

MARIAN MEADOWS DEVELOPMENT PROPOSAL
BY EASTON RIDGE LAND COMPANY

RECEIVED
DEC 04 2019

Kittitas Co. CDS



Johns Monroe
Mitsunaga Koloušková

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Board of County Commissioners of
Kittitas County
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

November 30, 2019

Re: Marian Meadows Development Proposal by Easton Ridge Land Company

Dear Commissioners:

Easton Ridge Land Company ("ERLC") is the owner and proponent of the development known as Marian Meadows, an 89-lot residential subdivision and 100-unit recreational vehicle storage area with campground. Updated application materials and summaries of progress made towards a Development Agreement are contained herein. As always, ERLC looks forward to working with Kittitas County and the Board of County Commissioners to bring Marian Meadows to life.

Marian Meadows will cater to vacation seekers of all economic backgrounds. With a choice of single-family homes, townhouses, and RV storage condominiums, Marian Meadows will provide an opportunity for any one or any family, looking to relax or reside in Kittitas County. The campground, RV Park, and RV service outlet will cater to Marian Meadows residents as well as non-residents with fee simple ownership of storage units dedicated to high quality and secure storage of their property. In May of 2018, the Board of County Commissioners approved Ordinance No. 2018-006, granting approval to the Marian Meadows Planned Unit Development (PD-17-00001), Conditional Use Permit (CU-17-00001), and Preliminary Plat (LP-17-00001). This ordinance directed ERLC to enter into a Development Agreement with Kittitas County that provides community mitigation, inclusive of the School and Fire District. A current draft of this Development Agreement is attached.

ERLC has offered reasonable mitigation for impacts to the Easton School District, based on a total of 53 new students as identified in the Ordinance. The School District has rejected ERLC's offer, but with little or no explanation of its reasoning. ERLC has outlined exactly why it believes the proposed mitigation is appropriate to the proportionate share of Marian Meadows impacts to the School District in the attached Response to District Comments Exhibit C to the Development Agreement.

Fire District #3 expressed concerns over its volunteer member status and the ability to service new homes. Mitigation for Kittitas County Fire District #3 is primarily addressed with the inclusion of Automated Fire Suppression measures being required. Please refer to Exhibit B for added comments.

What was clear early into our project feasibility was the limitations and deficiencies of Easton's Municipal Water District. As you may know, Easton Water District will need significant infrastructure improvements, particularly in the form of storage and

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conveyance, in order to maintain Washington State compliance and provide water service to Marian Meadows. ERLC has provided assistance toward District Comprehensive Plan compliance, has assisted in the transfer of water rights and continues to have meetings with Easton Water District toward storage and infrastructure improvements. Thank you, for taking the time to review these materials and familiarize yourselves with the Marian Meadows development. There is more work yet to be done, and ERLC will provide the County and Board of Commissioners with updates on the above as they become available.

Sincerely,



Duana T. Koloušková

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1 Cover Letter

Marian Meadows

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BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON

RECEIVED
DEC 04 2019
Kittitas Co. CDS

ORDINANCE

NO. 2018-006

**AN ORDINANCE GRANTING APPROVAL TO MARIAN MEADOWS PLANNED UNIT
DEVELOPMENT (PD-17-00001), CONDITIONAL USE PERMIT (CU-17-00001), AND
PLAT (LP-17-00001)**

WHEREAS, according to Kittitas County Code Titles 15A, 16 & 17, relating to rezones, conditional use permits, and plats and adopted pursuant to RCW 36.70B, 36.70, and 58.17, an open record hearing was held by the Kittitas County Hearing Examiner on October 12, 2017 for the purpose of considering a zone change consisting of approximately 445.42 acres from Rural-5 to Planned Unit Development, 89 residential lots (76 single-family & 12 townhomes), RV storage, RV Park, campground facilities, community center, athletic courts, and pool on 17 parcels of land described as follows:

The subject property consists of 17 parcels, located approximately seven miles northwest of Roslyn off of East Sparks Road in portions of Sections 1 and 12, Township 20, Range 13 E, WM in Kittitas County, bearing Assessor's map numbers 20-13-01000-0012, 20-13-12000-0013, 20-13-01000-0004, 20-13-01000-0013, 20-13-01051-0018, 20-13-01051-0014, 20-13-01051-0015, 20-13-01051-0013, 20-13-01051-0012, 20-13-01051-0008, 20-13-01051-0007, 20-13-01051-0006, 20-13-01051-0002, 20-13-01051-0001, 20-13-01051-0016, 20-13-01000-0011, 20-13-01051-0017.

WHEREAS, testimony was taken on October 12, 2017 from those persons present who wished to be heard during said open record hearing before the Kittitas County Hearing Examiner; and

WHEREAS, due notice of the hearing had been given as required by law, and the necessary inquiry has been made into the public interest to be served by proposed zone change, conditional use permit, and plat; and

WHEREAS, the Hearing Examiner recommended approval of proposed rezone, conditional use permit, and plat with recommended findings of fact, conclusions of law, and conditions of approval, on October 24, 2017; and

WHEREAS, a closed record public meeting was held by the Board of County Commissioners on November 21, 2017 to consider the Hearing Examiner's recommendation on this matter; and

WHEREAS, the Board of County Commissioners continued such meeting to November 29, 2017, December 6, 2017, and January 3, 2018 to further consider findings and conditions recommended by staff and the Hearing Examiner; and

WHEREAS, on January 3, 2018, the Board of Commissioners remanded the above-referenced applications to the Hearing Examiner for further consideration according to Kittitas County Code (KCC) 17.36.045; and

WHEREAS, on January 9, 2018, the Hearing Examiner issued an order to reopen the record for the exclusive purpose of reviewing the record to issue an Amended Recommendation that includes specific discussion as to whether there is sufficient evidence in the record to support the criteria in KCC 17.36.045; and

WHEREAS, on February 8, 2018, the Hearing Examiner issued an Additional Recommended Finding of Fact and an Order Closing the Record; and

WHEREAS, on March 6, 2018, the Board of Commissioners conducted a closed record meeting to further consider findings and conditions recommended by staff and the Hearing Examiner; and

WHEREAS, at the March 6, 2018 closed record meeting the Board of Commissioners voted to approve the proposed application by a vote of 2-0; and

WHEREAS, the following FINDINGS OF FACT and CONCLUSIONS OF LAW regarding the planned unit development, conditional use permit, and plat have been made by the Board of County Commissioners concerning this ordinance:

FINDINGS OF FACT

1. The application from Martens Enterprises, LLC is for multiple permits for a development. The requested permits include a Planned Unit Development (PUD), and Conditional Use (CU) a Plat (LP) and include 17 parcels located approximately seven miles northwest of Roslyn. A Development Agreement is also to be entered into with the County, but is not part of this Decision.
2. The subject parcels consist of 17 parcels, located approximately seven miles northwest of Roslyn in portions of Sections 1 and 12, Township 20, Range 13 E, WM in Kittitas County, bearing Assessor's map numbers 20-13-01000-0012, 20-13-12000-0013, 20-13-01000-0004, 20-13-01000-0013, 20-13-01051-0018, 20-13-01051-0014, 20-13-01051-0015, 20-13-01051-0013, 20-13-01051-0012, 20-13-01051-0008, 20-13-01051-0007, 20-13-01051-0006, 20-13-01051-0002, 20-13-01051-0001, 20-13-01051-0016, 20-13-01000-0011, 20-13-01051-0017.
3. Site Information:

Total Property Size:	445.42 acres
Number of Lots:	17, to be rezoned to a PUD and platted into 89 lots
Domestic Water:	Easton Water District, Public Water System
Sewage Disposal:	Individual onsite septic, shared septic, and large onsite septic (LOSS) as needed
Power/Electricity:	Puget Sound Energy
Fire Protection:	Kittitas County Fire District #3
Irrigation District:	N/A
4. Site Characteristics:

<u>North:</u>	Steep slopes and forest cover.
<u>South:</u>	Gentle inclines, forest cover, Bonneville Power Easement
<u>East:</u>	Steep slopes, forest cover
<u>West:</u>	Area of proposed subdivision, and current quarry operation.
5. The site is accessed off of East Sparks Road.

6. The subject property is located approximately seven miles northwest of Roslyn off of East Sparks Road, and is zoned Rural-5.
7. The purpose of Rural-5 zones is to provide areas where residential development may occur on a low density basis.
8. A primary goal and intent in siting Rural-5 zones is to minimize adverse effects on adjacent natural resource lands.
9. The applicant seeks a rezone from the Rural-5 zone to a PUD. The purpose of the PUD zone is to provide for departures from strict compliance with the zoning standards outlined in other sections of this Title for projects that can demonstrate that such departures will protect the public interest and accomplish one or more of the following objectives:
 - 9.1 To encourage more innovative design than is generally possible under conventional zoning and subdivision regulations;
 - 9.2 To encourage more economical and efficient use of land, streets, and public services;
 - 9.3 To preserve and create usable open space and other amenities superior to conventional developments;
 - 9.4 To preserve important natural features of the land, including topography, natural vegetation, and views;
 - 9.5 To encourage development of a variety of housing types and densities;
 - 9.6 To encourage energy conservation, including the use of passive solar energy in project design and development to the extent possible;
 - 9.7 To encourage development of areas or site characterized by special features of geography, topography, size, shape;
 - 9.8 To permit flexibility of design that will create desirable public and private open space, to vary the type, design and layout of buildings, and to utilize the potentials of individual sites and alternative energy services to the extent possible;
10. Applications for a Planned Unit Development, a Conditional Use Permit and a preliminary plat were submitted to Kittitas County Community Development Services (CDS) on December 22, 2016. The application was deemed incomplete on January 13, 2017. Additional information was submitted, and the application was deemed complete on June 19, 2017. On June 21, 2017 a Notice of Application and a Notice of SEPA were mailed to all state and local agencies/departments with potential interest in the project and as required by SEPA, as well as to adjacent landowners located within five hundred (500) feet of any portion of the boundary of the proposal's tax parcel. On June 20, 2017 Notice to the Daily Record was posted. The site was posted with a sign for Notice. An error was discovered in the Notice, and the Notice of Application was re-issued to adjacent landowners on June 14, 2017. The Notice of SEPA Action and Public Hearing was issued on September 26, 2017.

11. Applicable agencies, adjacent property owners and interested parties were given the opportunity to review the proposal. The following agencies and individuals provided comments:

11.1 **Washington Department of Fish and Wildlife (WDFW)**

11.1.1 In a comment letter dated July 20th, 2017, WDFW makes reference to its comments on Draft EIS related to the original proposal in a letter dated April 2nd, 2010, and provides additional comment on the revised proposal. In the original comment letter, WDFW identified several concerns. These included:

- 11.1.1.1 The number of lots was excessive considering the terrain.
- 11.1.1.2 Elimination of mountain goat habitat.
- 11.1.1.3 Habitat connectivity.
- 11.1.1.4 Impacts to Silver Creek, a fish bearing stream.
- 11.1.1.5 Habitat impacts on the steep slopes to the east of the development.
- 11.1.1.6 Alluvial fans and debris flow hazards.
- 11.1.1.7 Firefighting issues.

The comment letter identified Alternative 5 of the DEIS as the least harmful alternative.

In its comment letter on the revised proposal, WDFW provides additional concerns. These include:

- 11.1.1.8 Wildlife connectivity and use;
- 11.1.1.9 Alterations to streams;
- 11.1.1.10 Increased fire risk;
- 11.1.1.11 General habitat impacts related to development;

11.1.2 WDFW Recommendations

In the two comment letters, the following mitigation measures are recommended:

- 11.1.2.1 Adoption of the least harmful alternative, Alternative 5 in the DEIS.
- 11.1.2.2 Exclusion of proposed parcels on the steeper, eastern portion of the site.
- 11.1.2.3 Dedication of the entire area east of the transmission lines as open space with an easement, and development of a management plan for the open space easement.

- 11.1.2.4 Avoidance of fencing that blocks animal movement.
- 11.1.2.5 Establishment of travel corridors,
- 11.1.2.6 Reassessment of streams during high spring flows in order to determine appropriate setbacks.
- 11.1.2.7 Implementation of a Fire Management Plan.
- 11.1.2.8 Use of lighting that reduces glare and outward light.
- 11.1.2.9 Landscaping with native plants.
- 11.1.2.10 Limitations on the amount of clearing and grading to the minimum necessary.
- 11.1.2.11 Employing speed limits to reduce wildlife collisions;
- 11.1.2.12 Restrictions on leaving food sources and other attractants outside of homes.

11.1.3 County Response

As described in the SEPA Addendum, the reduced density to the east of the development, along with the corridor in the revised proposal, will provide sufficient open space. The following are recommended as conditions of approval:

- 11.1.3.1 Reassessment of a non-fish stream mapped at the southern portion of the site during high spring flows to determine necessary setbacks under KCC 17A.07 to be incorporated into a stormwater management plan.
- 11.1.3.2 A fire management plan shall be prepared and implemented, with building covenants to ensure that homes are built with fire prevention measures.
- 11.1.3.3 Use of lighting that reduces glare and outward light that may affect nocturnal wildlife such as migrating birds.
- 11.1.3.4 Landscaping with native plants to reduce overall habitat loss.
- 11.1.3.5 Limit amount of clearing and grading to only the amount needed for a footprint, existing habitat structures such as shrubs, logs and snags can and do provide immense wildlife benefit even in developed settings.
- 11.1.3.6 Employing speed limits to reduce wildlife collisions on roads.
- 11.1.3.7 Restricting residents from leaving food sources and other attractants outside of homes that will encourage large wildlife (such as bears) near homes where human/wildlife conflict can arise.

11.2 **Washington Department of Transportation (WSDOT)**

11.2.1 In a comment letter dated July 31, 2017, the WSDOT identified a concern related to the proposal. The agency identified the proposal as incompatible with its Airport Land Use Compatibility program, with densities within Airport Safety Zones (ASZs) higher than is recommended under the Program.

11.2.2 **County Response**

Kittitas County Public Works has reviewed the proposal for compliance with KCC 17.58 Airport Zone. In addition, the Applicant is encouraged to contact the WSDOT Aviation Division to explore opportunities for mitigation measures to allow increased density within the Airport Safety Zones. Such discussion and agreement will be a condition in the Development Agreement.

11.3 **Kittitas County Public Works**

In a comment letter dated July 28th, 2017 Kittitas County Public Works lists the following recommended conditions of approval:

11.3.1 The following conditions apply and must be completed prior to final approval of this project. A performance guarantee may be used, in lieu of the required improvements per the conditions outlined in KCC 12.01.150.

11.3.2 The division of land is vested, and shall conform to the current Kittitas County Code Chapter 12 Road and Bridge Standards dated December 15, 2015.

11.3.3 The number of units associated with the campsites and RVs shall be identified in order to determine road standards.

11.3.4 The Traffic Impact Analysis dated December 19, 2016 will suffice for this proposal.

11.3.5 Loop roads will satisfy the second access requirement as long as both connecting points loop back to a road built to a Public Road Standard. Loop Roads are required to have two separate accesses to a Public Road. Public Roads are not capped by number of lots/units that can access.

11.3.6 The face of the plat shall show how lot 19 will be accessed.

11.3.7 Plans for on-site stormwater and construction stormwater shall be submitted in accordance with current Kittitas County Road and Bridge Standards dated December 15, 2015.

11.3.8 Road plans shall be submitted in accordance with Kittitas County Road and Bridge Standards dated December 15, 2015.

11.3.9 Locations identified for snow storage shall be designed to accommodate storage for 84 inches of annual accumulation for the square footage of all roadways and parking areas. Snow storage areas accommodating public roadways shall be included in the public right of way dedication.

- 11.3.10 Roadways brought on the system by the County, following the process as outlined in Kittitas County Code Chapter 12, shall have said right of way dedicated to the county on the plat.
- 11.3.11 Road naming applications for all new roadways will need to be completed prior to final approval. The new established road names will need to be shown on the face of the plat.
- 11.3.12 Plat notes shall reflect the following:
 - 11.3.12.1 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.
 - 11.3.12.2 Maintenance of access is the responsibility of property owners who benefit from its use.
 - 11.3.12.3 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.
 - 11.3.12.4 Any further subdivision of lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
 - 11.3.12.5 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 on each side of interior lot lines. Said easement shall also be used for irrigation.
- 11.3.13 All plats must show the acceptance signature block of the Public Works Director. The acceptance block shall be as follows:

EXAMINED AND APPROVED

This ____ day of ____, A.D., 20 ____

Kittitas County Public Works Director

- 11.3.14 The approach surfaces listing in the current Bowers Field Airport Layout Plan inaccurately imposes Bowers Field runway protection zones on Easton Airport. The relatively short runoff length of 2,571 feet supports a threshold siting surface of 15:1, at 2000 lineal feet from the end of the runway, a structure must be less than 133 feet above the elevation of the airport (2,221 MSL). At 2,000 lineal feet from the end of the runway, a structure must be less than 100 feet above 2,221 MSL supporting the runway approach surface. In summary, no structure shall perforate the following surfaces: 15:1 for existing threshold siting surface and 20:1 for approach surface.

- 11.3.15 Electrical interference with navigational signals or radio communication between the airport and aircraft is prohibited and will be regulated in accordance with rules and regulations promulgated and enforced by the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations.
- 11.3.16 Activities or uses that create lighting which make it difficult for pilots to distinguish between airport lights and non-airport lights or that create glare in the eyes of pilots using the airport are prohibited. All outdoor lighting fixtures shall be arranged and shielded so that area lighting shall not shine into the sky.
- 11.3.17 Activities or uses that create excessive amounts of dust, smoke, or other emissions that may result in impairment of visibility in the vicinity of the airport are discouraged and will be regulated in accordance with rules and regulations promulgated and enforced by the Washington State Department of Ecology under the Clean Air Act and other state and federal regulations.
- 11.3.18 Following review of title documents, any access to the multitude of access easements through Section 1 shall not be inhibited by a gate or similar structure.

