up e-mail with updated comments on March 14, 2023 mentioned that the owner information and the engineer of record should be included on the face of the preliminary plat.

Applicant response: The applicant agrees with Public Works conditions. The preliminary plat shows the location of the turnaround and that a portion of Thorp Landing Lane has been reviewed and approved by Kittitas County and was built. Thorp Landing Lane will be extended to serve this plat.

Staff response: CDS Staff has provided this comment to the applicant and proposed conditions regarding various road standards, floodplain standards as well as required plat notes. The applicant provided a transportation concurrency application on 5-15-23 (TC-23-00004) with estimated traffic trips (Index #47). Kittitas County Public Works determined that this plat does not require any mitigation measures for traffic impacts on May 30, 2023 (Index #49).

Fudacz Family: The Fudacz Family submitted comments and concerns regarding water runoff and irrigation water rights on the parcels including 3 springs as well as concerns about the applicant. They also said that the critical areas report submitted to the county is inadequate.

Applicant response: The water rights issue was sorted out by the Ecology v. Acquavella case that the Fudacz family were a part of. There are limited claims to the water and easements by the Fudacz family over the applicant's property. The applicant has no obligation to highlight perennial springs throughout the property and the report meets the county code and the Fudacz's and did not produce their own report. No lots will have the ability to apply irrigation water to the property except through the West Side

Irrigation Company system that complies with their rules and regulations as well as the County's.

Staff response: Critical Area Reports do not require springs to be identified on them at this time under KCC 17A. Springs would need to be included if the county had requested a hydrogeological assessment in a critical aquifer recharge area. As this project is for residential lots, it does not fall under the applicability sections of KCC 17A.03.030. All irrigation easements and an irrigation delivery system will have to be shown on the final plat and be approved by the Westside Irrigating Company prior to final plat approval.

Johnny & Erinn Boitano: Johnny & Erinn Boitano raised concerns about the aquifer and septic system approvals. They mention that during the summer, everyone flood irrigates their properties which brings the water table up and could contaminate the aquifer and negatively affect the surface water and drainage patterns. They also commented that the lots are in the floodplain.

Applicant Response: This proposed ten lot plat is not completely within the floodplain. Only a small portion of the plat is in the 100 year and 500-year floodplain and is in the back portion of the lots. Kittitas County does allow people to build within the 100-year floodplain as long as flood development requirements are met. The plat proposes a Group B water system that will be approved by Kittitas County Public Health. Per the Kittitas County Health Department's comment letter and county code, the proposed plat is allowed to apply for individual septic systems.

Staff response: There is sufficient space outside of the 100-year floodplain to build on all of the proposed lots. Kittitas County Public Health will have to approve all septic systems including soil logs prior to final plat approval that looks at things like groundwater. Staff has also recommended a condition that the lots not be flood irrigated.

Paula Thompson: Paula Thompson commented on the 2022 comprehensive plan and rezone update saying it was inadequate and that the current SEPA checklist does not identify wetlands and perennial springs. She also commented on irrigation rights and delivery systems as well as drainage patterns. She had concerns about lots without fire hydrants and that a turn lane should be required on Thorp Hwy to turn onto Thorp Landing Lane.

Applicant Response: Ms. Thompson did not file an appeal to the SEPA as part of the 2022 comprehensive plan and zoning change. She has now filed a petition to the Eastern Washington Growth Management Hearings Board but that petition does not matter as this application was vested prior to the petition as the county deemed it complete prior to that petition.

Staff response: The applicant provided a critical areas report done by a qualified professional that states there are no jurisdictional wetlands on the property and one Type F stream on the north side of the property. An irrigation system approved by Westside Irrigating Company will be required prior to final plat approval. Kittitas County received a transportation concurrency application from the applicant and found that no mitigation measures are required for the creation of 10 lots in this plat.

**CDS has reviewed all of the comments submitted and proposed conditions in this Staff Report to address many of the concerns noted.**

## **VIII. 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 as seen in Section V of this staff report. The subdivision can help promote a rural lifestyle, only requires rural government services and provides options for housing and development that can take place outside of the floodplain.

Consistency with the provision of KCC 17 Zoning:

The proposal is consistent with the provisions of KCC 17.28A. The lots are all over 5 acres and there is adequate size to put houses or other uses on the properties. All lots are served off Thorp Landing Lane from Thorp Highway which is an existing county road meeting the requirements of KCC 17.28A.100.

Consistency with the provisions of KCC 17A Critical Areas:

This proposal is consistent with the Kittitas County Critical Areas Code. The applicant submitted a critical areas report which indicated no wetlands on the property and one Type F stream. The stream has a 100' buffer (plus 15' additional building setback) which is shown in the plat map. The plat map also contains the 100-year floodplain. There are sufficient areas outside of required setbacks to build. CDS staff finds the project with recommended conditions consistent with KCC 17A Critical Areas.

Consistency with the provisions of KCC 16.12: Preliminary Plat Subdivision Code:

This proposal is consistent with the Kittitas County Subdivision Code (Title 16) for Preliminary Plats with the recommended conditions.

Consistency with the provisions of KCC Title 12: Roads and Bridges:

This proposal is consistent with the Kittitas County Title 12 Roads and Bridges with the recommended conditions.

Consistency with the provisions of KCC Title 20: Fire & Life Safety:

This proposal is consistent with the Kittitas County Title 20 Fire & Life Safety with the recommended conditions.

## **IX. 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 13, Title 16.12, Title 17A, Title 17, Title 17.28A and Title 20 of the Kittitas County Code as well as the Kittitas County Comprehensive Plan. Staff recommends approval of the Thorp Landing Preliminary Plat, subject to the following findings of fact, conclusions, and conditions:

### **Suggested Findings of Fact**

1. Thorp Landing LLC submitted an application for a 10-lot plat on 2 parcels totaling 54.39 acres of land. The proposal includes 10 residential lots ranging in size from 5.00 acres to 8.64 acres. The subject parcels are zoned Agriculture 5. It is part of a Rural Residential Land Use designation. These parcels had a land use designation change from Rural Working to Rural Residential and a zoning change from Agricultural 20 to Agricultural 5 under Ordinance 2022-017 (RZ/CP-22-00002 Thorp Landing) that was part of the County's 2022 annual docket cycle for changes to the comprehensive plan, zoning map and development regulations.