11.4 **Easton School District**

- 11.4.1 In a comment letter dated June 13th, 2017, the Easton School District identifies concerns related to capital costs and inadequate school impact fees collectable under RCW 82.02.050. Using the maximum impact projected in the FEIS, the District's calculations project a \$100,000 budget deficit. The District expressed concerns that the District's currently low levy rates will have to be increased to cover the shortfall.
- 11.4.2 County Analysis
 - On page 139 of the FEIS, mitigation measures are proposed. These include:
 - 11.4.2.1 Dedication of land to site school facilities.
 - 11.4.2.2 Financial contributions for site acquisition and building construction.
 - 11.4.2.3 Financial contributions to fund transportation facilities expansion.
- 11.4.3 The School District's analysis used the maximum impact projections of homes associated with the proposal, Alternative 1 and 2 within the FEIS, with 443 units and a maximum student addition of (pg. 135). Impacts to schools are addressed. Alternatives 3D and 5 are most similar to the Revised Proposal in terms of school impacts, with 113 units. At that development level, the additional student population ranges between 21 and 67 students over the course of a 10 year build out.
- 11.4.4 The applicant shall contact the School District to enter into discussions to develop acceptable mitigation measures to accommodate the increased student population. Mitigation measures shall be included in the Development Agreement.

11.5 Washington Department of Health (DOH)

11.5.1 DOH submitted comments on July 20, 2017 stating that the Easton Water District system can serve the expected number of additional connections. DOH requires the following:

11.5.1.1 Marian Meadows/Easton Water District shall confirm an intended connection to the Easton Water District, and then submit estimated water usage quantities, so that DOH can determine whether the precise number of new connections that are proposed for Marian Meadows can be served by the existing system, or apply for a new Group A Community public water system with the DOH Office of Drinking Water.

11.5.1.2 Marian Meadows shall identify how wastewater will be managed.

11.5.1.3 The Applicant shall submit documentation and engineering design for proposed water extension to DOH for the review and approval.

11.5.1.4 County Analysis

The County has no further analysis in relation to State DOH requirements.

11.6 Kittitas County Environmental Health

11.6.1 In order to satisfy Environmental Health requirements the applicant must provide written documentation from the water purveyor indicating the water district commits the appropriate number of connections for the entire project (made therefore unavailable to any other lots) prior to final signoff. Additionally the design approval of the large onsite septic system must be submitted to Washington State Department of Health for approval through the state LOSS process.

11.6.2 County Analysis

No further analysis is required in regard to these requirements.

11.7 Kittitas County Fire District # 3

11.7.1 In a comment letter dated July 17th, 2017, The Kittitas County Fire District #3 listed several concerns. These concerns include updrafts on slopes, and excessive density allowing wildfires to spread, and congestion associated with a single access which may prevent firefighter access to the development. The Fire District also states that construction of the town houses may necessitate a ladder engine the District currently does not possess, along with the infrastructure to store it.

11.7.2 County Analysis

Mitigation measures are listed in the FEIS. They include:

11.7.2.1 Avoid residential lots in the steep forested portion of the site.

11.7.2.2 Provide secondary access via bridge over Yakima River or from the north and connecting to Silver Creek Road.

11.7.2.3 Maintain road grades no greater than 10%.

- 11.7.2.4 Support a single station to co-locate facilities by providing a site and contribute proportional share to fund a new fire truck.
- 11.7.2.5 Built in fire suppression.
- 11.7.2.6 Require non-combustible areas immediately adjacent to buildings, and reduce and irrigate vegetation in the 30- to 50-foot circumference of buildings.
- 11.7.2.7 Public fire safety education.
- 11.7.2.8 Hospital District: A combination of regular levies and capital facility levies would be required; project contribution to a share of equipment costs would be required.
- 11.7.2.8 Fire District: Additional equipment would likely require voter approved levies.
- 11.7.3 The project shall comply with KCC Title 12 Roads and Bridges, Title 13 Water and Sewers, 13.35.020 Water Availability, and Title 20 Fire and Life Safety.

11.8 **Bonneville Power Administration (BPA)**

- 11.8.1 The Bonneville Power Administration provided a comment letter dated July 5, 2017. In the letter, BPA expressed concerns related to impacts from development in and near its right of way.
- 11.8.2 County Analysis
 - To mitigate these impacts, the following conditions are required:
 - 11.8.2.1 The plat map shall include the following note: “The Bonneville Power Administration imposed certain conditions on the portions of these lots encumbered by its high voltage transmission line right-of-way. BPA does not allow structures to be built within the right-of-way, nor does it allow access to be blocked to any transmission facilities. Any activity that is to occur within the right-of way may be addressed to BPA real Estate Field Services at (877) -417-9454”.
 - 11.8.2.2 BPA shall be allowed the opportunity to review the location of proposed roads, use of existing access roads, snow storage, utilities, etc. to ascertain whether or not the uses can be permitted.
 - 11.8.2.3 The owner shall submit a land use application, the associated \$250 application fee, and acquire a Land Use Agreement from BPA in addition to the County’s building permit for any portion of the owner’s development plans that lie within BPA’s right-of-way.

11.9 **Kittitas County Building Official**

11.9.1 The Kittitas County Building Department commented on the proposal on June 23rd, 2017, stating that “All construction of buildings shall conform to most current adopted edition of the IBC, IFB, IRC and Washington State Amendments as well as any other building codes adopted by Washington State at the time of building permit submittal.”

11.9.2 **County Analysis**

Compliance with these codes will be required at the time of building permit submittal. No further analysis is required for these recommendations.

11.10 **Public Comments**

Public comments are shown in Exhibit #65. Comments received included the following concerns:

11.10.1 **Rural Density and Character**

Several comments raised concerns over the density of the proposed development and maintenance of rural character. Density and rural character related issues are examined in Sections VI and VII.

11.10.2 **Police Service**

Mitigation for impacts to police services is discussed in the FEIS (pg. 3-158). Fair share contributions can be made from the project to provide resources for additional personnel as well as equipment or facilities to accommodate police response.

11.10.3 **Wildlife Habitat**

Applicant is required to develop a Wildlife Habitat Management Plan in coordination with WDFW and to provide an updated wetland report with site reconnaissance to occur in the wet season / spring high flows. Additional mitigation measures are discussed in the FEIS, and include:

11.10.3.1 A Fire Management Plan be developed and implemented.

11.10.3.2 Outdoor lighting restrictions.

11.10.3.3 Native landscaping.

11.10.3.4 Retain native vegetation where clear & grade is not required for roads, utilities, and structures.

11.10.3.5 Traffic slowing measures. Outdoor food waste management plan for homeowners.

11.10.4 **Mail Service**

Mitigation measures proposed in the EIS will address these concerns, including potential acquisition of a new post office or rural mail delivery service.

11.10.5 **East Acres Plat CC&Rs**

The CC&Rs on the East Acres plat are a civil matter to be sorted out between the relevant parties.

11.10.6 Roads

Mitigation measures proposed in the EIS will address transportation concerns, which included:

11.10.6.1 Simple change from one-way stop control to an all-way stop control would improve the LOS from LOS F to LOS C.

11.10.6.2 Widening the off-ramp (I-90 West/Railroad Street) approach to include a left-turn pocket would improve from LOS D to LOS C.

11.10.6.3 Widening northbound approach (Railroad St) to include a left-turn lane and eliminating the stop signs on the eastbound approach (Sparks) and northbound approach to allow through movement from Railroad to Sparks would improve to LOS C.

11.10.6.4 Alternatively, a roundabout would improve from LOS F to LOS A.

11.10.6.5 Addition of a median refuge (merging area) for southbound left movements from Pit Way onto Sparks would improve from LOS E to LOS C.

11.10.7 All-Terrain Vehicles (ATVs)

ATVs are regulated under KCC 10.24 and under RCW 46.09 with the additional requirement that wheeled all-terrain vehicles have head lights that are utilized at all times, shall be allowed on county maintained roads that have posted speed limits of 35 miles per hour or less. All ATV use within the Marian Meadows PUD will conform to these provisions.

11.10.8 Air Quality

Mitigation measures proposed in the EIS will address concerns, which included:

11.10.8.1 Construction maintenance and operations requirements.

11.10.8.2 Restriction on wood burning stoves.

11.10.8.3 HOA materials for safe operations of BBQs, pesticides, smoking, combustible engines, and fireworks.

11.10.9 Lot Size

The County's PUD Ordinance provides for smaller lot sizes. The project's consistency with KCC Title 16 Subdivisions, and Title 17 Zoning, and Chapter 17.36 will be addressed in the conditions of approval.

11.10.10 Permanent Residency

The proposal is for single-family attached and detached residential units, as well as RV storage and camp sites. The County cannot mandate that home owners be full-time residents.

11.10.11 Impacts to schools

Impacts to schools are addressed in the FEIS, starting on pg. 124. Mitigation measures are discussed on pg. 139, and are further discussed on pg. 30 of the SEPA Addendum.

11.10.12 Airport Safety

Mitigation measures are discussed within the FEIS on pg. 106. Measures listed include:

11.10.12.1 Avoidance of building within the ASZ.

11.10.12.2 Develop with 1 du/3 acres.

11.10.12.3 Develop with 1 du/5 acres.

11.10.12.4 Require outdoor lights be shielded.

11.11 Kittitas County Public Works

11.11.1 Kittitas County Public Works has reviewed the proposal for consistency with KCC Title 12 Roads and Bridges, and has recommended preliminary approval with conditions outlined in its comment letter. According to Public Works comments, the proposed development would reduce Level of Service from LOS A to LOS B, which would still provide service levels above the county's adopted LOS C standard.

11.11.2 Further, Kittitas County Public Works has reviewed the proposal for consistency with KCC Title 19, and has recommended preliminary approval, subject to conditions within its comment letter.

12. The applicant applied for a similar use to Kittitas County Community Development Services (CDS) in 2006 at which time SEPA review was performed and a Determination of Significance was issued (April 30, 2007) and the applicant appealed. The Kittitas County Board of County Commissioners voted to deny the appeal on July 11, 2007. Subsequently, a Final Environmental Impact Statement (FEIS) was prepared, and was finalized on June 11, 2011 (Exhibit # 120). WAC 197-11-600 provides for the adoption of existing environmental documents. Kittitas County found that the use applied for in this instance represents a diminished environmental impact from the one originally applied for in 2006 and therefore it utilized the provisions allowed for in the citation above to adopt the existing FEIS.
13. The Kittitas County Community Development Services recommended approval of this preliminary plat, planned unit development and conditional use permit, subject to the recommended conditions of approval.
14. An open record public hearing after due legal notice was held on October 12, 2017.
15. Admitted into the record were the following Exhibits:
 - 15.1 Exhibit 1. Record of Survey;
 - 15.2 Exhibit 2. Record of Survey;
 - 15.3 Exhibit 3. Legal Description;
 - 15.4 Exhibit 4. ROW Grant;
 - 15.5 Exhibit 5. Access Road Easement;
 - 15.6 Exhibit 6. Warranty Deed;
 - 15.7 Exhibit 7. BLA 2003;

- 15.8 Exhibit 8. Easton Flats Short Plat;
- 15.9 Exhibit 9. Recorded Easements;
- 15.10 Exhibit 10. Water Main Easement;
- 15.11 Exhibit 11. Land Lease Agreement;
- 15.12 Exhibit 12. Easton Acres CC&Rs;
- 15.13 Exhibit 13. Quit Claim Deed, Easements, Leases, Etc.;
- 15.14 Exhibit 14. Letter of Transmittal;
- 15.15 Exhibit 15. Subdivision Guarantee;
- 15.16 Exhibit 16. Stream and Wildlife Assessment;
- 15.17 Exhibit 17. Stormwater Report;
- 15.18 Exhibit 18. Preliminary V;
- 15.19 Exhibit 19. Preliminary IV;
- 15.20 Exhibit 20. Preliminary Plat III;
- 15.21 Exhibit 21. Preliminary Plat II;
- 15.22 Exhibit 22. Preliminary Plat;
- 15.23 Exhibit 23. Preliminary Development Plan IV;
- 15.24 Exhibit 24. Preliminary Development Plan III;
- 15.25 Exhibit 25. Preliminary Development Plan II;
- 15.26 Exhibit 26. Preliminary Development Plan;
- 15.27 Exhibit 27. Easton Drinking Water DOH Permit;
- 15.28 Exhibit 28. Drinking Water Permit Letter Easton;
- 15.29 Exhibit 29. On Site Sewage;
- 15.30 Exhibit 30. Site Plan III;
- 15.31 Exhibit 31. Site Plan II;
- 15.32 Exhibit 32. Site Plan;
- 15.33 Exhibit 33. Zone Illustrations;
- 15.34 Exhibit 34. Example Homes;
- 15.35 Exhibit 35. SEPA Compliance Document;
- 15.36 Exhibit 36. Phasing Illustration;
- 15.37 Exhibit 37. Development Agreement Application;
- 15.38 Exhibit 38. CUP Application;
- 15.39 Exhibit 39. Long Plat Application;
- 15.40 Exhibit 40. PUD Application;
- 15.41 Exhibit 41. Funding Agreement Unsigned;
- 15.42 Exhibit 42. Narrative;
- 15.43 Exhibit 43. Deemed Incomplete Response;
- 15.44 Exhibit 44. Land Use Projects;
- 15.45 Exhibit 45. Zoning Map;
- 15.46 Exhibit 46. Vicinity Map;
- 15.47 Exhibit 47. Seismic Category;
- 15.48 Exhibit 48. Priority Habitats;
- 15.49 Exhibit 49. Fire and School Districts;
- 15.50 Exhibit 50. Hazardous Slopes Map;
- 15.51 Exhibit 51. Critical Areas Map;
- 15.52 Exhibit 52. BPA Row;
- 15.53 Exhibit 53. Aerial Photo;
- 15.54 Exhibit 54. 500 Foot Buffer Parcels;
- 15.55 Exhibit 55. Site Plat with Critical Areas;

- 15.56 Exhibit 56. Deemed Complete Letter;
- 15.57 Exhibit 57. Affidavit of Posting;
- 15.58 Exhibit 58. NOA Memo and Corrected NOA;
- 15.59 Exhibit 59. NOA Legal;
- 15.60 Exhibit 60. Mailing Labels;
- 15.61 Exhibit 61. NOA Legal Proof;
- 15.62 Exhibit 62. Daily Record Legal Proof;
- 15.63 Exhibit 63. Critical Areas Checklist;
- 15.64 Exhibit 64. Preliminary Plat High Resolution Image;
- 15.65 Exhibit 65. Public Comments;
- 15.66 Exhibit 66. Easton School District Comments;
- 15.67 Exhibit 67. KC PW Comments;
- 15.68 Exhibit 68. BPA Comments;
- 15.69 Exhibit 69. DOH Comments;
- 15.70 Exhibit 70. EH Comments;
- 15.71 Exhibit 71. WDFW 2010 Comment Letter;
- 15.72 Exhibit 72. WDFW Comments;
- 15.73 Exhibit 73. DOH Comments;
- 15.74 Exhibit 74. WSDOT Comments;
- 15.75 Exhibit 75. Soils Report;
- 15.76 Exhibit 76. Pre-Application;
- 15.77 Exhibit 77. Development Agreement Application Revised;
- 15.78 Exhibit 78. Conditional Use Permit Application Revised;
- 15.79 Exhibit 79. Long Plat Application Revised;
- 15.80 Exhibit 80. PUD Application Revised;
- 15.81 Exhibit 81. Traffic Impact Statement;
- 15.82 Exhibit 82. LOSS Feasibility Letter;
- 15.83 Exhibit 83. Well Log Change Form;
- 15.84 Exhibit 84. Water Well Report;
- 15.85 Exhibit 85. Well Log Facilities Form;
- 15.86 Exhibit 86. Water Resolution and Annex;
- 15.87 Exhibit 87. Water Mitigation Summary;
- 15.88 Exhibit 88. Commercial Element;
- 15.89 Exhibit 89. RV Complex;
- 15.90 Exhibit 90. Lot Illustration;
- 15.91 Exhibit 91. Zoning Illustration Index;
- 15.92 Exhibit 92. RCW Citation;
- 15.93 Exhibit 93. Maps SEPA Index;
- 15.94 Exhibit 94. Airport Mitigations;
- 15.95 Exhibit 95. SEPA Mitigations Geologic Map;
- 15.96 Exhibit 96. SEPA Mitigation Matrix;
- 15.97 Exhibit 97. SEPA Addendum Proposed;
- 15.98 Exhibit 98. Project Code and Policy Support;
- 15.99 Exhibit 99. CC&Rs;
- 15.100 Exhibit 100. Title Report and Guarantee;
- 15.101 Exhibit 101. Goals and Objectives;
- 15.102 Exhibit 102. Ownership and Alternatives Studied;
- 15.103 Exhibit 103. Site Characteristics;

- 15.104 Exhibit 104. Vicinity Location Information;
 - 15.105 Exhibit 105. Plat Introduction;
 - 15.106 Exhibit 106. Funding Agreement Unsigned;
 - 15.107 Exhibit 107. Response to WSDOT;
 - 15.108 Exhibit 108. Response to WDFW;
 - 15.109 Exhibit 109. Response to KC Fire District;
 - 15.110 Exhibit 110. Certificate of Water Availability;
 - 15.111 Exhibit 111. Applicant Response to Comments;
 - 15.112 Exhibit 112. Additional Public Comments;
 - 15.113 Exhibit 113. Easton Short Plat High Resolution Image;
 - 15.114 Exhibit 114. FEIS Mitigation Measures and Applicant Responses;
 - 15.115 Exhibit 115. Notice of SEPA Action and Public Hearing Legal;
 - 15.116 Exhibit 116. Notice of SEPA Action and Public Hearing;
 - 15.117 Exhibit 117. SEPA Addendum;
 - 15.118 Exhibit 118. SEPA Adoption Form;
 - 15.119 Exhibit 119. Emails;
 - 15.120 Exhibit 120. Final Environmental Impact Statement;
 - 15.121 Exhibit 121. Staff Report;
 - 15.122 Exhibit 122. October 12, 2017 Memorandum from Dan Carlson, AICP, Community Development Services Director;
 - 15.123 Exhibit 123. Applicant's narrative with six photographs;
 - 15.124 Exhibit 124. Proposed Modification of Condition relating to decommissioning of Quarry;
 - 15.125 Exhibit 125. October 12, 2017 Letter from Jan Sharar;
 - 15.126 Exhibit 126. October 11, 2017 Letter from John R. Jensen with attachments;
 - 15.127 Exhibit 127. June 13, 2017 Letter from Easton School District No. 28;
 - 15.128 Exhibit 128. October 12, 2017 letter from Easton School District No. 28;
 - 15.129 Exhibit 129. SEPA referenced to increased students;
 - 15.130 Exhibit 130. October 12, 2017 Letter from Lynn Lopez;
 - 15.131 Exhibit 131. October 12, 2017 Letter from Marge Brandsrud;
 - 15.132 Exhibit 132. Written comments from Eugene Mansel.
16. Appearing and testifying on behalf of the applicant was Jerry Martens. Mr. Martens testified that he was an agent authorized to appear and speak on behalf of the property owner and applicant. Mr. Martens provided testimony consistent with Exhibit 123.
 17. Also testifying on behalf of the applicant was Mark Kirkpatrick. Mr. Kirkpatrick also testified that he was appearing and testifying on behalf of the applicant and property owner. Mr. Kirkpatrick testified regarding the interior roads and the snow management plan.
 18. Also appearing and speaking on behalf of the applicant was attorney, Duana Kolouskova.
 19. The following individuals testified at the hearing:
 - 19.1 Myrna Jensen.
 - 19.2 John Jensen.
 - 19.3 Kent Shoop.
 - 19.4 Patrick Dehuff.
 - 19.5 Lynn Lopez.
 - 19.6 Marge Brandsrud.
 - 19.7 Debbie Ogura.

- 19.8 Eugene Mansel.
- 19.9 Barbara Lowrey.
- 19.10 Jason B. Moulton.
- 19.11 Terri Campbell.
- 19.12 Cynthia McLaughlin.
- 19.13 Barbara Davidson.

- 20. The testimony from the public convincingly set forth facts that the ability to travel through East Sparks Road in winter months, especially after heavy snowfall, is significantly impaired. This is especially true when Interstate 90 is closed westbound from Easton. Vehicles exiting the highway, including semi-tractors and trailers, mistakenly believe that the East Sparks Road provides a way to either return to the freeway traveling eastbound or otherwise provided sufficient space for tractors and trailers to turn around. This is an existing condition that is created by occasional and irregular events. The record contains evidence that the existing situation would be exacerbated by the proposed development. Traffic Engineers Northwest, page 11 of the "Traffic Impact Study EIS Consistency of Traffic Impacts – Marion Meadows", dated 10-31-16, under "Conclusions" states: "To mitigate for the unlikely potential of blockage of Sparks Road west of County Road, the applicant should develop and submit an alternative site access plan of one or more options for County review that could be utilized by residents in the event of blockage of the primary site access road (namely Sparks Road)."
- 21. Staff indicated that the four large lots created by this plat are not eligible for future division (lots 1-4, Exhibit 90).
- 22. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
- 23. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
- 24. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
- 25. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.
- 26. The Kittitas County Board of Commissioners remanded the above referenced matter to the Hearing Examiner to reopen the record in order to make additional Recommended Findings of Fact regarding whether the project meets the criteria set forth in KCC 17.36.045.
- 27. The Hearing Examiner reopened the record by Order dated January 9, 2018.
- 28. Although the Kittitas County Board of Commissioners remanded this matter to the Hearing Examiner to make Recommended Findings of Facts specifically related to KCC 17.36.045, the Hearing Examiner notes that according to the first criteria set forth in 17.36.045(1)(a)(i) in the evaluation of the project, the decision maker must determine whether or not the PUD complies with all of the amendment criteria in KCC Chapter 17.98. Accordingly, the Hearing Examiner will first review the criteria set forth in KCC 17.98 and then will examine the criteria set forth in KCC 17.36.045(1)(a) and (b).

Kittitas County Code 17.98.020

29. KCC17.98.020(1):

A petition to amend this title shall be filed with the administrator on forms prescribed by the Director. If the petition is for an amendment to the zoning map it shall include a legal description and location of the property to be reclassified. This criteria has been met.

30. KCC17.98.020(2):

A petition asking for a change from one zone to another must be signed by not less than seventy-five percent (75%) of the property owners and representing at least seventy-five percent (75%) of the assessed valuation of the area proposed for the zone reclassification. This criteria has been met.

31. KCC17.98.020(3):

Any member of the general public has the right to petition the Board or planning commission for consideration of text amendments or change from one zone to another for a general area. Such consideration is not mandatory. This criteria has been met.

32. KCC17.98.020(4):

Petitions shall be processed pursuant to Title 15A of this code, Project permit application process. This criteria has been met.

33. KCC17.98.020(5):

A petition requesting a change on the zoning map shall be processed consistently with the Annual Comprehensive Plan Docketing Process, pursuant to KCC Title 15B, unless the petition is consistent with the Comprehensive Plan land use designation of the property and accompanied by a specific development application. This criteria has been met.

34. KCC17.98.020(6):

A petition requesting a change on the zoning map from one zone to another must demonstrate that the following criteria are met:

34.1 KCC 17.98.020(6)(a):

This provision has been primarily met because the proposed amendment is compatible with the comprehensive plan designation of rural residential. As set forth in the Kittitas County Comprehensive Plan, rural residential lands are those adjacent or near to urban growth areas and while they have a lower population density than urban areas, their density is higher than most rural areas. The purpose of rural residential lands are to allow for residential development that has a rural character and a variety of densities without the expectation of all urban services. While commercial activity is not expected, it's not prohibited. The project being considered is consistent with the Comprehensive Plan. It is primarily a residential development with other uses consistent with rural lands. While there is a general clustering of the residential units, the benefit is substantial open space. While of course there are visual impacts, they are limited due the limited area of land being developed.

34.1.1 Numerous Goals, Policies, and Objectives (GPOs) apply to this proposal. These include GPOs 3.14, 3.15, GPO 3.13, GPO 2.14, GPO 2.7, GPO 8.33, GPO 8.5, GPO 8.56, and GPO 8.8.

34.1.1.1 GPO 2.7 Kittitas County will maintain a flexible balance of land uses which will protect, preserve, and enhance the rural character, historical forest lands, agricultural industries, mineral lands, and high quality environment.

As conditioned, the project meets this GPO. It promotes a flexible balance of land uses by concentrating development high density area on the western side, and leaves low density development to the east, while including RV facilities.

34.1.1.2 GPO 2.14 Kittitas County will continue to explore incentives for farming and ranching to continue as significant land uses, for example, innovative cluster platting, transfer of development rights, and planned unit developments.

As conditioned, the proposal is consistent with this GPO. The planned unit development creates incentives for development while leaving surrounding agricultural lands intact.

34.1.1.3 GPO 3.13 Provide for housing to be developed which is affordable to all economic groups.

The mix of single and multi-family housing proposed is consistent with this GPO.

34.1.1.4 GPO 3.14 Designate high-density residential land use zones such PUDs, cluster development, and MPRs outside of Urban Growth Areas.

Located outside of Urban Growth Areas, the proposed location is consistent with this GPO.

34.1.1.5 GPO 3.15 Provide for a range of housing types within Kittitas County.

The mix of single and multi-family housing proposed is consistent with this GPO.

34.1.1.6 GPO 8.33 Planned Unit Developments (PUD) in rural areas can only be established where such developments will not result in high density environments which require urban services and reduce maintenance of rural character.

The proposal meets the underlying density for the Rural-5 zone. If the applicant provides support for fire, hospital and school services as part of a development agreement, impacts to rural levels of services will be mitigated for consistency with this GPO.

- 34.1.1.7 GPO 8.5 In order to protect and preserve Resource Lands, non-resource development and activities on adjacent Rural lands shall require preservation of adjacent vegetation, existing landforms (e.g. ravines) or use of other methods that provide functional separation from the resource land use.

As proposed, the project is consistent with this GPO. The northern part of the property bordering the Commercial Forest in the Rural Resource Land Use Designation will be kept primarily in its natural vegetative state.

- 34.1.1.8 GPO 8.56 Developments located for commercial, residential/recreational purposes, such as Master Planned Resorts or Planned Unit Developments, shall have adequate water, septic and public facilities to service such development without over-burdening the County public services.

Conditional upon fair share payments as part of a Development Agreement, the proposal is consistent with this GPO.

- 34.1.1.9 GPO 8.8 A certain level of mixed uses in rural areas and rural service centers is acceptable and may include limited commercial, service, and rural industrial uses.

The mixed uses of residential, commercial, and recreation are consistent with this GPO.

34.2 KCC 17.98.020(6)(b):

This provision has been met because the proposed amendment bears a substantial relation to the public health, safety or welfare because the planned unit development is consistent with the zoning and comprehensive plan designations for this area. Substantial evidence is set forth within the environmental impact statement demonstrating the public benefits of this development, including improved infrastructure, roadways and financial contributions to the school system. The development has positive impacts on the airport safety zone. Level of service on various roadways will be improved. The development agreement associated with this project is intended to require the applicant to provide many improvements to the roads and schools in the area.

34.3 KCC 17.98.020(6)(c):

This provision has been met because the proposed amendment has merit and value for Kittitas County or a sub-area of the county because of those reasons set forth in 34.2 above. This area is a prime area for residential development. The PUD zoning designation will allow flexibility and creativity to maximize the benefits to Kittitas County and to neighboring residents.

34.4 KCC 17.98.020(6)(d):

This provision has been met because the proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property because the

proposed PUD zone is appropriate for reasonable development of the subject property. The property is very well suited and appropriate for residential development. It is zoned for residential development. It is reasonable that this property be developed for the residential development with the amenities of the park and recreational vehicle amenities. The property is relatively flat and is near public services. This property will be developed in some manner. This development has significantly less density than an earlier proposal. Residential uses with R.V. storage, an R.V. park and campground and an R.V. service center are all appropriate developments for this property.

34.5 KCC 17.98.020(6)(e):

This provision has been met because the subject property is suitable for development in general conformance with zoning standards for the proposed zone because, the project is of primarily a residential use and although the residential units will be closer together than zoning allows, the property will still be generally developed in conformance with the Kittitas County Code. In addition, significant mitigation measures are required through the Final Environmental Impact Statement as well as through the Development Agreement to ensure general conformance with the zoning standards.

34.6 KCC 17.98.020(6)(f):

This provision has been met because the proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property because, although there was substantial public comment regarding concerns for impacts on neighboring properties, the mitigation measures set forth in the FEIS and the Development Agreement are substantial and will mitigate the adverse consequences of this development.

34.7 KCC 17.98.020(6)(g):

This provision has been met because, the proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties because irrigation is not available to the subject property and there has been no indication of any disruption of irrigation services throughout the area.

34.8 KCC 17.98.020(6)(h):

The proposed amendment is in full compliance with KCC Chapter 17.13, Transfer of Development Rights, if the proposed amendment allows greater than one (1) dwelling unit (du) per twenty (20) acres or proposes to decrease the dwelling units (du) allowed in the zone classification. This provision does not apply.

Kittitas County Code 17.36.045 (1)(a)

35. Criteria applicable to all PUDs:

35.1 KCC 17.36.045(1)(a)(i):

PUD complies with all amendment criteria in KCC Chapter 17.98 because of additional Findings of Fact 26 to 34 above.

35.2 KCC 17.36.045(1)(a)(ii):

PUD makes economic and efficient use of land, streets, and public services because although the total subject property size is approximately 445 acres, only 170 of those acres are to be rezoned into a Planned Unit Development and platted into 89 lots. The domestic water will be supplied by the Easton Water District, a Public Water System and sewage will be through individually onsite septic, shared septic and large onsite septic as needed. Public services will have one defined area with which to service and streets will be efficiently and centrally located, again towards the goal of efficient and economic use of public services.

35.3 KCC 17.36.045(1)(a)(iii):

PUD preserves usable open space, important natural features, and other amenities because the vast majority of the property, including the hillside which is part of the property to the north, is open space preserving the natural features and wildlife habitat that open space affords. Of course having 89 residential lots on 170 acres will be disruptive to wild life in that specific area. However, the vast majority of this 445.42 acres will remain as undeveloped open space. This open space is usable for hiking, sightseeing and other recreational activities.

35.4 KCC 17.36.045(1)(a)(iv):

PUD provides site design features that reasonably mitigate off-site impacts because the primary impact concerns are that of impacts to wildlife and traffic impacts. It should be noted that this Planned Unit Development will be subject to covenants, conditions and restrictions impacting property owners use of their own property. The purpose of the covenants are to protect the value and desirability of the properties which will also benefit the county by imposing certain restrictions on the use of the property, those restrictions being greater than those within the county code. Although the site is accessed off of East Sparks Road, the Development Agreement and Conditions of Approval will effectively mitigate those potential adverse consequences to traffic. Due to traffic improvements that are part of this project, level of service for various area road intersections will actually improve. The final environmental impact statement also sets forth mitigation measures, incorporated as Conditions of Approval, to the identified likely environmental impacts.

35.5 KCC 17.36.045(1)(a)(v):

Public benefits of the PUD outweigh the effect of the modification of underlying zoning standards because the 170 acres that are being utilized for the Planned Unit Development for residential and conditional uses is the most usable area of the combined subject properties. It would not make sense to rezone the property because the vast majority of the property is not reasonably buildable for residential or commercial use. The effects of this Planned Unit Development could not be achieved through a rezone of the subject property, and the public benefits set forth in the Development Agreement and Conditions of Approval will require significant improvements to

public infrastructure. There will also be tax benefits to Kittitas County as a result of the development of this property. Finally, the overall density is consistent with the underlying zoning.

Kittitas County Code 17.36.045 (1)(b)

36. Additional criteria applicable to PUDs on Rural Lands:

36.1 **KCC 17.36.045(1)(b)(i):**

PUD is developed in a manner that maintains rural character. This criteria is met. The vast majority of the subject property will remain in open space, preserving its rural appearance and character. While there will be concentrated residential development within 170 of the 445 acres of the subject property, this does not destroy the rural character of the area. Certainly, there will be more vehicle traffic as a result of this residential use. Certainly, there will be vehicle traffic due to the recreation use within the conditional use/campground area. However, the campground and recreational vehicle storage areas are for the use of property owners only, and not to be sold, rented, leased or otherwise used by the nonresident public. While there was testimony that this restriction of use was proof that there was no public benefit, just the opposite is true. The public benefit is that the traffic to the recreational properties, campground and the recreational vehicle storage areas will be only traffic generated from the residents and storage unit owners of the PUD.

36.2 **KCC 17.36.045(1)(b)(ii):**

Non-residential uses within PUD are designed at a scale appropriate for rural area and intended to serve only the residents and storage unit owners of the PUD. This criteria is met because the campground and recreational storage area are to be used exclusively by the R.V. storage unit owners. There is proposed a recreational vehicle service center, but it is likewise a small scale and intended to service the recreational vehicles for the units stored on site. The recreational vehicle park will be surrounded by walls in order to deflect noise and lights emanating from the park. There will be a central mail box center. The campground and RV park will comprise of 7.7 acres. The RV storage area will be 27.06 acres. The campground, the RV park and storage area will be subject to additional regulations as required within the Development Agreement. There will be 15 recreational vehicles pads that are useable only by storage unit owners and their guests. The recreational vehicle parking and campground are small and maintain the rural character of the area.

36.3 **KCC 17.36.045(1)(b)(iii):**

PUD provides appropriate transitions to surrounding properties and land uses. When reviewing the site plan, there will be a 50 foot natural buffer on the south side of the property and a 35 foot natural buffer and 15 foot building setback on the east side of the property. The RV storage will be on the far east of the subject property, adjacent to the access off of Sparks Road. The campground will be in the north east corner of the developed portion of the subject property. There are community tracts within the subject property, thereby creating more open space within the actual developed portion of the property. Because the developed area of the property is so small in relation to the overall size of the subject property, appropriate transitions to the surrounding properties and adjacent land uses have been provided.

36.4 **KCC 17.36.045(1)(b)(iv):**

All new structures shall comply with the applicable standards contained in: (1) "Fire Safety Considerations for Developments in Forested Areas: Fire Hazard Severity Rating and Recommended Standards" (Northwest Interagency Fire Prevention Group) Washington Department of Natural Resources Severity Type Rating System; (2) standards adopted by Kittitas County Fire Protection Cooperative - "Recommendations For Fire Safety and Prevention of Forest and Range Land in Kittitas County Including Rural, Commercial and Private Developments"; and/or (3) Urban Wildland Interface Code for structures outside a fire district. This criteria will be met.

37. According to KCC 17.36.025(2), the density of the underlying zone shall not be exceeded by a P.U.D. According to KCC 17.08.197, "density" means a total number of dwelling units in relationship to a specified amount of land, and density is a measurement used generally for residential uses. The applicant is proposing 89 residential lots, as well additional tracts for RV storage, RV park, campground, or community uses. The total number of lots must be limited to 89, or lots that are intended for RV storage, RV park, campground, or community or commercial uses must be conditioned so that they cannot be developed for residential uses.

CONCLUSIONS OF LAW

1. The Board of County Commissioners has authority to render this decision.
2. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Kittitas County Code and Comprehensive Plan.
3. As conditioned, the proposal does conform to the standards specified in Kittitas County Code.
4. As conditioned, the use will comply with all required performance standards as specified in Kittitas County Code.
5. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Kittitas County Code or the Comprehensive Plan.
6. As conditioned, this proposal does comply with Comprehensive Plan, the zoning code and other land use regulations, and SEPA.

NOW THEREFORE, BE IT HEREBY ORDAINED the Board of County Commissioners of Kittitas County, Washington, after due deliberation of all of the facts and in the best interest of the public, does hereby approve said zone change from Rural-5 to Planned Unit Development, conditional use permit, and plat subject to the following conditions:

- 1) The applicant shall enter into a development agreement with Kittitas County to provide a proportionate share of mitigation for impacts to Easton School District and Kittitas County Fire District #3 as follows:
 - 1.1 Easton School District: Mitigation shall be provided for the impacts to school facilities and transportation based on a total of 53 new students. (Determined using 79% (89 units rather than 113 units) of Alternatives 3D and 5, Tenure Scenario 1, page 3-135 of the FEIS.)

- 1.2 Kittitas County Fire District #3: Mitigation shall be provided for the impacts to fire district facilities and equipment based on 89 dwelling units, RV storage, RV park, campground, or other approved commercial uses.

These impacts shall be mitigated to the satisfaction of Kittitas County.