2. Site Information:

Total Project Size:	54.39 acres
Number of Proposed Lots:	10 lots (2 currently existing)
Domestic Water:	2 Group B Wells (Existing one to serve 2 lots, New one to serve 8 lots)
Sewage Disposal:	Septic
Fire Protection:	Thorp (Fire District 1)
Irrigation District:	Westside Irrigating Company

Site Characteristics:

North: Residential/Town of Thorp  
South: Residential/Some farmland  
East: A Few Residential Lots/Vacant Land  
West: Mostly Farming Uses

Access: Access to the site will be via Thorp Landing Lane (a private drive) from N Thorp Highway.

3. The Comprehensive Plan Land Use designation is Rural Residential for these properties.
4. The subject properties are zoned Agriculture 5.
5. A Long Plat Application and SEPA Checklist were submitted to Kittitas County Community Development Services on January 10, 2023. The application was deemed complete on February 7, 2023. A petition for review of the County's redesignation of the property from a land use designation from Rural Working to Rural Residential and zoning change from Agriculture 20 to Agriculture 5 was submitted to the Growth Management Hearings Board of February 12, 2023 after the application had been deemed complete on February 7, 2023 and therefore vested. A Notice of Application was mailed to all state and local agencies/departments with potential interest in the project as required by KCC 15A.03.060, as well as to adjacent landowners located within five hundred (500) feet of any portion of the boundary of the proposal's contiguous tax parcels on February 21, 2023 and noticed in the local county paper of record on February 21, 2023. The comment period for this notice ended on March 9, 2023 and some comments were transmitted to the applicant on March 13, 2023 with all comments transmitted March 15, 2023. The applicant responded to the comments on May 1, 2023.
6. An DNS was issued by Kittitas County CDS on June 1, 2023.
7. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The proposed subdivision will be adequately served by County services. Staff has conducted an administrative critical area review in accordance with KCC 17A and found that although critical areas exist on the parcel, appropriate buffers and mitigations have been recommended to minimize impacts and protect these critical areas.
8. This proposal, as conditioned, is consistent with the Kittitas County Zoning Codes 17.28A
9. This proposal is consistent with the Kittitas County 16.12 Subdivision Code for Preliminary Plats.
10. This proposal as conditioned, is consistent with the provisions of KCC Title 12: Roads and Bridges.
11. This proposal is consistent with the provisions of KCC 15 Environmental Policy.
12. This proposal as conditioned, is consistent with KCC 17A Critical Areas.
13. This proposal, as conditioned, is consistent with KCC Title 20, Fire & Life Safety.
14. This proposal, as conditioned, will meet Kittitas County Road Standards.

**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, Title 12 Roads and Bridges and Title 20 Fire & Life Safety.

**Suggested Conditions of Approval:**

The project shall proceed in substantial conformance with the plans and application materials on file submitted on January 10, 2023 and transportation concurrency submitted May 15, 2023 except as amended by the conditions herein.

**1. Building**

- A. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
- B. Environmental and statutory review may be required for all current and future development, construction, and improvements. The applicant and/or all future owners of any lot or lots within this subdivision are responsible for compliance with all applicable local, state, and federal rules, requirements, codes, and regulations. It is incumbent upon said applicants and future owners to investigate for, and obtain from the appropriate agency or their representative, all required permits, licenses, and approvals for any development, construction, and/or improvements that occur within the boundaries of this subdivision.
- C. All structures will need to be permitted and built to the current Kittitas County adopted building codes at the time of construction.

**2. Roads and Transportation**

- A. Road Standards: This application is subject to the latest revision of the Kittitas County Road Standards, dated 12/15/2015. A performance guarantee may be used, in lieu of the required improvements, per the conditions outlined in KCC 12.01.150.
  - i. Roads & Driveways:
    - a. An approved access permit shall be required from the Department of Public Works prior to creating any new driveway access or performing work in the county road right-of-way.
    - b. Private roads serving any of the lots within the development shall be inspected and certified by a licensed professional engineer for conformance with the 2015 Kittitas County Road Standards. This certification shall be completed prior to final plat approval or if a performance guarantee is used in lieu of the required improvements, the private road must be certified to comply with the minimum requirements of the International Fire Code prior to building permit issuance.
    - c. Roads and Driveways longer than 150' in length are required to provide a Fire Apparatus Road Turnaround meeting the requirements of Appendix D in the International Fire Code.

- d. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The county will not maintain access.
- e. Future access onto proposed lots may not be accessed off a county road if there is an alternative road to access from.
- f. Kittitas County will not accept private roads for maintenance as public streets or roads until such streets or roads are brought into conformance with current County Road Standards and formally adopted by the Kittitas County Board of County Commissioners.
- g. Access is not guaranteed to any existing or created parcel on this application.
- h. Newly created lots shall access onto an internal road system and not directly onto a County Road.
- i. All road construction within the public or private right-of-way shall be designed by or under the direct supervision of a civil engineer, licensed to practice in the State of Washington. Please submit a road plan and profile drawings along with any associated drainage reports for a formal Civil Review to Kittitas County Public Works (KCC 12.04.020)

ii. Other

- a. If over 100 cubic yards of material are displaced during construction, a grading permit shall be required. If over 500 cubic yards, an engineered grading permit shall be required. If the applicant plans on applying for final plat prior to building, a bond for construction shall be required
- b. Prior to the final platting process, a Civil Review of the plans will be required by Public Works. If the applicant is getting an engineered grading permit, the Civil Review will be included in the permit
- c. All plats must show the acceptance signature of the County Engineer. The acceptance block shall be as follows (per KCC 16.24.170):

EXAMINED AND APPROVED  
 This \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.  
 \_\_\_\_\_  
 Kittitas County Engineer

- d. Contact the Kittitas County Rural Addressing Coordinator at 509-962-7523 to obtain addresses prior to obtaining a building permit. A parcel cannot receive a building permit or utilities until such parcel is identified with a 911 address.
- e. Mailboxes must be approved the U.S. Postal Service. Mailbox locations are site specific. Contact your local Post Office for location and design standards before beginning construction.
- f. All accesses and roads need to be compliant with the 2018 IFC including Appendix D.