- 2) The applicant shall submit to Kittitas County a final PUD development plan in accordance with KCC 17.36. The final PUD development plan shall not be approved until a development agreement has been approved in accordance with Condition #1.
- 3) All development shall conform substantially to the application and accompanying materials submitted on December 22nd, 2016.
- 4) The non-fish stream mapped at the southern portion of the site shall be reassessed during high spring flows to determine necessary setbacks under KCC 17A.07 to be incorporated into a stormwater management plan.
- 5) A fire management plan shall be prepared and implemented, with building covenants to ensure that homes are built with fire prevention measures consistent with County WUIC and in compliance with Easton Water District standards.
- 6) Lighting that reduces glare and outward light that may affect nocturnal wildlife such as migrating birds shall be used.
- 7) Whenever feasible, landscaping with native plants to reduce overall habitat loss shall be employed.
- 8) Clear and grading shall be limited to only the amount needed for a footprint of structures and required defensible space.
- 9) Speed limits shall be used to reduce wildlife collisions on roads.
- 10) Homeowners Association restrictions on residents from leaving food sources and other attractants outside of homes that will encourage large wildlife (such as bears) near homes where human/wildlife conflict can arise shall be included in project CC&Rs.
- 11) The following Public Works conditions (#12-27) apply and must be completed prior to final approval of this project. A performance guarantee may be used, in lieu of the required improvements per the conditions outlined in KCC 12.01150.
- 12) The division of land is vested, and shall conform to the Current Kittitas County Code Chapter 12 Road and Bridge Standards dated December 15, 2015.
- 13) The number of units associated with the campsites and RVs shall be identified in the development agreement and final PUD development plan in order to determine road standards. Based on the traffic impact analysis provided by the applicant, the roads serving the RV condos shall minimally be 22 feet paved with 60 foot of right of way (private). The roads serving the RV campsites shall minimally be 20 feet wide gravel with 60 feet of right of way (private).

- 14) Connecting points for loop roads shall loop back to a road built to a Public Road Standard. Loop Roads shall have two separate accesses to a Public Road. Public Roads are not capped by number of lots/units that can access.
- 15) Access to lot 19 shall be shown on the face of the final plat.
- 16) Plans for on-site stormwater and construction stormwater shall be submitted in accordance with Current Kittitas County Road and Bridge Standards dated December 15th, 2015.
- 17) Road plans shall be submitted in accordance with Kittitas County Road and Bridge Standards dated December 15, 2015.
- 18) Locations identified for snow storage shall be designed to accommodate storage for 84 inches of annual accumulation for the square footage of all roadways and parking areas. Snow storage areas accommodating public roadways shall be included in the public right of way dedication.
- 19) Roadways brought on the system by the County, following the process as outlined in Kittitas County Code Chapter 12, shall have said right of way dedicated to the county on the plat.
- 20) Road Naming Applications for all new roadways will need to be completed prior to final plat approval. The new established road names will need to be shown on the face of the plat.
- 21) Plat Notes shall reflect the following:
 - 21.1 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.
 - 21.2 Maintenance of access is the responsibility of property owners who benefit from its use.
 - 21.3 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.
 - 21.4 Any further subdivision of lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
 - 21.5 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 on each side of interior lot lines. Said easement shall also be used for irrigation.
- 22) All plats shall include the acceptance signature block of the Public Works Director. The acceptance block shall be as follows (per KCC 16.24.170):

EXAMINED AND APPROVED

This ____ day of ____, A.D., 20__.

Kittitas County Public Works Director

- 23) The relatively short runoff length of 2,571 feet for Easton Airport supports a threshold siting surface of 15:1, No structure shall perforate the following surfaces: 15:1 for existing threshold siting surface and 20:1 for approach surface.
- 24) Electrical interference with navigational signals or radio communication between the airport and aircraft is prohibited and will be regulated in accordance with rules and regulations promulgated and enforced by the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations.
- 25) Activities or uses that create lighting which make it difficult for pilots to distinguish between airport lights and non-airport lights or that create glare in the eyes of pilots using the airport are prohibited. All outdoor lighting fixtures shall be arranged and shielded so that area lighting shall not shine into the sky.
- 26) Activities or uses that create excessive amounts of dust, smoke, or other emissions that may result in impairment of visibility in the vicinity of the airport are discouraged and will be regulated in accordance with rules and regulations promulgated and enforced by the Washington State Department of Ecology under the Clean Air Act and other state and federal regulations.
- 27) Access easements on the subject property that benefit other properties shall not be inhibited by gates or similar structures.

28) Transportation

28.1 Roads

- 28.1.1 The original proposal identified in the FEIS examined a 443 lot alternative. Kittitas County Public Works has determined that the current proposal will allow a Level of Service change from A to B, above the minimum standard of C.

28.2 Airports

Much of the proposed plat falls within the Easton Airport's Airport Safety Zones.

- 28.2.1 The approach surfaces listing in the current Bowers Field Airport Layout Plan inaccurately impose Bowers Field runway protection zones on Easton Airport. The relatively short runoff length of 2,571 feet supports a threshold siting surface of 15:1, at 2000 lineal feet from the end of the runway, a structure must be less than 133 feet above the elevation of the airport (2,221 MSL). At 2,000 lineal feet from the end of the runway, a structure must be less than 100 feet above 2,221 MSL supporting the runway approach surface. No structure shall perforate the following surfaces: 15:1 for existing threshold siting surface and 20:1 for approach surface.
- 28.2.2 Electrical interference with navigational signals or radio communication between the airport and aircraft is prohibited and will be regulated in accordance with rules and regulations promulgated and enforced by the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations.

- 28.2.3 Activities or uses that create lighting which make it difficult for pilots to distinguish between airport lights and non-airport lights or that create glare in the eyes of pilots using the airport are prohibited. All outdoor lighting fixtures shall be arranged and shielded so that area lighting shall not shine into the sky.
- 28.2.4 Activities or uses that create excessive amounts of dust, smoke, or other emissions that may result in impairment of visibility in the vicinity of the airport are discouraged and will be regulated in accordance with rules and regulations promulgated and enforced by the Washington State Department of Ecology under the Clean Air Act and other state and federal regulations.

29) Parks and Recreation

Mitigations for impacts to Park and Recreation facilities are discussed in the FEIS, (pg. 3-124). Mitigations listed in the FEIS include:

- 29.1 Provision by the project of such facilities, or proportional contribution to the cost of such facilities
- 29.2 Providing facilities for Off-Road Vehicle Use.
- 29.3 Maintenance of facilities on site through a Homeowners Association.
- 29.4 Provision of such facilities through the Kittitas County Park and Recreation District No. 1 by means of voter approved tax assessments.

30) Public Services

30.1 Police Service

The FEIS examines mitigations for impacts to police services. Mitigation measures include a fair share contribution from the project to provide additional resources, including personnel, equipment, and facilities.

30.2 Fire Safety/Medical Response

The FEIS includes mitigation requirements. The following mitigation measures are conditions of approval:

- 30.2.1 A Fire Management Plan as approved by the Kittitas County Fire Marshal shall be developed and implemented.
- 30.2.2 Fire hydrants shall be included as per fire district design standards.
- 30.2.3 Development shall comply with KCC Title 20 Fire and Life Safety, including the International WUI Code defensible space requirements.
- 30.2.4 Non-combustible areas immediately adjacent to buildings shall be required.

30.2.5 The FEIS identified additional equipment to mitigate Fire and Medical Response impacts associated with the project. Project contribution to these measures is identified in the FEIS. Such contributions can be made a condition of a Development Agreement, with amounts identified appropriate to the 89 unit current proposal. The applicant shall contact the Kittitas County Fire District #3 to determine appropriate mitigation measures. Mitigation measures shall be included in the development agreement.

30.3 **Schools**

The FEIS examines impacts to the Easton School District. Impacts of the current proposal are most similar to those identified in Alternatives 3D and 5. The FEIS suggests project contribution to increased District costs. Such contributions can be made a condition of a Development Agreement. The applicant shall contact Easton School District and develop mitigation measures. Mitigation measures shall be included in the development agreement.

31) **Utilities**

31.1 **Sewer**

31.1.1 Residential lots will be served by an On-site septic system.

31.1.2 The RV Complex shall be served with a Large On-Site Septic System designed to DOH standards with oversight by DOH /Satellite Management.

31.1.3 Prior to any development on the steeper eastern slopes, a sewage disposal master plan shall be submitted to Kittitas County Environmental Health.

31.2 **Stormwater Management**

31.2.1 Stormwater plans submitted to CDS shall depict design standards showing pervious construction methods with a focus on retention and infiltration.

31.2.2 Development shall comply with the Ecology Stormwater Management module Eastern Washington.

31.3 **Electric Utilities**

31.3.1 The plat map shall include the following note:

“The Bonneville Power Administration imposed certain conditions on the portions of these lots encumbered by its high voltage transmission line right-of-way. BPA does not allow structures to be built within the right-of-way, nor does it allow access to be blocked to any transmission facilities. Any activity that is to occur within the right-of way may be addressed to BPA real Estate Field Services at (877) 417-9454”.

31.3.2 BPA shall be allowed the opportunity to review the location of proposed roads, use of existing access roads, snow storage, utilities, etc. to ascertain whether or not the uses

can be permitted. The owner shall submit a land use application, the associated \$250 application fee, and acquire a Land Use Agreement from BPA in addition to the County's building permit for any portion of the owner's development plans that lie within BPA's right-of-way.

31.4 Water

- 31.4.1 Marian Meadows/Easton Water District shall confirm an intended connection to the Easton Water District, and then submit estimated water usage quantities, so that DOH can determine whether the precise number of new connections that are proposed for Marian Meadows can be served by the existing system, or apply for a new Group A Community public water system with the DOH Office of Drinking Water.
- 31.4.2 Marian Meadows shall identify how wastewater will be managed.
- 31.4.3 The Applicant shall submit documentation and engineering design for proposed water extension to DOH for the review and approval.

32) Visual Quality, Light and Glare

As described in the FEIS, visual impacts can be mitigated through the following methods, and such methods are conditions of approval:

- 32.1 Road cuts shall be revegetated with native coniferous trees.
- 32.2 Outdoor lighting shall be shielded and directed downward.

33) Noise

Noise impacts are discussed on pg. 3-227 of the FEIS.

- 33.1 When possible, construction activities shall be limited to daylight hours.
- 33.2 KCC 9.45.040 exempts construction from noise ordinances between the hours of 6:00 am and 10:00 pm. Should circumstances require work outside of these hours, the applicant shall apply for a variance with the Board of County Commissioners pursuant to KCC 9.45.070.

34) Air Quality

- 34.1 The project shall comply with all applicable local, state and federal laws regulating air quality.
- 34.2 Current quarry work will impact air quality. Quarry operations will be amended as the development moves north. Quarry operations will continue and provide resource materials needed for the development. Once residential vertical build out is within 250' of quarry operations, operations will cease and reclamation will commence.

35) Hazardous Materials

Mitigation measures related to hazardous materials are discussed on pg. 3-238 of the FEIS.

- 35.1 A control and response plan shall be developed to deal with hazardous material related to construction.
- 35.2 Convenient means of safe disposal of any household hazardous materials shall be provided.

36) Historic, Cultural, and Archeological Resources

Mitigation measures related to Historic and Cultural Preservation are discussed on pg. 3-241 of the FEIS.

- 36.1 The applicant shall formulate a plan for limited subsurface testing in any areas of high probability for containing pre contact and historic resources.
- 36.2 The applicant shall prepare an inadvertent discovery plan which states applicable state laws and proper procedures that is to be followed if archaeological resources are identified. A contact list of appropriate parties shall be included.
- 36.3 Should ground disturbing or other activities related to the proposed plat 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 Archeology and Historic Preservation. 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 or local law enforcement the most expeditious manner possible.

37) Geology, Topology, and Soils

The FEIS examines impacts related to geologic hazards, and proposes mitigation measures (3-265).

- 37.1 Development on the steep, eastern portion of the site shall require geotechnical analysis prior to, and during construction.
- 37.2 The alluvial fan area in the northwest corner of the project will be private property with restrictions on for the removal of foliage or land clearing, along with the alluvial fan located in the southern portion of the property.
- 37.3 After decommissioning, the rock quarry area shall be reclaimed and repurposed into the 100,000 gallon water storage facility required under Water District Resolution 30906.2.

38) Surface Water Resources

- 38.1 Surface water mitigations are examined in the FEIS (pg. 3-277). Development shall comply with all stormwater related state, local and federal regulations.

- 39) The large lots designated on the site plan as lots 1 through 4 (Exhibit 90) shall be limited to one single-family residence and associated outbuildings each. The final plat for these lots shall contain a plat note that these lots shall not be further subdivided.
- 40) The recreational vehicles storage units shall be for the exclusive use of the recreational vehicle storage unit owner and shall not be rented to, or used by, any other person for any amount of time.
- 41) The recreational storage units shall not be used for human overnight occupation at any time. The Development Agreement shall set forth sufficient provisions to ensure that the recreational vehicles storage units are not used for human residency, either within the unit or within vehicles stored within the units. Failure to set forth sufficient provisions shall result in the CUP approval for the RV storage units being deemed null and void.
- 42) The recreational vehicle park and the campground shall not be for public use.
- 43) Recreational vehicle stays within the recreational vehicle park shall not exceed the time limits set forth in the Kittitas County Code.
- 44) Stays within the campground shall not exceed the time limits set forth in the Kittitas County Code.
- 45) The Development Agreement shall set forth adequate reporting requirements between the applicant and the county as to member vehicle stays within the recreational vehicle campground park and the campground. If satisfactory reporting provisions are not set forth within the Development Agreement, then stays within the recreational vehicle park and campground shall be limited to April 1 through September 30 each year. In the alternative, if said reporting procedures cannot be agreed upon in the Developer Agreement, then the portion of the conditional use permit related to recreational vehicle storage should be denied.
- 46) All approvals for the Planned Unit Development, plat, and conditional use shall be considered null and void in the event a Developer Agreement satisfactory to the county is not timely finalized.
- 47) The following plat note shall be provided on the face of all final plats: "This subdivision is in the vicinity of the Easton Airport. Future landowners should expect to experience noise, vibrations, fumes, dust, the effects of lighting, and other effects associated with the operation of an airport or aircraft taking off or landing at an airport. No use shall be permitted that causes discharge into the air of fumes, smoke, dust or similar which will obstruct the visibility and/or adversely affect the operation of an aircraft or interfere with navigational facilities or equipment necessary to aircraft operation. No development of use shall occur that in any way interferes with the safe operation of aircraft in the airspace and aviation ways of the Easton Airport. Any and all activities common to the Easton Airport do not constitute a public or private nuisance unless the activity has a substantial adverse effect on the public health and safety."
- 48) The record contains evidence that the existing situation of occasional and irregular blockage of East Sparks Road would be exacerbated by the proposed development. To mitigate for this situation, the applicant shall develop and submit an alternative site access plan of one or more options for County review that could be utilized by residents in the event of blockage of the primary site access road (namely Sparks Road). If the County chooses to implement a road improvement district (RID) and if second access is not attainable, then the developers and future landowners shall consent to the formation of a road improvement district (RID) for a proportionate share of future mitigation addressing potential blockage of Sparks Road.

- 49) The applicant shall provide proof of legal access to the subject property prior to final development plan approval.
- 50) The total number of lots shall be limited to 89. Lots in excess of 89 may be allowed for RV storage, RV park, campground, or community, or commercial uses, but they shall be identified on the face of the final plat, and a plat note shall be provided prohibiting residential development on these lots.
- 51) All plats which include open space shall contain appropriate plat notes to ensure the area will not be further subdivided in the future, the use of the open space for the purpose specified will continue in perpetuity, and the open space will be appropriately maintained to control noxious weeds and fire hazards. The identified open space tracts shall be proportionately owned by tenants in the common, and retained by each home owner, and will be assessed, taxed, and foreclosed upon each building lot not fulfilling their obligation.

This requirement shall not apply to lots retained by the original landowner or subsequent landowner(s) for the purpose of providing improved recreational facilities serving the benefited parcels. For the purposes of this condition, improved recreational facilities shall be those which exceed \$100,000 in value.

- 52) Any lots created specifically for, or dominated by, easements, roadways, storm water retention facilities, septic facilities or other purposes and as a result are non-buildable shall be proportionately owned by tenants in the common, and retained by each home owner, and will be assessed, taxed, and foreclosed upon each building lot not fulfilling their obligation.
- 53) Community buildings, indoor recreation facilities including athletic clubs, fitness centers, sports courts, swimming pools, and other similar uses, outdoor recreation facilities including swimming pools, sports courts or similar uses, electrical vehicle infrastructure, and recreation vehicle storage areas shall only serve owners within the residential PUD and all other applicable standards shall be met.

NOW THEREFORE, BE IT FURTHER ORDAINED by the Board of County Commissioners that the Official Zoning Map for Kittitas County be changed as set forth in Attachment A.

DATED this 1st day of May, 2018, at Ellensburg, Washington.

**BOARD OF COUNTY COMMISSIONERS
KIT TITAS COUNTY, WASHINGTON**

ATTEST:

Clerk of the Board- Julie Kjorsvik

Deputy Clerk of the Board- Mandy Buchholz



APPROVED AS TO FORM:

Neil Caulkins, Deputy Prosecuting Attorney for
Gregory L. Zempel
Prosecuting Attorney
WSBA #19125

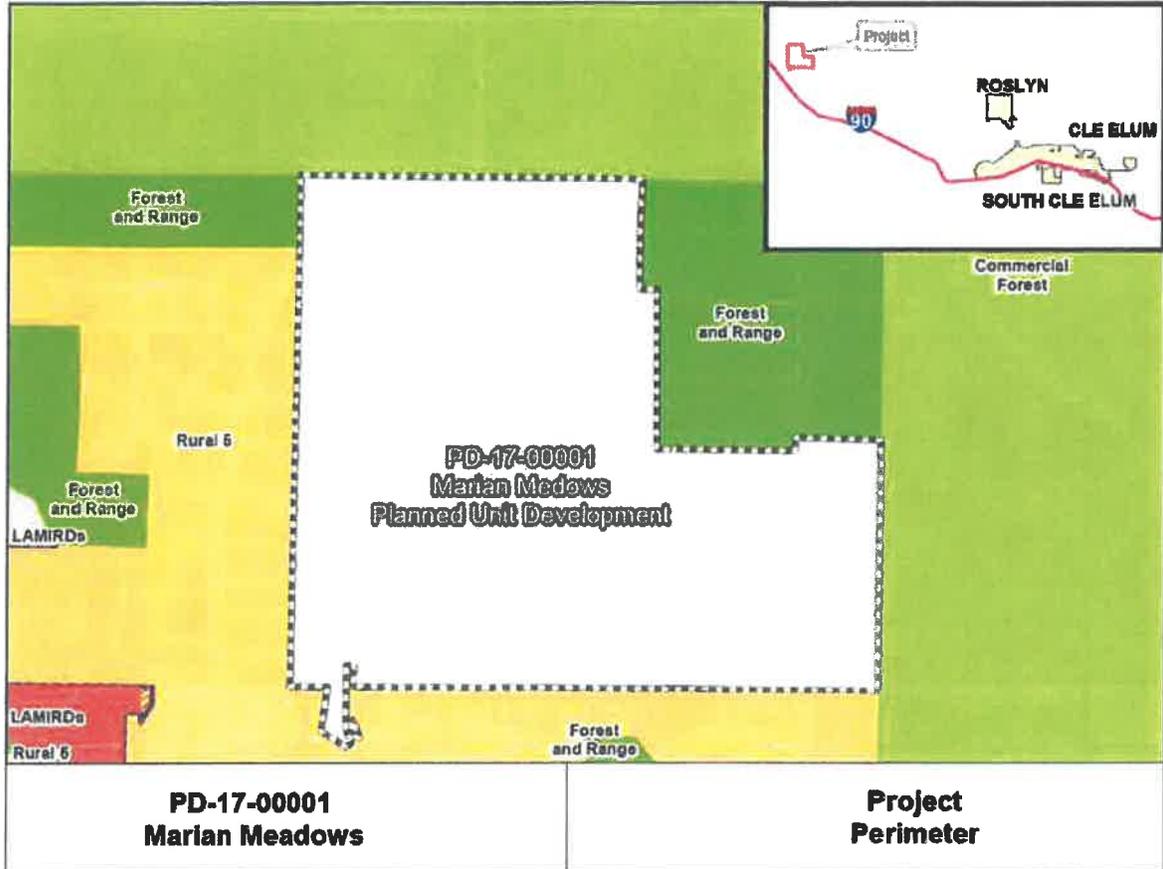
ABSTAINED

Laura Osiadacz, Chairman

Obie O'Brien, Vice-Chairman

Paul Jewell, Commissioner

Attachment A





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"

DEVELOPMENT AGREEMENT

(A legislative action allowing different or additional development regulation per KCC 15A.11)

A **preapplication conference** is encouraged 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.