**3. Survey**

- A. Owner, Engineer of Record, and Surveyor of Record shall be on final plat.
- B. A Title Report shall be submitted and the legal description on the Title Report shall match the legal description on the final plat.
- C. Controlling corners shall be noted, and property corners set.
- D. The boundaries along the Type F stream shall be delineated
- E. A right-of-way or easement shall be shown for an approved irrigation water delivery system as approved by the Westside Irrigation Company.
- F. The plat must show the acceptance signature of the Westside Irrigation Company. The acceptance block shall be as follows (per KCC 16.18.035):

I hereby certify that the irrigation for the Thorp Landing Plat conforms to the requirements of Westside Irrigating Company.

This \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

\_\_\_\_\_  
Westside Irrigating Company Representative

- G. Lot Closures shall be submitted. 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 are correct and accurate.

#### 4. Water/Sewer

- A. In accordance with KCC 13.35.027, the applicant shall provide one of the following documents before final plat approval:
  - 1. A letter from a water purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the new use
  - 2. An adequate water right for the proposed new use
  - 3. A certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank.
- B. All applicants for land divisions shall also submit information on “proximate parcels” held in “common ownership” as those terms are defined in WAC 173-539A-030 and otherwise demonstrate how the proposed new use will not violate RCW 90.44.050 as currently existing or hereafter amended.
- C. Failure to obtain mitigation before commencement of an activity requiring mitigation shall be a code violation subject to enforcement under Title 18 KCC.
- D. In accordance with KCC 13.04.090, a minimum of one soil log for each proposed lot where individual sewage disposal systems are contemplated must be completed and approved prior to final plat approval.
- E. The existing Group B water system must be approved and/or expanded to serve 2 lots of this plat prior to final plat approval.

- F. The new proposed Group B water system must have a well drilled and a Group B water system approved to be able to serve 8 connections with a public water system ID # issued prior to obtaining final plat signature.
- G. If the proposed 10 lots are to be served a single water system, it shall be a Group A water system that is approved by the State Department of Health prior to final plat approval.
- H. Any Ground Water withdrawals over 5,000 gallons per day shall require authorization from the Department of Ecology.

**5. Other**

- A. Applicant must meet all state and federal regulations.
- B. An Irrigation Water Delivery System as described in in KCC 16.18.030 shall be provided by the developer and approved by Westside Irrigating Company prior to final plat approval.
- C. All stormwater shall be kept on site or require a Construction Stormwater permit from the Department of Ecology
- D. No trespassing signs shall be put up on the boundary line of each lot that abuts with Washington State Parks land. A legal easement shall be required if wanting access to State Parks Land from this plat.
- E. Taxes must be paid in full on all tax parcels involved in this land use action as required by Washington State Law (RCW 84.40.042 & 84.56.345) prior to final plat recording
- F. All sheets of the final mylars shall reflect plat number LP-23-00001 and an accurate legal description shall be shown on the face of the final plat. Engineers and Surveyors need to be cognizant of the requirements related to Final Plats (KCC 16.20) and Survey Data and Dedications (KCC 16.24). The final plat must be submitted in full conformance with these chapters of Kittitas County Code; **non-compliant mylars will be rejected and returned to the applicant.** A final plat number will be assigned when CDS receives your final plat application. This file number will also be required on the face of the final plat.
- G. There shall be no flood irrigating of the properties.
- H. Critical Areas
  - 1. All final surveys shall include denotation of the Type F Stream and its 100' buffer.
  - 2. All final surveys shall include denotation of boundary of the 100-year floodplain.
- I. Cultural Resources
  - 1. Should ground disturbing or other activities related to the proposed subdivision result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State Department of Archaeology and Historic Preservation (DAHP), Yakama Nation, and Colville Tribe. Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in

the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

## 6. Plat Notes

A. The following plat notes shall be recorded on the final mylar drawings:

1. Environmental and statutory review may be required for all current and future development, construction, and improvements. The applicant and/or all future owners of any lot or lots within this subdivision are responsible for compliance with all applicable local, state, and federal rules, requirements, codes, and regulations. It is incumbent upon said applicants and future owners to investigate for, and obtain from the appropriate agency or their representative, all required permits, licenses, and approvals for any development, construction, and/or improvements that occur within the boundaries of this subdivision.
2. All development must comply with International Fire Code.
3. An approved access permit will be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right-of-way.
4. Lots 5 & 6 shall not have access from Goodwin Road unless approved by Kittitas County Public Works.
5. The approval of this division of land provides no guarantee that use of water under the ground water exemption (RCW 90.44.050) for this plat or any portion thereof will not be subject to curtailment by the Department of Ecology or a court of law.
6. Metering is required for all new uses of domestic water for residential well connections and usage must be recorded in a manner consistent with Kittitas County Code Chapter 13.35.027 and Ecology regulations.
7. Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
8. Kittitas County will not accept private roads for maintenance as public streets or roads until such streets or roads are brought into conformance with current County Road Standards and formally adopted by the Kittitas County Board of County Commissioners.
9. Maintenance of the access is the responsibility of the property owners who benefit from its use.
10. A public utility easement 10 feet in width is reserved along all lot lines. The 10-foot easement shall abut the exterior plat boundary and shall be divided by 5 feet on each side of interior lot lines. Said easement may also be used for irrigation.
11. All structures on these lots shall be sprinkled unless otherwise waived by the Kittitas County Fire Marshal.
12. The subject property is within or near land used for agriculture on which a variety of commercial activities may occur that are not compatible with residential development for periods of varying duration. (RCW 36.70A.060(1)) Commercial natural resource activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances." (RCW

7.48.305)

13. All activities within the floodplain must be permitted through the floodplain development permit process and follow regulations within KCC 14.08.220.
14. All lots shall not allow flood irrigation.