WHEN IS A DEVELOPMENT AGREEMENT USED?

A development agreement is typically used for large, complex, or phased projects, or projects which were not contemplated by existing development regulations or application procedures. A development agreement may include provisions which are different or in addition to other county development regulations, as long as impacts are mitigation. Procedures are described in detail in Chapter 15A.11. The County shall only approve a development agreement by ordinance or resolution after a public hearing. The hearing shall be before the Board of County Commissioners, unless otherwise assigned.

REQUIRED ATTACHMENTS

- Site plan of the property with all proposed buildings, points of access, roads, parking areas, septic tank, drainfield, drainfield replacement area, areas to be cut and/or filled, natural features such as contours, streams, gullies, cliffs, etc.
- SEPA Checklist (if not exempt per KCC 15.04 or WAC 197-11-800)
- Project Narrative responding to Questions 9-11 on the following pages.

APPLICATION FEES:

\$800.00 Kittitas County Community Development Services (KCCDS)
 Kittitas County Department of Public Works
 Kittitas County Fire Marshal

\$800.00 Total fees due for this application (One check made payable to KCCDS)

FOR STAFF USE ONLY

Application Received By (CDS Staff Signature):	DATE:	RECEIPT #	
			DATE STAMP IN BOX

RECEIVED
 DEC 04 2019
 Kittitas Co. CDS

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

FORM LAST REVISED: 03-06-2019

Page 1 of 3

2 DA App

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: EASTON RIDGEMAN LAND COMPANY LLC

Mailing Address: P.O. Box 687

City/State/ZIP: ROSLYN, WA 98922

Day Time Phone: _____

Email Address: _____

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: MARTENS ENTERPRISES LLC

Mailing Address: P.O. Box 458

City/State/ZIP: CLATSOP, WA 98922

Day Time Phone: 509-674-7271

Email Address: JERRY@MARTENSLLC.COM

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

If different than land owner or authorized agent.

Name: JERRY MARTENS

Mailing Address: P.O. Box 458

City/State/ZIP: CLATSOP, WA 98922

Day Time Phone: 509-674-7271

Email Address: JERRY@MARTENSLLC.COM

4. Street address of property:

Address: EXTENSION OF MEADOW WAY

City/State/ZIP: EASTON, WA

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

SEE ATTACHED

6. Tax parcel number: SEE ATTACHED

7. Property size: 445.42 AC. (acres)

8. Land Use Information:

Zoning: PUD

Comp Plan Land Use Designation: PUD

PROJECT NARRATIVE

(INCLUDE RESPONSES AS AN ATTACHMENT TO THIS APPLICATION)

- 9. **Narrative project description:** 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.
- 10. **Give specific reasons why this project is suitable for a development agreement.**
- 11. **Which development standards set forth in KCC 15A.11.020(5) will be included in this development agreement?**

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)**

Date:

X _____

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

Date:

X _____

Question #6

Included original parcels, zoning and land use designations

Residential 5 Parcels:		located in sec. 01 T20N, R13E
950625	6.01 acres	
950626	6.01 acres	
950627	165.97 acres	
956193	20.14	
956194	20.21	
956198	20.04	
956199	20.00	
956200	20.03	
956204	20.03	
956205	20.41	
956206	21.07	
956207	20.12	
956208	20.06	
956209	20.76	
956210	21.24	
12080	21.00	
	Total R-5 Acreage	443.10 acres

Residential-5 parcel		located in Sec. 12, T20N, R13E
950628	2.32 acres	2.32 acres

Total acres involved in PUD 445.42 acres

MARIAN MEADOWS ESTATES

Question #9:

- Project size: 445.42 acres - see question #6
- Location: See Attachment A
- Approved Site Plan: See Attachment
- Water Supply: Easton Water District #3
- Sewer/Septic: individual onsite residential, LOSS septic for RV Complex
- Features: See PUD, Long Plat and Conditional Use approvals
- Description: As Approved under KCC Ordinance 18-006, an ordinance granting approval to Marian Meadows PUD (PUD-17-0001), Conditional Use Permit (CU-17-0001) and Plat (LP-17-0001).

Narrative - The Plat of Marian Meadows

This plat has a long history with substantial input from the Applicant, Kittitas County and State and Federal agencies as well as extensive input from the community. This history starts in the year 2000 with the purchase of these parcels from Plum Creek by Easton Ridge Land Company, Inc.

From early on, access and water were identified as critical issues that needed addressing prior to formally determining what and how the development would be put in place. Discussions were initiated with Easton Water District and access routes were analyzed.

The following is a timeline and progression for the development.

2000-2004

As mentioned above, water and access were initial critical elements which needed answers and solutions. Discussions with Easton Water District identified various problems present in the District. First and foremost was bringing the District into compliance with State law by updating their Comprehensive Plan. Within this update, additional issues were documented and eventually outlined within Resolution #030796-2. Easton Ridge Land Company was instrumental in assisting the District in the following:

- facilitated the transfer of Northern Pacific Railroad Water Right to District,
- assisted in changing points of withdrawal for two District Water Rights,
- assisted in changing area of use for District water rights to include Marion Meadows property and facilitated annexation into District,
- facilitated updates of District Water System Comprehensive Plan,
- completed 700 linear ft of looped mainline extension with fire hydrant,
- Developer contributed \$43,000 for efforts with District water rights/Comp Plan,

Within this resolution, ERLC also agreed to pay 50% of the cost toward new District water storage facilities and provide a looped water line tying E Sparks Road to Country Drive infrastructure.

With water issues seeing solutions, efforts were directed toward access issues. This was addressed by purchasing Lot 3 of the Easton Acres subdivision; the purchase closed on April 3, 2002. With the purchase of lot 3, effort commenced for land use actions and the construction of a public road over the eastern edge of this parcel, providing suitable public access to Section 1.

Questions regarding the use of this lot for public road access were raised, but review of Easton Acres platting and covenants indicate that no restrictions exist. Construction of a public road access commenced in 2005, and today, Meadow Way is part of the Kittitas County Public Road network.

2005-2011

At this point in time, County Code allowed for innovative land use platting for up to 443 dwelling units within the boundaries of the development. Discussions were ongoing for a variety of development options, with varying degrees of impact to the community and agencies supporting the community.

Easton Ridge Land Company submitted applications to the County for development of the Plat of Marian Meadows with ensuing discussions for total density, layout and engineering challenges. A SEPA Determination of Significance was made by Kittitas County leading to the commissioning of an Environmental Impact Assessment by Parametrix Inc. Extensive and exhaustive assessment was directed and conducted by Kittitas County toward impacts for 8 distinct and separate development alternatives, ranging from 33 larger parcels, upwards to 443 dwelling units of varying housing types. Please refer to the EIS (fact sheet, Pg i) for the range and scope of each alternative.

Concurrently with the EIS study, market conditions and the country's economy were subjected to a very serious downturn, which was particularly impactful to land use actions. In February of 2011, the Final Environmental Impact Statement (FEIS) was completed by Parametrix, Inc and published by Kittitas County.

During this time period, Kittitas County was also involved with Growth Management Act challenges culminating in legal actions at the State Supreme Court level. Within these challenges, significant alterations were made to regulations guiding the development of rural lands within the County.

With market conditions still facing significant challenges, development planning was tabled.

2016 to Present

In 2016, ERLC felt market conditions were rebounding sufficiently to renew efforts toward development. Applications previously submitted were determined to be void due to time limitations, so the process of preparing new applications began. Within these new applications, County regulations compliant with State GMA guidelines limited development to a fraction of the density of prior applications. On Dec. 22, 2016, applications were submitted to the Kittitas County CDS for a plat of 89 dwelling units over 445.42 acres inclusive of a Recreational Vehicle complex in areas with regulatory restrictions (airport overlay) for residential uses.

These applications include planning for service from Easton Water District covering the needs for residential and RV Complex water connections. Additional planning included the use of East Sparks Road for access via the new Meadow Way public road and in addressing environmental concerns, limiting major development to areas away from steep slopes and mostly west of the Bonneville Power Association Easement.

Applications relied heavily on, and included documentation and assessments from the FEIS published in 2011, with conditions and provisions outlined under Alternative #5 as being the most consistent with current applications. The actual applications submitted and approved by the County represent further density reductions of over 20% than FEIS Alt. #5. Please note that Alternate #5 for 113 new dwellings was viewed as having little impact by the FEIS.

On May 1, 2018, the Board of Kittitas County Commissioners approved Ordinance 2018-006 for the Planned Unit Development (PD17-00001) Long Plat (LP17-0001) and Conditional Use (CU17-0001) for the Plat of Marian Meadows with the condition that a Development Agreement address specific considerations outlined within the Ordinance 2018-006. These conditions include addressing School and Fire District mitigation, construction phasing, and operating conditions for the RV storage and retail center. Also included within

approvals were some specific elements added by Kittitas County Commissioners with no notice, discussion, or input from the applicant.

With approvals in place under Ordinance 2018-006, planning commenced to address identified conditions with the formation and preparation of the Development Agreement with Kittitas County. Shortly after this planning commenced, it was derailed with the June 2018 filing of an appeal by Easton School District #28 of Marian Meadows approvals under the Land Use Petition Act. A settlement was reached to resolve the dispute through this Development Agreement process.

On March 29, 2019, an application for the Marian Meadows Development Agreement was submitted after discussions and consultation with Kittitas County planning staff. The application was reviewed by County staff and the prosecuting attorney's office and deemed complete as of June 3rd, 2019.

As of this date, the Development Agreement application has been reviewed and commented on by State and Federal jurisdictions, with added comments and oversight by Kittitas County, other public agencies and the Easton community. All public comments and input have been reviewed by ERLC to make needed adjustments.

Observations:

Applications for the Marian Meadows project have been formulated under the guidelines of RCW 36.70A – “Washington State’s Growth Management Act” (GMA) and in compliance with Kittitas County Code and Comprehensive Plan in place at the date of application.

While the GMA has many deficiencies, it has provided strategic guidance with the following:

- predetermined growth directives on a community wide basis,
- transparency in how those growth directives are put in place and will be administered,
- measures for proposed growth to help fund impacts of development,
- even playing field for development proponents and those concerned with a given development proposal,
- directs growth in areas targeted for growth,

These provisions have been useful for all participants within Washington State’s development community.

We see a failure of these provisions to serve their intended purpose when participants fail to comply with the guidance they are intended to provide. In this case, the local Easton area public agencies (School District #28 and Fire District #3) having no written planning directives or guidelines in place for developers or planning agencies as provided under RCW 36.70A. Multiple requests by ERLC for specific information to evaluate mitigation have gone unanswered. The only written correspondence received prior to the filing of legal proceedings under the LUPA by either of these agencies was funneled through Kittitas County CDS.

In the case of ESD # 28, on July 18, 2018, in response to Ordinance 2018-006 and the approval of the plat of Marian Meadows and after the filing of legal appeals under LUPA, ERLC attended a meeting with School District officials and legal counsel. Within this meeting, ERLC was presented a draft document, labeled Capital Facilities Plan (2018-2024) outlining mitigation deemed required by the School District for development impacts. This was obviously prepared in reaction to the approval of Marian Meadows and seeks to fund a decade of inaction by the School District from Marian Meadows alone. Please see Exhibit C to the Development Agreement.

SUMMARY:

In compiling land use applications for submittal in 2016, ERLC relied heavily on documentation within the published FEIS conducted by Kittitas County. A significant point within the FEIS was that Alternate #5

resulted in minimal impacts to the environment and the community. Issues and element of concerns were documented and addressed within the applications and it should be noted, entitlement level requests within these applications are a 20% plus reduction of the dwelling units studied under Alt. #5.

In March of 2017, the County determined that the Dec. 22, 2016 applications were incomplete and provided direction and concern about specific issues to be addressed. ERLC reevaluated the applications and resubmitted to the County on May 17, 2017. ERLC received notice that the application was deemed completed early in June of 2017.

The resubmitted applications addressed:

- water district issues and needed connections,
- included the determination that automatic fire suppression would be required throughout the plat addressing the concerns of an all-volunteer department,
- re-design of public and private roadway to comply with County Road Standards, and
- provided monetary funding for possible impacts to the local School District.

All items to be further addressed within a Development Agreement with Kittitas County.

Each section noted will provide our assessment, response and intended actions.

Of particular concern to ERLC is negotiating with public agency leadership that is openly opposed to the development. This is true of membership within the Easton School District Board and Kittitas County Fire District Commissioners.

Kittitas County has transparently required that ERLC address and comply with provisions of KCC, State GMA Title 36.70A and the County's Comprehensive Plan. Within these regulations it also required state agencies, inclusive of School, Water and Fire Districts to comply and adhere to GMA guidelines.

If Easton School District #28 and Kittitas County Fire District #3 had followed the intent of GMA, requests by ERLC for information and documentation of measures to be addressed with proposed lot creations could have easily been addressed. As the record shows, notice of this development was provided in 2003. In the case of School District #28, action was not taken until after approvals and entitlements were in place in 2018.

ERLC questions why both of these agencies have ignored the growth within their respective district (**ESD #28 - 299 new dwelling units, KCFD #3 – 66 new dwelling units**) until the applications for Marian Meadows were filed. It appears to be a clear case of targeting one development over the question of growth in general. It should also be noted that neither District has reached out to Kittitas County with discussions of impact fees toward future growth to date.

In ERLC's planning process, what became apparent is the Easton Community is experiencing issues with water service levels which will need to be addressed by the Easton Water District. In working with and focusing on issues of water supply and infrastructure within the Water District, ERLC will be providing mitigation to the School District, Fire District and overall community.

It should also be noted that Easton Water District, unlike the School and Fire District, is compliant with GMA with Comprehensive Planning documentation and information that proponents of grow and develop can refer to.

Question #10 -

The proposed plat of Marian Meadows is a mixture of uses within a 445.42 acre setting. Uses include single family, attached multi-family, large parcel single family and uses allowed under CUP 17-0001. All uses fall

within the condition and terms set further within Ordinance 18-006 and stipulated within the Hearing Examiner's detailed decision.

- Residential Element- Consistent with KCC 17.15.060 allowing for 1 unit per 5 acres, covering single family and multifamily uses.
- RV Storage-allowed use under Ordinance 18-006, CU-17-0001, and KCC 17.15.060 within a PUD.
- RV Park and Campground- Allowed under Ordinance 18-006, CU-17-0001 and KCC 17.15.060 and via a CUP.
- RV Retail and Service- allowed within Ordinance 18-006 and KC Codes. This will be administered and governed as delineated within the Development Agreement provision. The purpose for a DA is: **KCC 15A.11.010**-*A development agreement may be appropriate for large, complex or phased projects, or projects which were not contemplated by existing development regulations or existing application procedures. A development agreement may include provisions which are different or in addition to other county development regulations, as long as impacts are mitigated. (Ord. 2000-07; Ord. 9810, 1998)*

A Development Agreement is a required condition of the referenced Ordinance 18-006 for the Marian Meadows plat and will address the needs for:

- Phasing,
- Mitigations for impacts to Easton School District, Kittitas County Fire District #3 and other elements as outlined with Ord. 18-006,
- Condensing densities and allowed uses under provisions within KCC for Planned Unit Developments. This includes clustered development of single-family residential uses, attached townhome uses, Recreational Vehicle storage and other recreational uses,
- The inclusion of a retail/service shop into the overall private RV complex. The overhead, management and operations of this complex will need to be administered with a level of accountability exceeding what generally is in place with traditional HOA operations. The allowance of a commercial entity which is licensed, bonded and insured will be more accountable and responsive to the oversight of governing jurisdictions,
- The commercial element will provide full time monitoring of all RV related activities, which will provide accountability and responsiveness to the needs of the residential components of the overall proposal, and
- This will provide an additional financial base in support of the Marian Meadows residential community.

As mentioned above, we view the Marian Meadows plat as a-typical for rural Kittitas County parcels. The parcel is located in close proximity to the Easton LAMRID with the associated services of a municipal Water District, School District, Fire Services and varied service levels of commercial and residential properties. The area could be closely compared to urban growth areas surrounding other County Cities located further to the east.

Within the provisions of Washington State's Growth Management Act (GMA) LAMIRD's have unique conditions applied to them allowing for increased densities and economic development opportunities. Within Kittitas County's Comprehensive Plan, Chapter 2.4.1 earmarks these areas as small, rural communities where rural residents and others can gather, work, shop, entertain, and reside. Commercial and industrial development compatible with rural character may continue to locate and prosper in rural areas under these limited conditions.

Question #11 – KCC 15A.11.020 (5)

- (a) Project Elements: as approved under Ordinance 18-006 inclusive of PUD-17-0001, LP-17-0001 and CU-17-0001 and supported/inclusive of the written record for these approvals.
- (b) Mitigations: as outlined within Ordinance 18-006 and pertaining to the Easton School District (**Cond. #1, 1.1 & 30.3**), Kittitas County Fire District #3 (**cond. #1, 1.2, 30.2-30.2.4**) and elements of the RV Complex (**Cond. 13**).
- (c) RV Storage, Park, Campground and commercial use design, layout and operations.
- (d) Design Standards: Please see included Community Standards Exhibit D.

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES
411 N. Ruby St.. Suite 2, Ellensburg, WA 98926
CDS@CO.KITHTAS.WA.US
Office (509) 962-7506

**Easton Ridge Land Company, Response to County Staff First Review and Request for
Corrections/Additional Information**

September 3, 2019

Easton Ridge Land Company, LLC
PO Box 687
Roslyn, WA 98922 dougw@inlandnet.com

Martens Enterprises, LLC c/o Jerry Martens
PO Box 458
Cle Elum, WA 98922 jerry@martensllc.com



Sent via email

RE: Marian Meadows Development Agreement (DV-19-00001) — First Review and Request for Corrections/Additional Information

Dear Mr. Martens,

This letter is to provide you the County's first review comments, a request for corrections and additional information, and a status update on your project, Marian Meadows Development Agreement (DV- 1900001). As you are aware, this proposal was subject to a 30-day public comment period which ended on July 24, 2019 at 5:00 pm. All comments received were transmitted to you via email on July 31, 2019 and have been attached to this letter for your reference.

Kittitas County has reviewed the information submitted by the applicant on March 29, 2019. Additionally, county staff has reviewed all public and agency comments received. Please provide a response to each comment received, either through direct response to the comment or by indicating how the issue(s) raised by the commenter has been addressed by the proposed development agreement. Alternatively, if you believe the issue(s) raised are not pertinent to the scope of this development agreement, which is only one portion of the overall approval documents/process necessary for the Marian Meadows project development approved by Ordinance 2018-006, please indicate in your response as such and when that issue is expected to be addressed in the approval process.

Staff Review and Comments:

Community Development Services Lindsey Ozbolt, Planning Official, P: 509-962-7046, E: lindsey.ozbolt@co.kittitas.wa.us

- There are numerous typos/scrivener errors in the draft Development Agreement. Please correct these and provide a word version of this document with your resubmittal

so staff can format the document for Board of County Commissioner review and consideration. **Please see revised Development Agreement.**

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

- Section 3 of the General Provisions item 3.1 states "'Administrator" means the Administrative Official as defined by Kittitas County Code." Staff interprets this to mean the director. Please update this definition of "Administrator" to indicate it can be the Administrative Official or Director as defined by Kittitas County Code. **Please see revised Development Agreement Section 1.2.**
- In numerous places throughout the draft Development Agreement it is stated that commercial uses (services and retail) associated with the RV component of the project are allowed and/or has been approved by Ordinance 2018-006. This is not a correct statement as Kittitas County Code (KCC) Title 17 does not allow for this type of activity in the use tables for the Rural-5 zone (KCC 17.15.060) nor is it allowed in PUDs located outside of an Urban Growth Area (KCC 17.36.020). **However the RV service center is characterized in the Development Agreement, this part of the Marian Meadows development was explicitly approved by the Hearing Examiner (Section 34) and the BOCC Ordinance 2018-006. If County Staff desires these elements to be referenced in another way, please advise how best to do so in the proposed DA. Please see pertinent sections of Ordinance 2018-006 below:**

34.1 "The purpose of rural residential lands are to allow for residential development that has a rural character and a variety of densities without the expectation of all urban services. **While commercial activity is not expected, it's not prohibited.** The project being considered is consistent with the Comprehensive Plan."

34.4 "It is reasonable that this property be developed for the residential development with the amenities of the park and recreational vehicle amenities. The property is relatively flat and is near public services. This property will be developed in some manner. This development has significantly less density than an earlier proposal. **Residential uses with R.V. storage, an R.V. park and campground and an R.V. service center are all appropriate developments for this property.**"

- The single-family large parcel lots (four lots on eastern slope) shall be subject to this development agreement. Additionally, proof of adequate water must be provided prior to the platting of these four lots pursuant to KCC 13.35. Additionally, these four lots are part of the overall PUD which was granted preliminary approval through Ordinance 2018-006 and this property acreage was used in the density calculations for the entire project allowing a total of 89 density units. Therefore, these four lots shall be developed as a phase of the overall PUD and shall not be excluded from the PUD or the Timeline/Phasing document. Please update the draft Development Agreement and associated Exhibits as necessary. **The DA specifically includes these lots (Section 3.3). If you are referring to sec 4.3.2, the HOA or the overall community of Marian**

Meadows will not have the option of approving uses on these lots. We are specifically thinking of a forest practices application or forest management applications. It could involve other applications but they would be subject to County Code. The phasing documents have been updated.

- Please clarify items 4.2(ii) and 4.2(iii) of the draft Development Agreement regarding exactly when the Marian Meadows Owners Association (MMOA) will be formed. It is not clear at what point in the project phasing/timeline the thresholds are anticipated to be met to create and transfer management to the MMOA. **Our vision is 3 separate Associations; a board overseeing the residential application, a board overseeing the RV Complex uses and then a 5-member board comprises of 3 SFR members and 2 RV Complex members to rule over the combined uses. See revised DA Sections 2.4 and Section 5.**
- Kittitas County does not agree with Section 11. Modifications of the draft Development Agreement. If modifications from the approved permits or associated exhibits of this Development Agreement are made and/or approved by the County then the Development Agreement shall also be amended to reflect said modification. **Section removed, please advise if alternate language is preferred.**
- Please list the County Code titles that you intend on vesting to within the draft Development Agreement so it is clear for future staff as this agreement is intended to be valid for 20 years. **See revised DA Section 14.**
- Please list all exhibits at the end of the draft Development Agreement. **See revised DA.**
- Exhibit C of the draft Development Agreement quotes condition 1.2 of Ordinance 2018006, however it is quoted incorrectly. Please update this document so it is quoted as it appears in the signed Ordinance 2018-006. **Correction made.**
- Kittitas County does not agree to the subject property being removed from the IRI designation as the applicant has stated in Exhibit C. Please update this document to reflect that the project is located within the IRI designation and must adhere to all requirements of the Wildland Urban Interface Code as adopted by Kittitas County. **Marian Meadows, while begin designated a rural location, is providing urban services inclusive of Group A or municipal water service inclusive of hydrant access, with automated fire suppression and defensible space around structures. We are seeking a plat wide resignation so that each new lot owner is not required to individually applying for relief to CDS. We are not asking for WUIC compliance waiver, but that CDS consider the relief otherwise available to individual applicants on a group basis; especially give the similarity of circumstances within each potential application.**

ERLC will continue working with staff to address this through the use of Appendix C of the WUI Code as each phase of the project is developed.

- The fire prevention plan submitted as part of Exhibit C is still under review by the Kittitas County Fire Marshal and Building Official. Further comments will be provided as they become available or with the second round of Staff review, whichever occurs first. At this time, the fire prevention plan should be updated to

reflect that the four large single-family lots on the eastern slope are part of the project area and are subject to the fire prevention plan. **The 4 large eastern lots will be governed by all provisions of Kittitas County's WUI Code. Other lots within the project will be addressed within each phase.**

- The Community Standards and Guidelines document provided as Exhibit D is still under review by the Kittitas County Building Official. Further comments will be provided as they become available or with the second round of Staff review, whichever occurs first. At this time, this exhibit should be updated to reflect that the Commercial Forest Setback of 200 feet from property lines abutting lands zoned Commercial Forest shall be adhered to pursuant to KCC 17.57. The northern and eastern boundaries of the Marian Meadows PUD currently abut lands zoned Commercial Forest. **Updated.**
- Exhibit F of the draft Development Agreement discusses the conditions of Ordinance 2018-006 that are either required to be addressed by the agreement or the applicant is choosing to address through the agreement.
 - The applicant is requesting that Condition 40 of Ordinance 2018-006 be reviewed by the BOCC due to the argument that this condition was added without input from the applicant. This condition cannot be altered as the applicant did not file a timely LUPA on Ordinance 2018-006 and the County does not have a process for amending conditions of preliminary approvals.
 - Conditions 41 (**DA Section 5.1**), 45 (**DA Section 5.2**), and 46 of Ordinance 2018-006 were not listed in Exhibit F however they are required to be addressed by the Development Agreement. Please update the draft Development Agreement and Exhibits as necessary to reflect/address these conditions. **Please review the sections cited above. As for Condition 46, if a Development Agreement is not timely finalized, it will not matter whether the draft agreement contemplates this. The Ordinance does not require this to be included and doing so would be redundant and confusing.**
- A Technical Memorandum was provided by the applicant from Raedeke Associates, Inc. regarding condition 4 of Ordinance 2018-006 which states "The non-fish stream mapped at the southern portion of the site shall be reassessed during high spring flows to determine necessary setbacks under KCC 17A.07 to be incorporated into a stormwater management plan". This memo states that the site visited three times: February 27, March 13, and March 20, 2018 at which times the site was covered by snow. Based in part on these site visits, Raedeke determined that the Type N Stream in question does not actually exhibit the characteristic of a stream and that no evidence of evidence of flow was observed. County staff agrees with the Washington State Department of Fish and Wildlife comments that photos should have been included with this memorandum of each site visit to verify what was observed on the ground. Further a site visit must occur during spring high spring flows when snow is not on the ground to accurately assess the Type N Stream in question. The Raedeke Technical Memorandum shall be updated accordingly. Since it is necessary for this update to occur during spring high flows and after snow has melted from the site,

and condition 4 is not required to be met through the development agreement, County staff will not require this to be updated for further processing of the development agreement, however it will be required before condition 4 can be met to allow for any platting/development in the vicinity of the Type N Stream. **A resubmittal will include pictures taken at the time of the testing. See Attachment 1.**

- Easton Water District- Staff has reviewed the draft Development Agreement and the associated Exhibits and finds that the applicant has not sufficiently demonstrated that sufficient water connections and expansion of the Easton Water District Water System has been agreed upon with the District. Mike Gerber, Easton Water District Commissioner submitted a comment letter dated July 22, 2019 stating that Water District Resolution 030904 was repealed by the District on April 11, 2017 by Water District Resolution 041117. This repealed resolution was included with his letter. Additionally, the Washington State Department of Health (DOH) commented on June 24, 2019 that the applicant must confirm connection the existing Easton Water District and submit the design of the extension of the water system to DOH for review and approval. Alternatively, Marian Meadows could apply for their own Group A water system with DOH. Estimated water usage quantities also must be provided to DOH so that the total number of new connections necessary for this development can be determined. A fully signed and executed agreement between Marian Meadows and the Easton Water District is necessary to provide adequate documentation that the project will be provided water or documentation that the applicant holds sufficient water rights and has submitted for a Group A Water System approval with DOH. If an agreement is reached with the Easton Water District it shall be addressed in the draft Development Agreement and associated Exhibits as "Easton Water District (ID #427005). Please update the draft Development Agreement and the associated Exhibits accordingly and provide this additional information. Additionally, the phasing/timeline exhibit shall be updated to include the timeframe anticipated for water system expansion or creation depending on how the property will be served with water. **Please see current correspondence with District and a summary of attempts to reach a consensus with the District.**
- Easton Fire District — Staff has reviewed the draft Development Agreement and the associated Exhibits and finds that the applicant has not sufficiently demonstrated that they have worked with the Easton Fire District to meet condition 1.2 of Ordinance 2018006. There is no documentation demonstrating how the applicant has determined the appropriate mitigation for the impacts to fire district facilities and equipment or if any effort has been made to work with the Fire District to understand their needs. **Please see updated comments.**
- Easton School District — Staff has reviewed the draft Development Agreement and the associated Exhibits and finds that the applicant has not sufficiently demonstrated that they have worked with the Easton School District to meet condition 1.1 of Ordinance 2018-006 and the Settlement Agreement (Easton School District, Easton Ridge Land Company, and Kittitas County) approved on November 30, 2018. There is no documentation provided demonstrating that the applicant has made any effort to contact and engage in negotiations with the Easton School District for adequate mitigation. Further there is no supporting documentation demonstrating how the

proposed \$500 per residential unit (total of 89 units) was determined to be sufficient to mitigate for project impacts to the school district. Patrick Dehuff, Ed.D., Easton School District Superintendent submitted a letter to Kittitas County on July 22, 2019 stating that the proposed monetary mitigation is not sufficient and that the applicant has not contacted to the school district as required and explained above. The applicant must provide documentation regarding negotiations and agreement of appropriate mitigation for the Easton School District to Kittitas County Community Development Services to meet their obligations as outlined in Ordinance 2018-006. Please update the draft Development Agreement and associated Exhibits accordingly. **Please see updated comments.**

Public Works - Mark Cook, PE, Director, P: 509-962-7523, E: mark.cook@co.kittitas.wa.us
(Please see the attached Public Works Memo dated July 23, 2019. Each issue/item identified within this memo must be addressed. Public Works comments have been provided below for convenience.)

- Engineering:
 1. Specify the quantity of campsites and RV sites. **Please see DA Section 4.**
 2. Identify access to Lot 19 on the RV layout Illustration. **Within record Pub. Works Question #6. Attachment 2.**
 3. Pursuant to Ordinance No. 2018-006, Public Works' condition of approval I I .3.9 requires a right-of-way (ROW) with sufficient width to allow for the storage of snow within that space without impacting the travel lanes. **Public ROW is 60" wide plus additional land set aside (1 acre) as snow storage. See engr. Drawings and Attachment 3. A question is ownership of this tract of land: condition #18 requires this to be dedicated Public ROW.**
 4. The second RV Layout Illustration and RV commercial maps show a fire lane of 14'. Fire lane must be 16'. **Acknowledged. Attachments 3 & 4.**
 5. Private roads shall comply with the design requirements of 12.04.070 & 12.04.080 Table 4-4 of the Kittitas County 2015 Road Standards. **See Exhibit D to the Development Agreement and its attachments. We make numerous references that roadway will comply with WADOT and KCC standards.**
 6. The extension off Meadows Way illustrates one access. A second access is required if more than 30 (thirty) lots/units will use the private road per 12.01.095. **Meadow Way is an in-network Kittitas County road way which extends into a round-a-bout where private roads extend from and loop back to. See engineered drawings and Attachment 3.**
 7. The Airport Safety Zone Map is unclear. Provide a legend defining each color. **Attachment 5.**
 8. Phasing is unclear. Clarify the specific phases in numeric order. **The water tank and looped water line will be constructed prior to any final platting. Once these are in place, and with the extension of Meadow Way, differing portion of platting can take place independent of other portions. See Exhibit F to the Development Agreement.**

9. How can the water tank construction be independent of Marian Meadows development as it is a critical part of the development's infrastructure? Please explain. **Marian Meadows is dependent on a water system to be put in place but the water system improvements are needed with or without this plat. Once the water tank and looped water line is in place, each phase/division can be constructed with full services provided it meets KCC.**
10. Define the new commercial and recreational traffic impacts. **This was included within the TENW report; please refer to it for answers.**

- Water:

1. The included materials do not indicate that the conditions identified in Ordinance 2018-006 have been met. Pertinent comments from Ordinance 2018-006 include:
 - a. The Department of Health requires that: Marian Meadows/Easton Water District shall confirm an intended connection to the Easton Water District, and then submit estimated water usage quantities, so that DOH can determine whether the precise number of new connections that are proposed for Marian Meadows can be served by the existing system, or apply for a new Group A Community public water system with the DOH Office of Drinking Water. **Please see water comments.**
 - b. Kittitas County Environmental Health requires that the applicant must provide written documentation from the water purveyor indicating the water district commits the appropriate number of connections for the entire project (made therefore unavailable to any other lots) prior to final signoff. **Please see water comments.**
2. In Exhibit F — Conditions, section 31.4.1 indicates that the Marian Meadows/Easton Water district shall confirm an intended connection to the Easton Water District and then submit estimate water usage quantities. The application is not clear about the estimated water usage quantities, in part because 31.4.1 B ERU analysis is not included (Table 4 from DOH 337066 document is attached, with design flow rates for campgrounds, but the included materials do not clearly identify the quantity of water needed for the RV park and campground, not the RV retail and service. **Please see water comments.**
3. Material provided should also be clear if the application covers the 33 residential units proposed in the application, or the 89 residential units identified in Ordinance 2018-006). Neither is there documentation demonstrating that the Easton Water district is able to provide .connection. The attached certificate of water availability expired on 5/17/2018 and the included Kittitas County Water District No 3 resolution, signed 3/9/2004 is also expired. Documentation supporting the acceptance of the water purveyor for the projects, phasing, and timelines identified in Exhibit E (looped water line and water tank) is needed. **Please see water comments.**

- Survey:

Required Corrections

1. Exhibit 'A' is a listing of Assessor Parcel Numbers, and is NOT a suitable alternative for a legal description of lands. **See revised DA.**

Re-submittal Deadline and Project Status:

All of the comments contained in the record for DV-19-00001 will be considered throughout the review and decision process of this requested action. Please submit your responses to this letter as outlined above by March 2, 2020 pursuant to KCC 15A.03.040.4(g). If additional time is necessary to respond to this first review and request for additional information letter, the applicant may request an extension of time pursuant to KCC 15A.03.040.4(d). Upon receipt of all the necessary amendments and additional information as outlined above by the Community Development Services, the County will conduct an internal second review. At the completion of this second review and letter will be sent indicating whether more information is necessary or that the proposal is ready to go to public hearing before the Board of County Commissioners.

We have scheduled a meeting to discuss this project for September 4, 2019 at 10:00 am in the Community Development Services Conference Room 411 N Ruby St., Ste. 2, Ellensburg, WA 98926. After the conclusion of this meeting, if you have any further questions, please do not hesitate to contact me.