# **Kittitas County Hearing Examiner Public Hearing**

---

**Thorp Landing Long Plat**

**(LP-23-00001)**

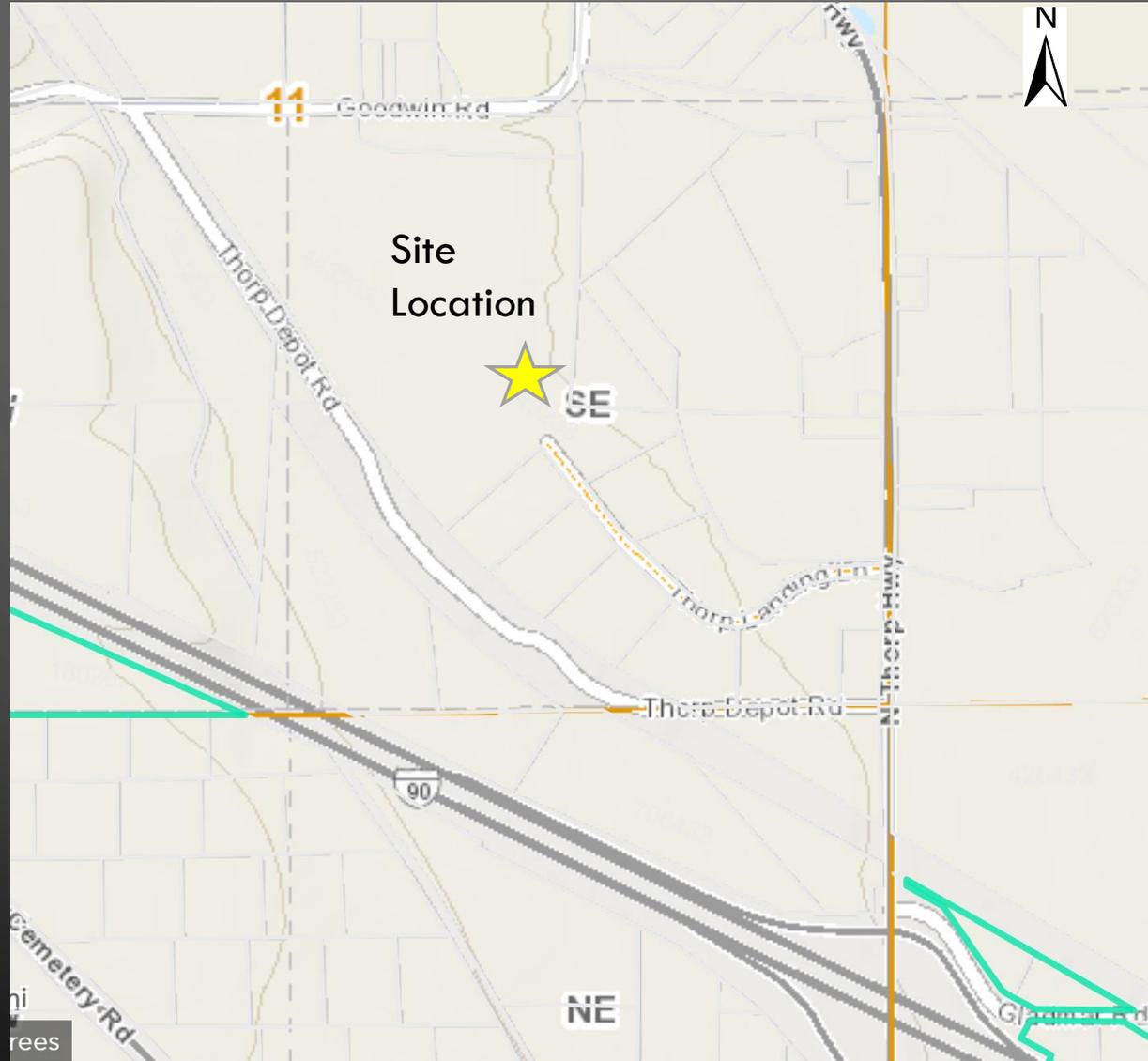
**June 22, 2023**

# THORP LANDING LONG PLAT LP-23-00001

## Project Description & Background Information

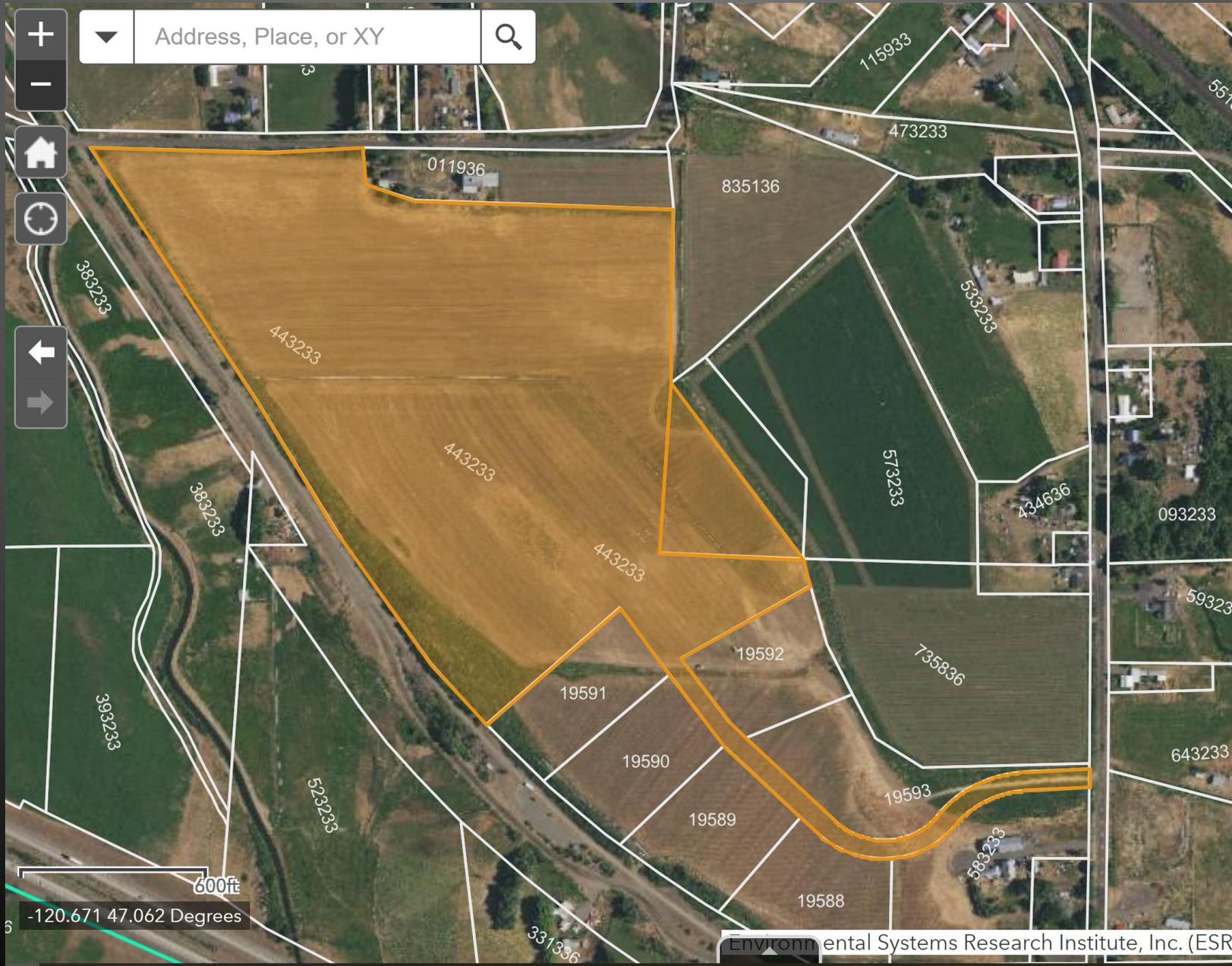
- Thorp Landing LLC submitted an application for a 10-lot plat on 2 parcels of land totaling 54.39 acres of land that is zoned Agriculture 5 within a Rural Residential Land Use designation. The property was rezoned from Agriculture 20 and had a comprehensive plan change from Rural Working as part of the 2022 Kittitas County Annual Docket changes under Ordinance 2022-017.