Best regards,



Lindsey Oz Olt
Planning Official

Enclosure — Transmittal of Comments Letter, dated July 31 , 2019

CC: Dan Carlson, AICP, Community Development Services Director	via email
Mark cook, PE, Public Works Director	via email
Mike Flory, Community Development Services Building Official	via email
Pat Nicholson, Kittitas County Fire Marshal	via email



Photo 1. Culvert out fall March 13, 2018



Photo 2. Channel up-slope from culvert March 13, 2018

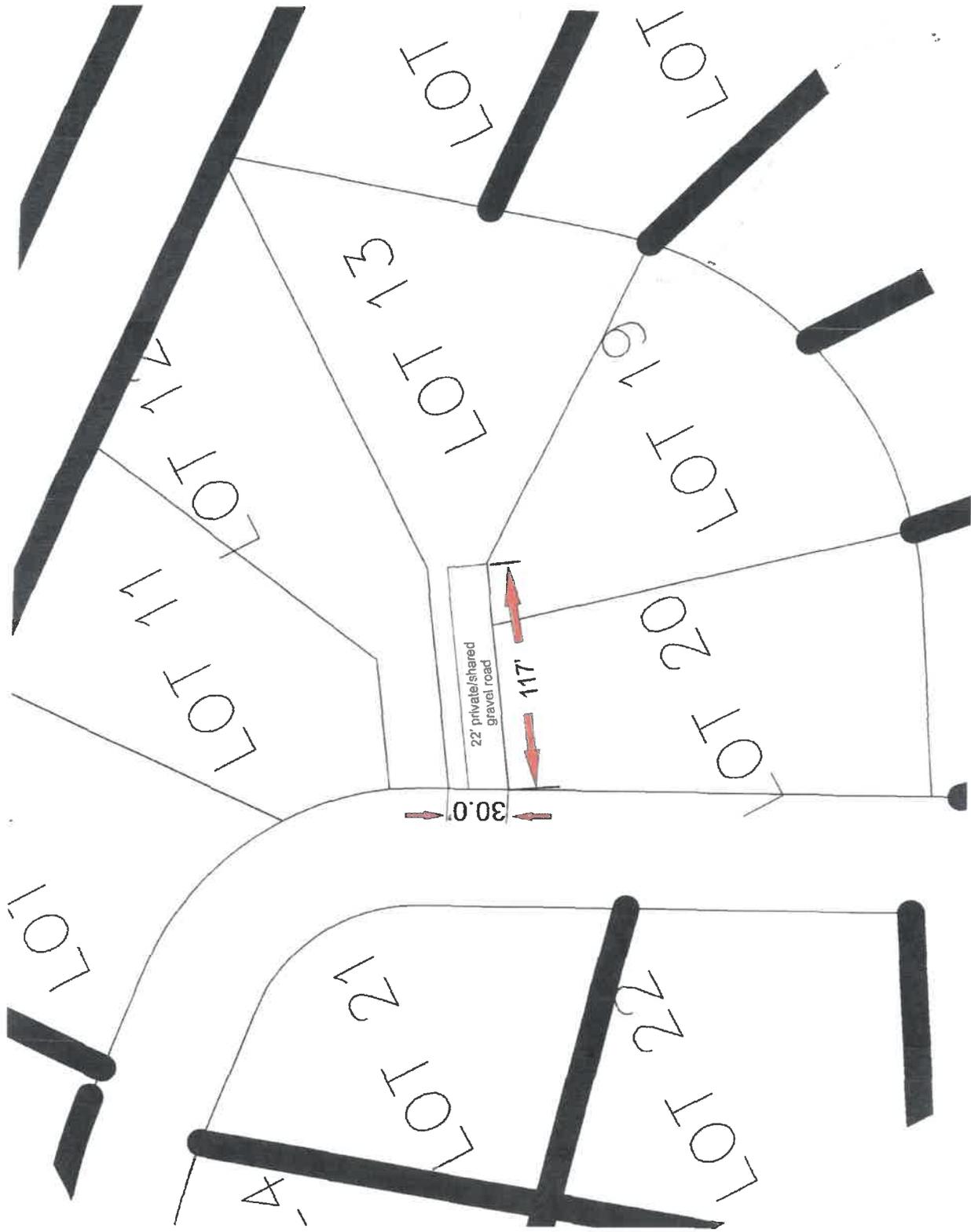


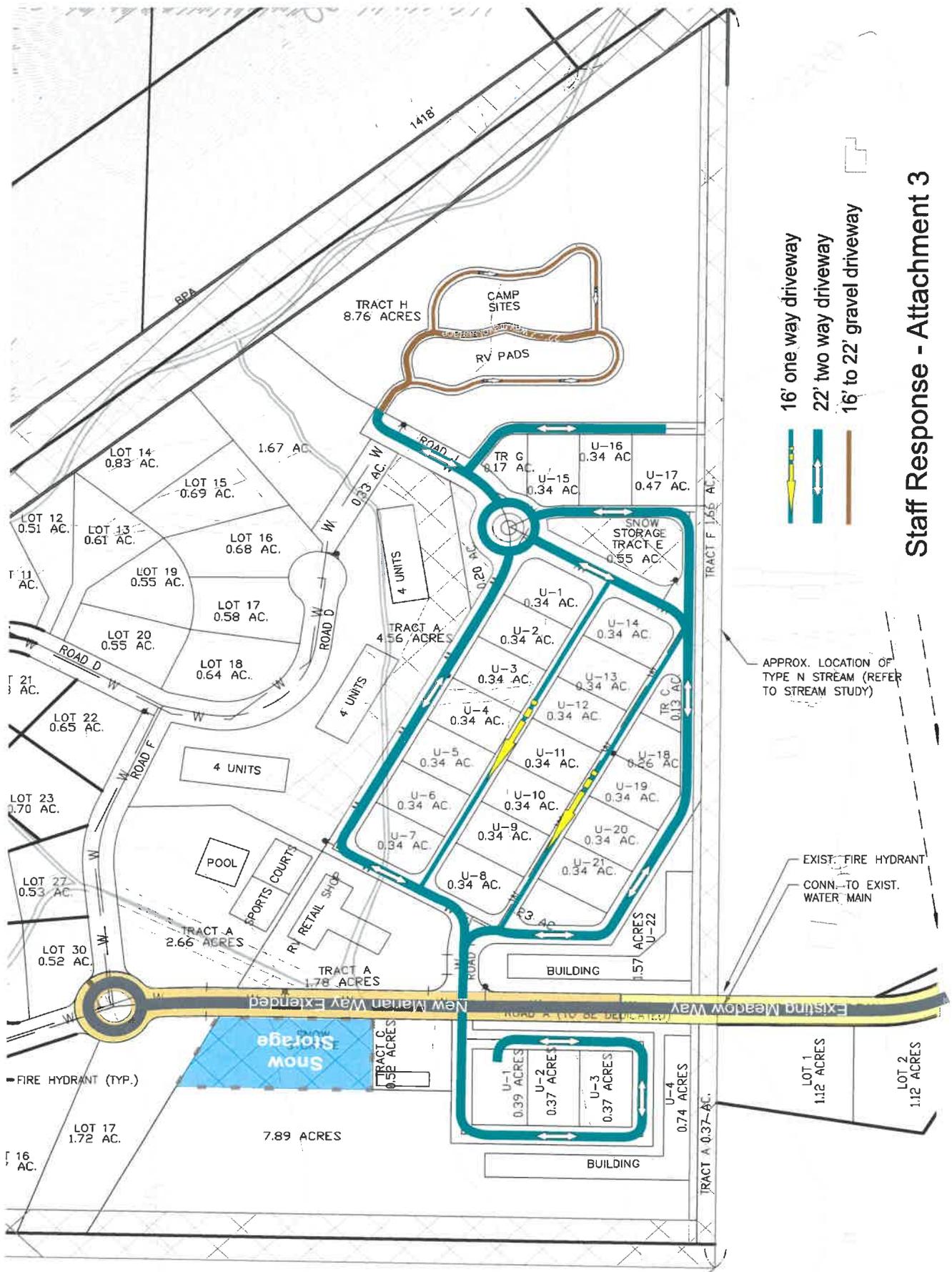
Photo 3. Culvert out fall March 20, 2018



Photo 4. Channel up-slope from culvert March 20, 2018

Photo Plate





- 16' one way driveway
- 22' two way driveway
- 16' to 22' gravel driveway

Staff Response - Attachment 3

APPROX. LOCATION OF TYPE N STREAM (REFER TO STREAM STUDY)

EXIST. FIRE HYDRANT CONN. TO EXIST. WATER MAIN

STRUCTURE (TYP.)





Attachment 4
One way roads

Attached spaces

Attached spaces

**BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON**

RECEIVED
DEC 04 2019
KITITAS CO. CLERK

**RESOLUTION NO. _____
Development Agreement by and between Kittitas County
and
Easton Ridge Land Company, Inc.**

THIS DEVELOPMENT AGREEMENT (“Development Agreement”) is entered into and effective this _____ day of _____, 2019, by and between Kittitas County, a political subdivision of the State of Washington (“County”) and Easton Ridge Land Company, Inc., a corporation organized under the laws of the State of Washington (“Developer”). This Agreement is made pursuant to Revised Code of Washington (“RCW”) 36.70B.170 and Kittitas County Code (“KCC”) Chapter 15A.11.

RECITALS

1. KCC 15A.11 authorizes the execution of a development agreement between the County and a person having ownership or control of real property within its jurisdiction.
2. This Development Agreement by and between Kittitas County and the Developer relates to the development to be known as “Marian Meadows Estates” (or simply, the “Project”).
3. The Developer owns certain real property (the “Property”) consisting of 445.42 acres across 17 parcels, located approximately seven miles northwest of Roslyn in portions of Sections 1 and 12, Township 20, Range 13 E, WM in Kittitas County, bearing Assessor's map numbers 20-13-01000-0012, 20-13-12000-0013, 20-13-01000-0004, 20-13-01000-0013, 20-13-01051-0018, 20-13-01051-0014, 20-13-01051-0015, 20-13-01051-0013, 20-13-01051-0012, 20-13-01051-0008, 20-13-01051-0007, 20-13-01051-0006, 20-13-01051-0002, 20-13-01051-0001, 20-13-01051-0016, 20-13-01000-0011, 20-13-01051-0017.
4. On May 1, 2018, the Board of County Commissioners approved Ordinance 2018-006, granting the Marian Meadows Planned Unit Development (PD-17-00001), Conditional Use Permit (CU-17-00001), and Plat (LP-17-00001) for the Developer to pursue the Project at the site above.
5. KCC 15A.11.020(2) requires a development agreement to set forth the standards and other provisions that shall apply to, govern and vest the development, use and mitigation of the development of real property for the duration specified in the agreement.

6. For the purposes of this Development Agreement, “development standards” includes, but is not limited to all of the standards listed in KCC 15A.11.020(5) and/or as amended by the Marian Meadows Community Standards and Guidelines. **(Exhibit E)**.
7. KCC 15A.11.020(3) requires a development agreement to be consistent with applicable county development regulations, except as such development regulations have been modified by the development standards contained in the agreement.
8. Ordinance 2018-006 requires the Developer to enter this Development Agreement with the County after consideration of (1) compliance with KCC 17.58 Airport Zone and WSDOT Airport Safety Zones, (2) mitigation measures for the addition of 53 new students to the Easton School District, (3) traffic and public infrastructure improvements, (4) mitigation measures for the addition of 89 dwelling units, RV storage, RV park, campground, and other approved commercial uses to Kittitas County Fire District #3, and (5) water availability from Easton Water District.
9. The following events have occurred in the processing of the Developer’s application:
 - a. After due notice, a public hearing was held before the Kittitas County Board of County Commissioners on _____ pursuant to KCC 15A.11.060;
 - b. The Board of County Commissioners voted to approve this Development Agreement on _____.
10. The “Record” supporting the development, creation, approval, or potential appeal of this Development Agreement shall include all records before the Board of County Commissioners in considering Ordinance No. 2018-006, and all records before the Kittitas County Hearing Examiner in considering the approval of the Marian Meadows Planned Unit Development (PD-17-00001), Conditional Use Permit (CU-17-00001), and Plat (LP-17-00001).

AGREEMENT

Now therefore, the parties mutually agree as follows:

General Provisions

Section 1. Definitions and Recitals. As used in this Development Agreement, the following terms, words, or phrases shall have the meaning specified in this Section, unless context otherwise requires. The Recitals to this Development Agreement, together with any headers or introductions thereto and any definitions ascribed therein, are hereby incorporated into and shall constitute a part of this Development Agreement.

1.1. **“Adopting Ordinance”** means the Ordinance that approves this Development Agreement, as required by RCW 36.70B and KCC 15A.11.

1.2. **“Administrator”** means Administrative Official or Director as defined by Kittitas County Code.

1.3. **“Board”** means the Kittitas County Board of County Commissioners.

1.4. **“Certificate of Occupancy”** means either a certificate issued after inspections by the County authorizing a person(s) In possession of property to dwell or otherwise use a specified building or dwelling unit, or the final inspection if a formal certificate is not issued.

1.5. **“Code”** means the Kittitas County Code, as it may be amended from time to time.

1.6. **“Development Period”** means the duration of the Development Agreement.

1.7. **“Existing Land Use Regulations”** means the Kittitas County Code as of May 1, 2018.

1.8. **“Landowner”** shall refer to any owner of the Property, now or in the future as contemplated by the Development Agreement.

1.9. **“Marian Meadows Owners Association” or “MMOA”** means the non-profit organization comprised of a five (5) member governing board, the formation of which will be addressed within the Covenants Conditions & Restriction’s for the Plat of Marian Meadows Estates to be recorded upon final plat of the second residential subdivision.

1.10. **“Property”** means the property subject to this Development Agreement as legally described in **Exhibit A**.

1.11. **“Recreational Vehicle” or “RV”** has the meaning as defined by Kittitas County Code.

1.12. **“Silver Creek Recreational Vehicle Resort” or “SCRVR”** means a subset of Marian Meadows Estates and MMOA providing for ownership of individual recreational vehicle storage areas, with campground spaces and full-service RV pads in support of MMOA as well as the RV condominium complex.

1.12.1. **“RV Park”** shall mean the 15 full-service RV pads for SCRVR owners, with water, electricity and sewage hook-ups.

1.12.2. **“Campground”** shall mean the 12 camping sites for SCRVR owners.

1.12.3. **“RV Storage”** shall mean the 100 storage units for SCRVR owners.

1.12.4. **“RV Service Center”** shall mean the service area for RV owners.

Section 2. The Project. The Project consists of the development and use of 445.42 acres in Kittitas County, more particularly described below. The Project is preliminarily approved

under the Planned Unit Development (PUD) Ordinance (PD 17-00001), Conditional Use Permit (CU-17-00001) and Plat (LP17-0001).

- 2.1 Project Duration.** The Project is anticipated to be phased over a twenty-year (20) period. The Developer will have discretion to determine the order of phasing elements to maximize work around the quarry buffer zone while allowing quarry operations to continue to supply minerals and material to the development. Further information on Project Phasing and Timelines is included in the attached **Exhibit F**.
- 2.2 Supportive Facilities.** The Project will include supportive facilities such as a community center, athletic courts, a pool, solid waste handling facilities, roads, mail collection/distribution facilities and a trail network.
- 2.3 Project Oversight, Operations and Management.** Until oversight, operations and ownership is transferred to MMOA as provided in Section 2.4 below, the Developer shall be responsible for all requirements set forth in this Development Agreement.
- 2.4 Transfer of Oversight, Operations and Ownership to Marian Meadows Ownership Association.** Within thirty days following the end of the Development Period, but in no case later than sixty days after Developer has transferred title to the purchasers of single-family residences representing 75% of the 85 residences (meaning 64) to be included in the MMOA, Developer shall deliver or cause to be delivered to MMOA all community property, oversight, and operations as provided for in Chapter 64.90 RCW, the Washington Uniform Common Interest Ownership Act. Developer reserves the right to deliver the same at any time allowed by law. The MMOA will assume total oversight, control and authority over the developed portion of the Project and work with the Developer until final build out.

Section 3. Residential Development. The Property described in **Exhibit A** will be developed into the Plat of Marian Meadows Estates, an 89-lot residential subdivision over approximately 170 acres, including 73 single-family lots, 12 multi-family townhomes and 4 large residential lots.

- 3.1 Seventy-Three Single-Family Lots.** There will be 73 fee-simple lots of 1/2 acre in size or larger, which will contain one single-family residence and/or assessor unit with or without detached out buildings, a water connection from Easton Water District and an on-site septic system.
- 3.2 Twelve Multi-Family Townhomes.** There will be 12 attached multi-family units for sale, lease or rent. These units may be inclusive of enclosed or open parking structures and will share and support Marian Meadows Estates equal to the single-family uses.
- 3.3 Four Single-Family Large Lots.** There will be 4 large parcels (67-95 acres in size) on the eastern slope of the Project that consist of a single-family residence with associated out-buildings, on-site septic, and may or may not include a water service connection to Easton Water District. These 4 parcels will not be members of the Marian Meadows

Owners Association and will not be subject to rules and/or conditions of MMOA. Use of Marian Meadows Estates community amenities and services shall not extend to these parcels.

Section 4. Silver Creek Recreational Vehicle Resort Development. SCRVR will include 100 RV condominium storage spaces, 12 associated campground pads and 15 full-service RV pads. SCRVR may include an RV service center that provides commercial and service uses. No RV storage unit, campground or RV pad may be developed for residential uses.

- 4.1 One Hundred RV Storage Units.** The RV storage area will be approximately 27.06 acres. Ownership of the 100 storage units within SCRVR is limited to interior storage spaces. Living or staying overnight in an RV condominium unit will be strictly forbidden. RV Storage units may not be rented to, or used by, anyone other than the unit owner.
- 4.2 Campground and RV Park.** The Campground and full-service RV Park will comprise of approximately 7.7 acres. Use of the Campground and RV Park will be limited to storage space owners and their guests. The RV Park will be enclosed within chain-link security type fencing. Any structures within 50' of the south property line will include a solid wall with no openings in order to deflect noise and lights emanating from the Park.
- 4.3 RV Service Center.** Within the oversight of SCRVR will be the implementation and/or operation of an RV Service Center and retail outlet.

Section 5. Marian Meadows Owners Association. The Marian Meadows Owners Association will be comprised of three governing boards. There shall be two five-member boards, one overseeing the residential uses described in Section 3, and one overseeing the Silver Creek Recreational Vehicle Resort uses described in Section 4. A third board shall comprise three members of the former (residential) and two members of the latter (RV) and will oversee the combined uses. Further Community Standards and Guidelines are included in the attached **Exhibit E**.

- 5.1 SCRVR Oversight.** The governing body of SCRVR shall be responsible for ensuring that the RV storage units are not used for human residency, either within the unit or within RVs stored within the units. The SCRVR governing body shall enforce this responsibility by any appropriate means, including but not limited to employing private security, assessing fines for violations and/or incorporating this prohibition in ownership agreements, but at all times SCRVR shall have and maintain an enforcement plan. The Developer shall be responsible until control is transferred to MMOA.
- 5.2 SCRVR Reporting.** For a period of five years, beginning on the first date SCRVR allows member vehicle stays within the RV Park and/or Campground, the governing body of SCRVR shall annually report to the Kittitas County Director of Public Works the total number of member vehicle stays within the RV Park and Campground, with quarterly totals defined as: Q1 (January, February, and March), Q2 (April, May, and June), Q3 (July, August, and September), Q4 (October, November, and December).

Section 6. Mitigation for Impacts to Easton Fire District #3. [The current state of negotiations is included.] *See* attached **Exhibit B**.