# THORP LANDING PLAT SITE



Access is off N Thorp Hwy and Thorp Landing Lane (A Private Road)

# THORP LANDING AERIAL VIEW (2021)



- x — FENCE
- ⊙ WELL
- ⊕ POINT OF DIVERSION

OWNER:  
 THORP LANDING LLC  
 1401 W DOLARWAY RD STE 301  
 ELLENSBURG, WA 98926  
 (509) 929-3980

TOTAL ACREAGE: 54.39 ACRES  
 NO. OF LOTS: 10  
 ZONE: AG 5  
 ASSESSOR'S NO. 493233 & 443233

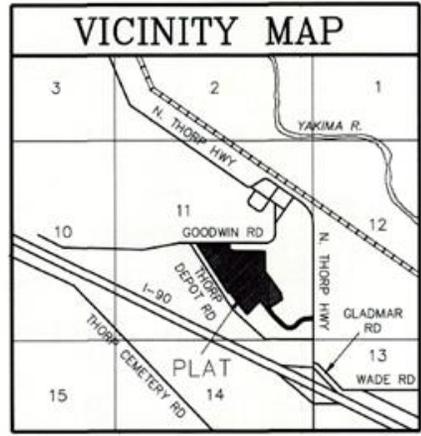
SOURCE OF WATER: GROUP B WATER SYSTEM

SEWER SYSTEM: SEPTIC TANKS  
 DRAINAGE: AS PER KITTITAS CO. STANDARDS  
 ACCESS: PRIVATE ACCESS ROAD &  
 COUNTY ROAD R/W

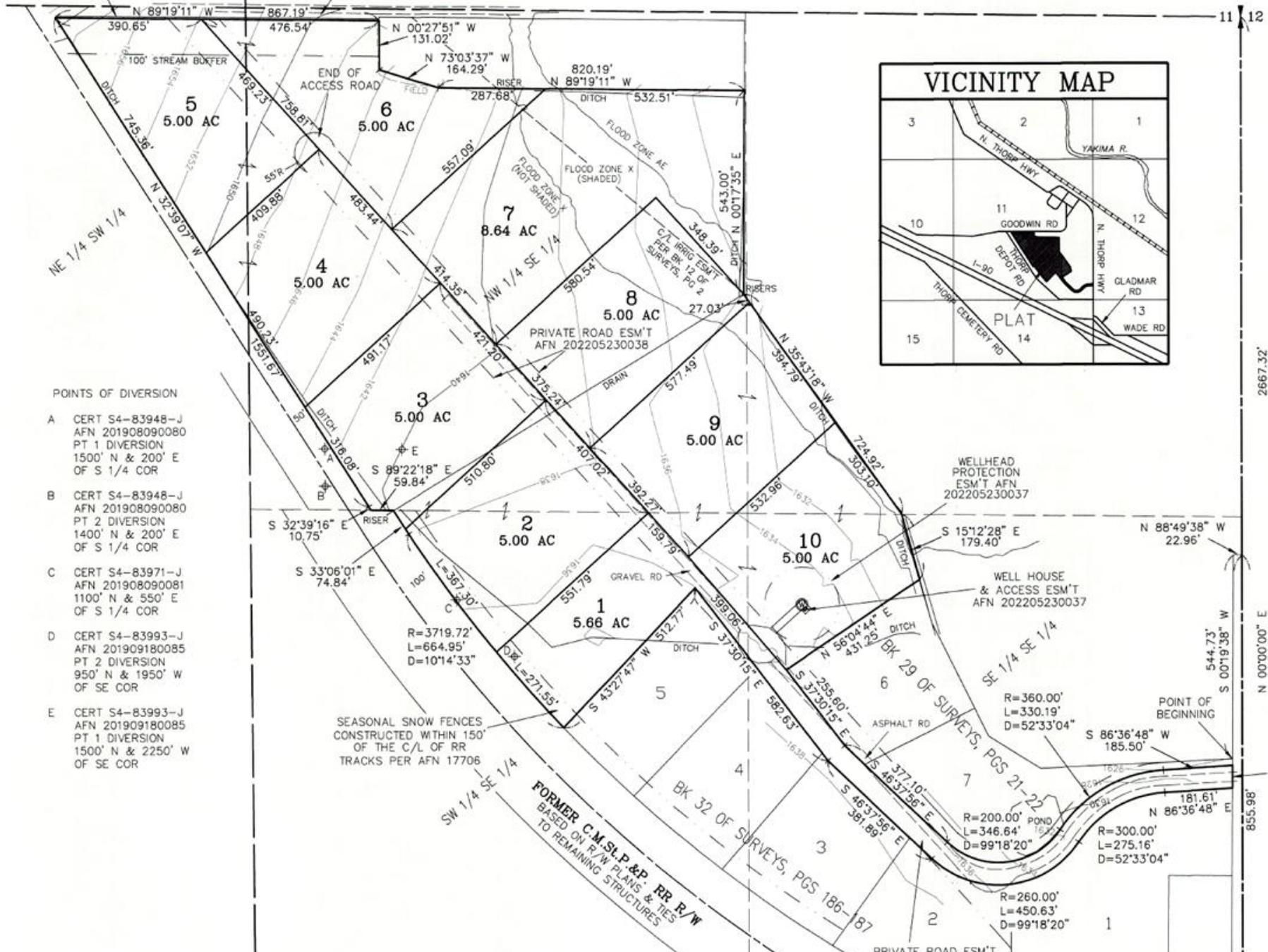
FLOOD ZONES SHOWN HEREON BASED ON FEMA  
 FIRM PANELS 53037C 1033D & 1041D.

VERT. DATUM = NAVD88 BASED ON TIES TO  
 NGS MONUMENT AA5991.

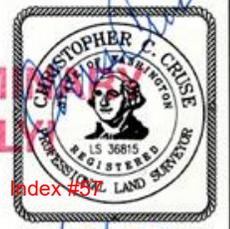
CONTOURS BASED ON FIELD LOCATES COMPLETED  
 11/17/22 AND ARE ACCURATE TO 1' CONTOUR  
 INTERVAL.



- POINTS OF DIVERSION
- A CERT S4-83948-J  
 AFN 201908090080  
 PT 1 DIVERSION  
 1500' N & 200' E  
 OF S 1/4 COR
  - B CERT S4-83948-J  
 AFN 201908090080  
 PT 2 DIVERSION  
 1400' N & 200' E  
 OF S 1/4 COR
  - C CERT S4-83971-J  
 AFN 201908090081  
 1100' N & 550' E  
 OF S 1/4 COR
  - D CERT S4-83993-J  
 AFN 201909180085  
 PT 2 DIVERSION  
 950' N & 1950' W  
 OF SE COR
  - E CERT S4-83993-J  
 AFN 201909180085  
 PT 1 DIVERSION  
 1500' N & 2250' W  
 OF SE COR



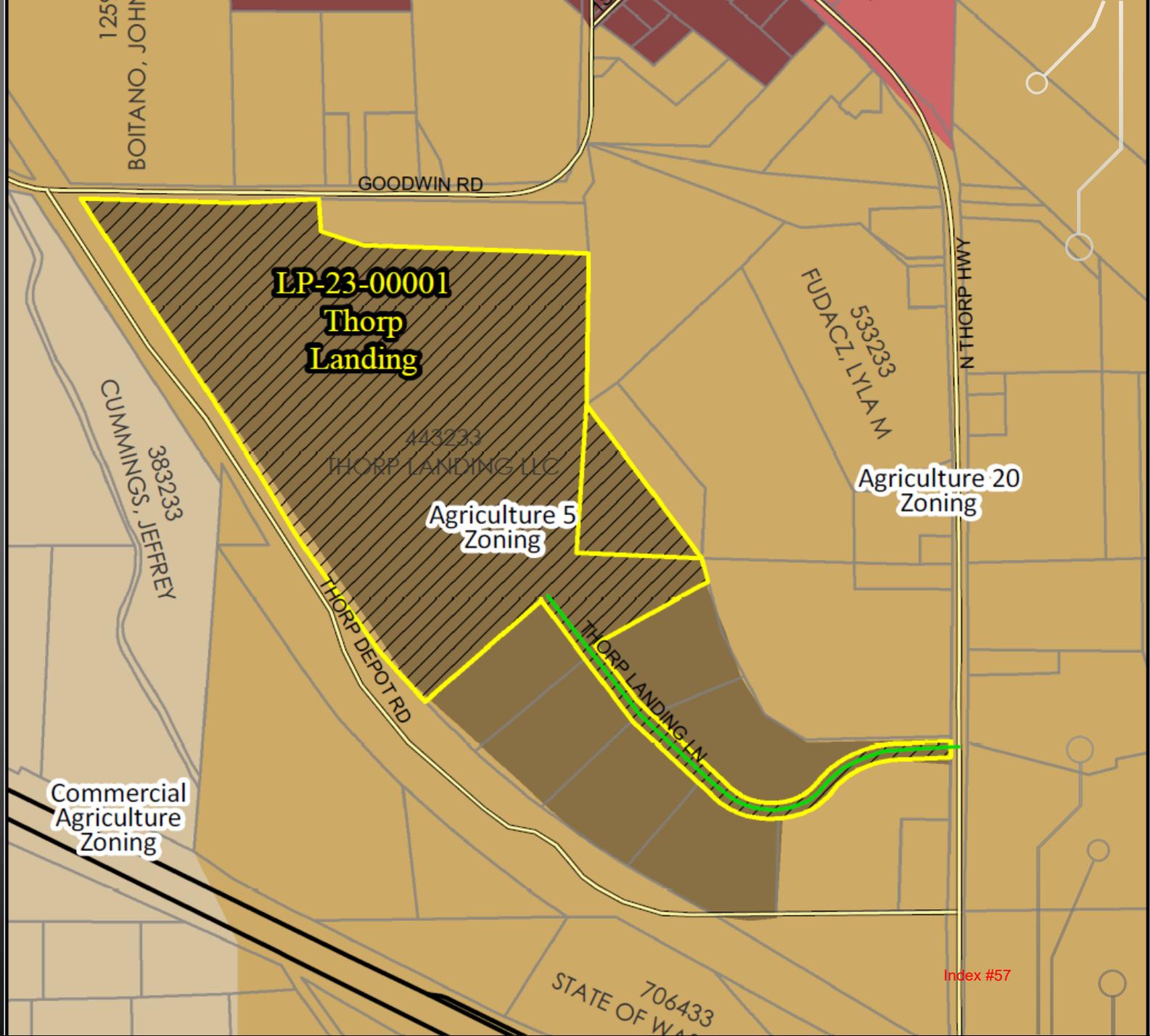
RECEIVED  
 JAN 25 2023  
 Kittitas County CDS



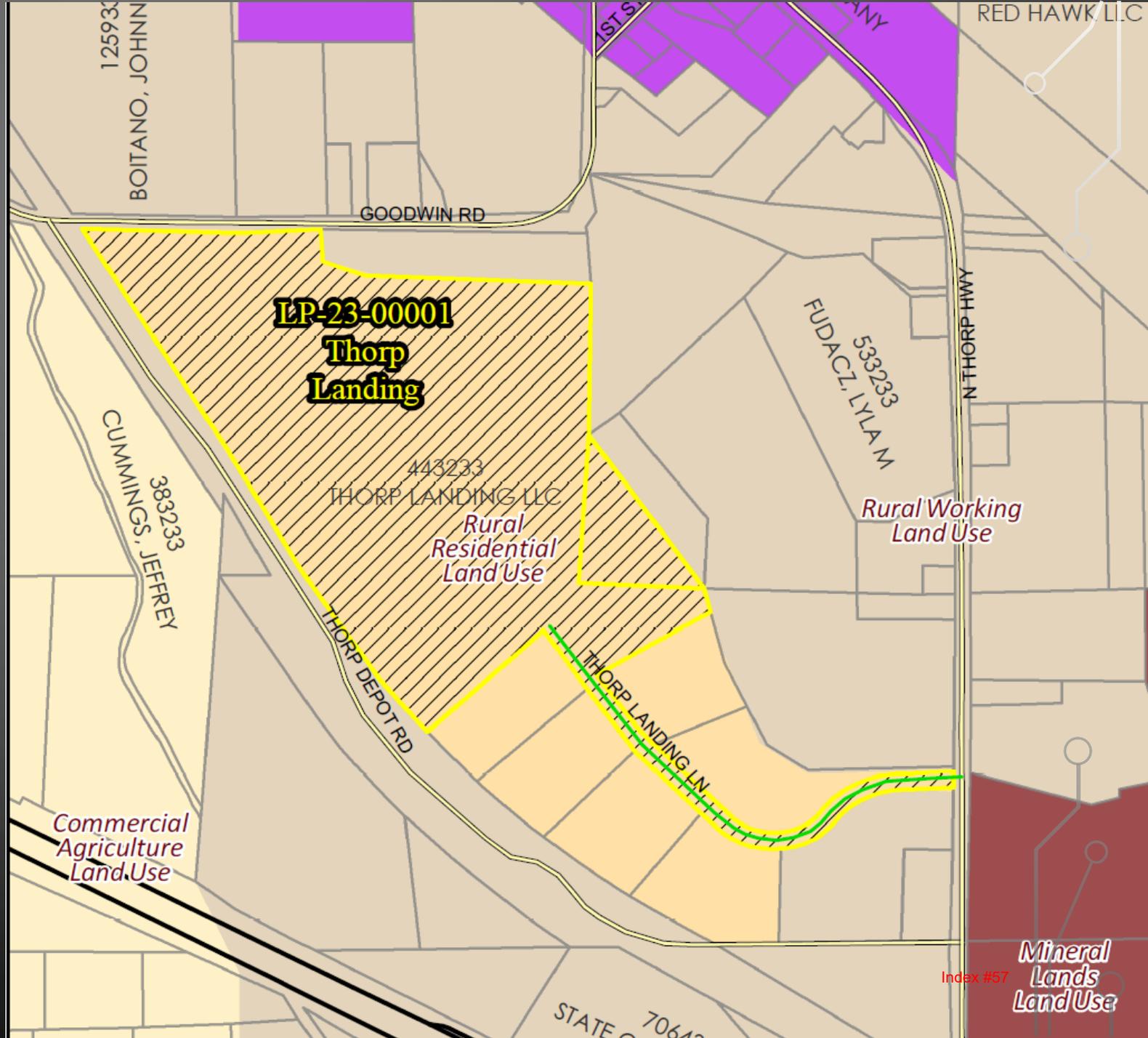
PRELIMINARY ONLY

Index #57  
 1/25/2023

# THORP LANDING ZONING



# THORP LANDING LAND USE



# THORP LANDING APPLICATION TIMELINE

- Application submitted January 10, 2023.
- Application determined complete on February 7, 2023.
- Site posted on February 9, 2023.
- Notice of Application (NOA) was issued on February 21, 2023. The notice was sent to State and Local Agencies and neighbors within 500 feet of the proposal's contiguous tax parcels and published in the County newspaper of record in accordance with KCC 15A.



# THORP LANDING APPLICATION TIMELINE (CONT.)

- The comment period ended on March 9, 2023
- Comments were received from various agencies
- A few public comments were received
- Comments were transmitted to the Applicant on March 13, 2023 with all comments being transmitted to the applicant on March 15, 2023.



# THORP LANDING APPLICATION TIMELINE (CONT.)

- The applicant after multiple requests for extensions provided response comments on May 1, 2023
- CDS Staff requested a transportation concurrency for the plat on May 5, 2023
- The applicant provided the concurrency on May 15, 2023
- A concurrency determination was made with no mitigation measures required on May 30, 2023



# THORP LANDING PLAT LP-23-00001

## Environmental Review

- A SEPA checklist was submitted with the application and processed concurrently under the optional DNS process in WAC 197-11-355.
- CDS performed a Critical Areas Review of the parcel and identified a Type F, likely irrigation ditch as well as floodplain on a portion of the properties.
- The applicant submitted a Critical Areas Report with the application that also identified Type F stream under the County's critical areas code. There were no jurisdictional wetlands found on the property.
- The applicant also submitted a cultural resource report that looks at cultural resources at the road location and nearby and did not find any cultural resources on the property.
- After considering comments from various agencies and the public, CDS issued a Determination of Non-Significance (DNS) on June 1, 2023 as there was significant area outside critical areas to allow for development.

# THORP LANDING PLAT

## LP-23-00001

### Agency Comments

#### Snoqualmie Tribe

- Snoqualmie Tribe provided comments saying they did not have any substantive comments at this time with their understanding of the project.

#### Colville Tribe

- Colville Tribe commented their concerns about ground disturbing activities and recommended an inadvertent discovery plan (IDP) prior to implementation.

- ❖ Staff has proposed a condition to this proposal to have an inadvertent discovery plan in place prior to any ground disturbing activity as described in the applicant's cultural resources report.

# THORP LANDING PLAT LP-23-00001

## Agency Comments

### Washington State Department of Health – Office of Drinking Water (DOH-ODW)

- DOH-ODW commented that the applicant needs to communicate with Ecology even if separating their projects into smaller pieces as all of the development would be considered a single project and drinking water use needs to be evaluated as a collective
- They commented that expanding a Group B water system and creating a new Group B water system would fall under Kittitas County Public Health's jurisdiction for approval
- They also commented that if the proposed 10 lots were to be served by a collective water system (being one system), then it would need to be a Group A well and submitted and approved by their department
- ❖ Staff has proposed a condition to this proposal to have two lots served by an expanded Group B system, the other 8 lots served by a new Group B system or have all 10 lots on a Group A system.

# THORP LANDING PLAT LP-23-00001

## Agency Comments

### Kittitas County Fire Marshal's Office

- The Fire Marshal's office commented that all accesses and roads need to be compliant with the 2018 IFC including Appendix D and Public Works requirements. They mentioned that fire flow requirements are per the 2018 IFC including Appendix B. The Fire Marshal's office followed up with an e-mail on April 26, 2023 saying that fire flow requirements and fire hydrant system requirements are waived. They said the lots are in a low hazard area for wildland fires and that the lots are to be sprinkled from the irrigation canals.

❖ Staff has recommended conditions to have all roads meet fire access requirements and that all structures shall be sprinkled unless waived by the Kittitas County Fire Marshal.

# THORP LANDING PLAT

## LP-23-00001

### Agency Comments

#### West Side Irrigating Company (WSIC)

- WSIC commented that their service area includes the entirety of the proposed plat. They are concerned about appropriate arrangements for delivery of WSIC water to reconfigured parcels within the project. They mention the project lands are served by two turnouts at the Main Canal. They talk about Kittitas County Code Chapter 16.18 which includes provisions for the orderly system of providing irrigation water to newly created parcel. They also commented on their current bylaws.
  - ❖ Staff has recommended conditions to provide a water delivery system and required easements (as seen in KCC 16.18) that is approved by WSIC prior to final plat approval

# THORP LANDING PLAT

## LP-23-00001

### Agency Comments

#### Department of Ecology

- Ecology commented on the withdrawal of groundwater and saying there is one exception to having to obtain authorization from Ecology and that is ground water withdrawals of up to 5,000 gallons per day.

#### Kittitas County Public Health

- Public Health commented that on-site septic systems must adhere to the Washington Administrative Code and Kittitas County Code and that each lot must do a minimum of one soil log. Public Health stated that soil logs were done on each proposed lot. They then commented that the existing Group B well must be applied for and approved to expand to serve 2 lots in this plat and that the new Group B water system must be approved prior to final plat approval.
  - ❖ Staff has recommended conditions to make sure that authorization is obtained from Ecology if withdrawing over 5,000 gallons of water a day and that the Water System be approved prior to final approval.

# THORP LANDING PLAT

## LP-23-00001

### Agency Comments

#### Washington State Parks & Recreation

- Parks and Recreation voiced their concerns over trespassing, dumping, safety during construction, noise, light and glare issues as well as stormwater discharge
- ❖ Staff has recommended a condition to put up no trespassing signs at the property borders and to get a legal easement if they want access to parks property as well as keeping stormwater on site. The county currently does not have requirements for light and glare although the applicant stated that this would be addressed through private conditions, covenants and restrictions (CCR's)

# THORP LANDING PLAT LP-23-00001

## Agency Comments

### Kittitas County Public Works (KCPW)

- KCPW provided comments on access requirements, roads meeting fire codes, and that no access should be done from Goodwin Road. They also commented about projected traffic trips and the possibility of needing a traffic impact analysis. They had comments about required plat notes, flood development and water mitigation.
- ❖ Staff has recommended conditions to have the plat meet all Kittitas County Road Standards and Fire apparatus access as well as plat notes suggested and water mitigation requirements. The applicant provided a transportation concurrency analysis which resulted in no mitigation measures determined needed by Public Works.

# THORP LANDING PLAT LP-23-00001

## Public Comments

### Fudacz Family

- The Fudacz family commented on perennial springs on the property, concerns about irrigation drainage and water rights. They also said that the critical areas report was not sufficient as it did not consider the springs.
- ❖ Staff has recommended a condition to ensure that a water delivery system approved by the irrigation entity is in place prior to final plat approval including all required easements. The critical areas report submitted was in conformance with Kittitas County's Critical Areas Ordinance (KCC 17A). The applicant provided a thorough review of water rights on the property in their response comments.

# THORP LANDING PLAT LP-23-00001

## Public Comments

### Johnny & Erinn Boitano

- The Boitano's voice their concerns about floodplain on the properties, aquifer depletion and flood irrigation bringing the water table up.
- ❖ Staff has recommended a condition to not allow flood irrigation and there is sufficient room outside of the floodplain and critical areas setbacks to build on the proposed lots. Public Health reviews wells and septic systems for conformance with code and approval (which reviews potential groundwater issues in that process).

# THORP LANDING PLAT LP-23-00001

## Public Comments

### Paula Thompson

- Paula Thompson commented that the SEPA checklist should have included perennial springs and wetlands and talked about water rights. She also had comments about fire hydrants, that turn lane should be required on Thorp Hwy and further concerns about irrigation runoff.
- ❖ Staff has recommended conditions requiring a water delivery system approved by the irrigation district prior to final plat approval. This will include required easements/right-of-way for adjudicated water and for the irrigation district to deliver water. Structures on these properties will be required to be sprinkled unless waived by the Kittitas County Fire Marshal.
- ❖ The Critical Areas Report met County Code and the applicant provided a transportation concurrency application which resulted in no mitigation measures required to add a turn land on Thorp Hwy.

# THORP LANDING PLAT

## LP-23-00001

- Staff has reviewed all the application materials and comments received. The proposal was reviewed for its consistency with Kittitas County Code (KCC) and the Comprehensive Plan. The specifics of the review can be found in the Staff Report provided in your review materials.

# THORP LANDING PLAT LP-23-00001

## Consistency

Staff finds the project to be consistent, as conditioned, with:

- Kittitas County Comprehensive Plan
- KCC Title 12 Roads and Bridges
- KCC Title 15 Environmental Policy
- KCC Title 16 Subdivisions
- KCC Title 17 Zoning
- KCC Title 17A Critical Areas
- KCC Title 20 Fire & Life Safety

# THORP LANDING PLAT

## LP-23-00001

### Recommendation

Staff recommends **APPROVAL** of the proposed Thorp Landing Long Plat subject to the conditions identified in the Staff Report.