Section 7. Mitigation for Impacts to Easton School District. [The current state of negotiations is included.] *See* attached **Exhibit C**.

Section 8. Provision of Water to the Project from Easton Water District. [The current state of negotiations is included.] *See* attached **Exhibit D**.

Section 9. Recording Parties and Successors Bound. As required by KCC 15A.11.050, this Development Agreement shall be recorded with the real property documents of Kittitas County. During the Development Period, the Development Agreement is binding on the parties, their successors and assigns, including any city that assumes jurisdiction through incorporation or annexation of the area covering the Property subject to the Development Agreement. Any such successors and assigns shall assume the title and role of “Developer” in this Development Agreement.

Section 10. Developer Right to Transfer. From time to time, as provided in this Development Agreement, the Developer may sell or otherwise lawfully dispose of all or a portion of the Property to a third-party entity that, unless otherwise released, shall be subject to the applicable provisions of this Development Agreement related to all or such portion of Property as may be conveyed. The Developer shall have the right to sell, assign or transfer this Development Agreement with all their rights, title and interests therein to any person, firm or corporation at any time during the term of this Development Agreement. Developer shall provide the County with written notice of any intent to sell, assign, or transfer all or a portion of the Property sold prior to final plat acceptance, at least 30 days in advance of such action. All rights and obligations of this Development Agreement shall transfer automatically upon conveyance to any third party. In the event of complete conveyance of the entire Property, Developer, and any subsequent successor or assign, shall be automatically released from any obligations under this Development Agreement.

Section 11. Party Addresses for Purposes of Notice. Whenever this Development Agreement requires written notice be given to the Developer or the County, such notice shall be sent to the following address.

Easton Ridge Land Company, Inc.
P O Box 687
Roslyn, WA 98941

Kittitas County
205 W 5th Ave Suite #108,
Ellensburg, WA 98926

Section 12. Project is a Private Undertaking. It is agreed among the parties that the Project is a private development and that the County has no propriety or other interest therein except as

authorized in the exercise of its government functions.

Section 13. Development Period. This Development Agreement shall commence on the effective date of the Adopting Ordinance by the Board of County Commissioners respecting this Development Agreement, and shall continue in force for a period of **Twenty (20) years** unless extended or terminated as provided for herein. Following expiration or earlier termination as provided herein, this Development Agreement shall have no further force and effect, subject however, to post termination obligations of the Developer.

Section 14. Vested Rights of Developer. During the term of this Development Agreement, the Developer is assured, and the County agrees, that the development and use rights, obligations, terms and conditions specified in the Project are fully vested and may not be changed or modified except as may be expressly permitted by, and in accordance with, the terms and conditions of this Development Agreement, or as expressly consented thereto by the Developer.

This includes the following Kittitas County Codes as vested in 2017: Title 14–Buildings and Construction, Title 16–Subdivisions, Title 17–Zoning, Title 15A–Project Permit Application Process.

Section 15. Extension of Preliminary PUD/CUP/Plat Approval. The parties acknowledge that the most efficient and economic development of the Property depends upon numerous factors, such as market orientation and demand, interest rates, competition and similar factors, and that generally it will be most economically beneficial to the ultimate purchaser of the Property to have the rate of development determined by the Developer. The parties agree that the Preliminary PUD, Conditional Use (CUP) and Plat approvals for the development will be in full force and effect for the full term of this Development Agreement as set forth in Section 9, above. The Preliminary PUD/Plat/CUP may be further extended upon request by the Developer and mutual agreement of the parties for an additional period of time as may be requested by the Developer and approved by the County provided that any such amendment or extension shall follow the process established by law for the adoption of a Development Agreement (see RCW 36.70B.200).

Section 16. Permitted Uses and Development Standards. As community infrastructure and urban levels of services are put into place, the permitted uses, the density and intensity of use, the maximum height and size of proposed buildings, provisions for reservation and dedication of land or payment of fees in lieu of dedication for public purposes, the construction, installation and extension of public improvements, development guidelines and standards for development of the Property shall be those set forth in the Project, the permits and approvals identified therein, and all exhibits incorporated therein may be amended by application of Developer and approval by the County.

As the Development is put in place, By-laws and Codes, Covenants and Restrictions will be formulated addressing the implementation of Boards for the overall community, as for the residential uses (single family and townhomes owners) and storage complex (storage owners).

Section 17. Further Discretionary Actions. Developer acknowledges that the Existing Land Use

Regulations contemplate the exercise of further discretionary powers by the County, which powers are to be exercised reasonably and without undue delay or conditions.

Section 18. Existing Land Use Fees. Land use fees adopted by the County by ordinance as of the Effective Date of this Development Agreement may be increased by the County from time to time, and the same may be applicable to permits and approvals for the Property, provided such fees must be otherwise lawful, must be equally applicable and must be applied equally to similar applications and projects within the County.

Section 19. Default.

19.1 Subject to extensions of time by mutual consent in writing, failure or delay by either party or Landowner not released from this Development Agreement to perform any material term or provision of this Development Agreement shall constitute a default. In the event of alleged default or breach of any terms or conditions of this Development Agreement, the party alleging such default or breach shall give the other party or Landowner not less than thirty (30) days' notice in writing, specifying the nature of the alleged default and manner in which said default may be cured. During this thirty (30) day period, the party or Landowner charged shall not be considered in default for purposes of termination or institution of legal proceedings.

19.2 After notice and expiration of the thirty (30) day period, if such default has not been cured or is not being diligently cured in the manner set forth in the notice, the other party to this Development Agreement or Landowner may, at its option, institute legal proceedings pursuant to this Development Agreement. In addition, the county shall be entitled to enforce the Code and to obtain penalties and costs as provided in the Code for violations of this Development Agreement and the Code. Nothing in this Development Agreement is intended to limit the parties' ability to seek and obtain legal remedies except as may be otherwise provided herein.

Section 20. Termination. This Development Agreement shall expire and/or terminate upon the expiration of the term identified in Section 12 or when the Subject Property has been fully developed, whichever ever first occurs, and all of the Developer's obligations in connection therewith are satisfied as determined by the County. Upon termination of this Development Agreement, the County shall record a notice of such termination reciting that the Development Agreement has been terminated. This Development Agreement shall automatically terminate and be of no further force and effect as to any dwelling unit or non-residential building and the lot or parcel upon which such residence or building is located, when the same has been approved by the County for occupancy.

Section 21. Effect of Termination on Developer Obligations. Termination of this Development Agreement as to the Developer of the Property or any portion thereof shall not affect any of the Developers obligations to comply with the County Comprehensive Plan and the terms and conditions of any applicable zoning codes(s) or subdivision map or other land use entitlements approved with respect to the Property, any other conditions of any other development specified in the Development Agreement to continue after the termination of this Development Agreement or obligations to pay assessments, liens, fees or taxes which would

otherwise be applicable and due without regard to the planned development of the Property.

Section 22. Effect of Termination on County. Upon termination of this Development Agreement as to the Developer of the Property, or any portion thereof, the entitlements, conditions of development, limitation on fees and all other terms and conditions of this Development Agreement shall no longer be vested hereby with respect to the property affected by such termination (provided that vesting of such entitlements, conditions or fees may be established for such property pursuant to the existing planning and zoning laws).

Section 23. Covenants Running with the Land. The conditions and covenants set forth in this Development Agreement and incorporated herein by the Exhibits shall run with the land. The Developer, Landowner and every purchaser, assignee or transferee of an interest in the Property, or any portion thereof, shall be obligated and bound by the terms and conditions of this Development Agreement, and shall be the beneficiary thereof and a party hereto, but only with respect to the Property, and only with respect to such portion thereof sold, assigned or transferred to it. Any such purchaser, assignee or transferee shall observe and fully perform all of the duties and obligations of a Developer contained in this Development Agreement, as such duties and obligations pertain to that portion of the Subject Property sold, assigned or transferred to it.

Section 24. Amendments to Development Agreement: Effect of Development Agreement on Future Actions. This Development Agreement may be amended or extended by of the Board of County Commissioners, provided that any such amendment shall follow the process established by law for the adoption of a development agreement (see RCW 36.708.200). However, nothing in this Development Agreement shall prevent the County from making any amendment to its Comprehensive Plan, Zoning code, Official Zoning Map or development regulations affecting the Property during the next 20 years, as the County may deem necessary to the extent required by a serious threat to the public health and safety.

Section 25. Notices. Any notice, demand, or correspondence under this Agreement shall be deemed sufficient if deposited at least three days prior to the notice date by pre-paid first-class U.S. mail to the addresses of the parties as designated in Section 10. Notice to the County shall be to the attention of the Director of Community Development Services and the Chairman of the Board of County Commissioners. Notices to subsequent Landowners shall be required to be given by the County only for those Landowners who have given the County written notice of their address for such notice. The parties hereto may, from time to time, advise the other of new addresses for such notices, demands or correspondence.

Section 26. Reimbursement for Development Agreement Expenses of the County. Developer agrees to reimburse the County for actual expenses incurred over and above fees paid by the Developer as an applicant incurred by the County directly relating to this Development Agreement, including recording fees, publishing fees and reasonable staff and consultant costs not otherwise included within application fees. This Development Agreement shall not take effect until the fees provided for in this section, as well as any processing fees owed by to the County for the Project are paid to the County. Upon payment of all out-of-pocket expenses, the Developer may request written acknowledgement of all fees. All fees shall be paid, at the latest, within ninety (90) days from the County presentation of a written statement of charges to the

developer, upon payment of which Developer shall owe no further amounts to County with respect to or relating to this Development Agreement.

Section 27. Applicable Law and Attorneys' Fees. This Development Agreement shall be construed and enforced in accordance with the laws of the State of Washington. If litigation is initiated to enforce the terms of this Development Agreement, the prevailing party shall be entitled to recover its reasonable attorney's fees and costs from the non-prevailing party. Venue shall be as provided for under RCW 36.01.050.

Section 28. Specific Performance. The parties specifically agree that damages are not an adequate remedy for breach of this Development Agreement, and that the parties are entitled to compel specific performance of all material terms of this Development Agreement by any party in default hereof.

Section 29. Severability. If any term, provision, covenant or condition of this Agreement should be held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of this Development Agreement shall continue in full force and effect and shall in no way be affected, impaired or invalidated thereby.

Section 30. Construction. In the event of a dispute between the parties as to the meaning of terms, phrases or specific provisions of this Development Agreement, the authorship of this Development Agreement shall not be cause for this Development Agreement to be construed against any party nor in favor of any party.

Exhibits–Included details and documentation.

- A. Legal Description of Property Subject to this Development Agreement
- B. Mitigation for Impacts to Easton Fire District #3
 - 1. Marian Meadows Fire Prevention Plan
 - 2. Fire Marshal Preliminary Input
 - 3. Water District Resolution
 - 4. Fire District Boundary Map
 - 5. RCW 82.02.100
- C. Mitigation for Impacts to Easton School District
 - 1. Easton Ridge Land Co. Response to District Comments
 - 2. Analysis of Housing in School District
 - 3. Email Regarding School District Growth
 - 4. OPSI Attendance Record
 - 5. School District Boundaries
 - 6. Comments from Tom Campbell
- D. Provision of Water from Easton Water District
- E. Community Standards and Guidelines
 - 1. Housing Illustrations
 - 2. RV Unit Elevations
 - 3. RV Unit Layout
 - 4. Airport Safety Zone Illustration
- F. Project Phasing and Timelines

IN WITNESS WHEREOF, the parties hereto have caused this Development Agreement to be executed as of the dates set forth below:

OWNER / DEVELOPER:

Easton Ridge Land Company, Inc.

By _____
Douglas W. Weis, President

State of Washington)
)
County of Kittitas)

I certify that I know or have satisfactory evidence that _____ signed this instrument, on oath that he was authorized to execute the instrument and acknowledged it as the President of Easton Ridge Land Company, Inc, or assigns, to be free and voluntary act of such party for and purposes mentioned in this instrument.

Dated: _____, 20 ____.

Notary Public
Residing at _____
My Commission Expires _____

KITTITAS COUNTY BOARD OF COUNTY COMMISSIONERS:

Passed by the Board of County Commissioners in regular session at Ellensburg, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passages this ____ day of _____, 20____.

Yea	Nay	Abstain	BOARD OF COUNTY COMMISSIONERS KITTITAS COUNTY, WASHINGTON
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ Laura Osiadacz, Chair
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ Cory Wright, Member
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ Brent Wachsmith, Vice-Chair

ATTEST:

Candie Leader
Clerk of the Board

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 1:

LOT A OF THAT CERTAIN SURVEY RECORDED MARCH 20, 2013, IN BOOK 38 OF SURVEYS, PAGE 172 AND 173, UNDER AUDITOR'S FILE NO. 201303200038, RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON; BEING A PORTION OF THE EAST HALF OF SECTION 1 AND A PORTION OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 20 NORTH, RANGE 13 EAST, W.M., KITTITAS COUNTY, STATE OF WASHINGTON.

PARCEL 2:

LOTS 8, 9 AND 11 OF THAT CERTAIN SURVEY RECORDED APRIL 5, 2006, IN BOOK 32 OF SURVEYS, PAGE 125, UNDER AUDITOR'S FILE NO. 200604050035, RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON; BEING SECTION 1 AND A PORTION OF SECTION 12, TOWNSHIP 20 NORTH, RANGE 13 EAST, W.M., KITTITAS COUNTY, STATE OF WASHINGTON.

PARCEL 3:

LOT A, B, F, G, H, M, N, P, Q, R, S AND T OF EASTON RIDGE LARGE LOT SUBDIVISION 09-00001, ACCORDING TO THE PLAT RECORDED IN VOLUME 11 OF PLATS AT PAGE(S) 230 AND 231, RECORDS OF KITTITAS COUNTY, WASHINGTON.

Marian Meadows Fire Related Elements

The Following Conditions were identified within the approvals for Marian Meadows Estates

NOW THEREFORE, BE IT HEREBY ORDAINED the Board of County Commissioners of Kittitas County, Washington, after due deliberation of all of the facts and in the best interest of the public, does hereby approve said zone change from Rural-5 to Planned Unit Development, conditional use permit, and plat subject to the following conditions:

- 1) The applicant shall enter into a development agreement with Kittitas County to provide a proportionate share of mitigation for impacts to Easton School District and Kittitas County Fire District #3 as follows:
 - 1.2 Kittitas County Fire District #3: Mitigation shall be provided for the impacts to fire district facilities and equipment based on 89 dwelling units, RV storage, RV park, campground, or other approved commercial uses.

All single family, multi-family, and RV Storage units will include automatic fire suppression (sprinklers). This will exclude community outbuildings, detached single-family residence garages, detached multi-family parking structures and the 4 large parcel homes east of the BPA distribution lines. ERLC would like to make reference to RCW 82.02.100 as it pertains to fire mitigation.

Achieving the above will include improvements to Easton Water District #3, to not only support the added new development, but also for needed upgrades to district wide capital facilities. Upgrades will be inclusive of cost for the looping and cross connections of water district distributions lines, and is inclusive of providing land and facilities for a new district water storage tank sized to meet the needs of the development and district future, and for funding and assistance (see District Resolutions # 030796-2- Exhibit B(3)).

The Marian Meadows Development will be inclusive of fire hydrant placement as required by the Easton Water District and Kittitas County Fire Marshall (see attached Exhibit B(2)). These improvements will address current fire flow issues within the district and provides all landowners within the District water service area with improved water services.

Automatic fire suppression will not be required in community outbuildings like bathroom facilities, pool support buildings, recycling, solid waste or mail distribution buildings or single family/multifamily detached garages.

The development of Marian Meadows will also comply with criteria and conditions delineated by the Kittitas County Fire Marshall as it pertains to fire flow, water storage and system requirements. These will be inclusive of the following:

- Residential- Townhouses 3601 sq feet and greater with automatic sprinklers = 1 hour flow duration and 1000 Gallons Per Minute. This is considering a Type V wood-frame construction.

Exhibit B – Fire Mitigation
Marian Meadows

- The larger RV storage appears to be a Type IIIA ordinary construction – 20,000 sq ft = 2000 x 0.25 (Sprinklers) = 500. (Cannot reduce less than 1000 GPM per IFC). The fire flow would be 1000 GPM for 2 hour flow duration.
- **1000 GPM flow rate for 2 hours or 120,000 total water needed for fire suppression.**
- In reference to your hydrant questions, IFC 507.5.1 **allows maximum spacing of 600 feet for the hydrants**, since the buildings will be sprinkled. The RV storage building should have a hydrant within 600 feet of it.

As each phase of Marian Meadows is platted, ERLC and/or assigns will work with and apply to Kittitas County for redesignation of lot classifications within the Wildland Urban Interface Code using Appendix C of the Code. The redesignation will be noted on the plat and apply to all denoted lots within the final platting. This planning excludes the 4 large lot tracts residing east of the BPA Powerlines.

With the approval of Marian Meadows, the Fire District's tax base will increase by upwards of \$50 million at buildout. Immediate valuation increases will come with platted lots and as homes are built.

The Community will use rural area Firewise and Kittitas County Wildland Urban Interface guidelines.

- 30.2.1 A Fire Management Plan as approved by the Kittitas County Fire Marshal shall be developed and implemented. *The Plat of Marian Meadows Estates will include and enforce the attached Marian Meadows Fire Prevention Plan. This will be included within recorded CC&R's for the plat. Exhibit B(1)*
- 30.2.2 Fire hydrants shall be included as per fire district design standards. *Automatic fire suppression and fire hydrant spacing will be in accordance with Easton Water District and Kittitas County Fire Marshall. Exhibit B(2)*
- 30.2.3 Development shall comply with KCC Title 20 Fire and Life Safety, including the International WUI Code defensible space requirements. *With the inclusion of automatic fire suppression, upgrades to the Easton Water District and urban level of water availability, which Marian Meadows will provide, it is currently anticipated that Marian Meadows will apply for exemption from WUI in phases, with the exception of the 4 large lot tracts east of the BPA distribution lines.*
- 30.2.4 Non-combustible areas immediately adjacent to buildings shall be required. *Included provision within the Development's CC&R's and Fire Prevention Plan will address this. Guidelines will be in accordance with Firewise and WUI codes.*
- 30.2.5 The FEIS identified additional equipment to mitigate Fire and Medical Response impacts associated with the project. Project contribution to these measures is identified in the FEIS. Such contributions can be made a condition of a Development Agreement, with amounts identified appropriate to the 89 unit current proposal. The applicant shall contact the Kittitas County Fire District #3 to determine appropriate mitigation measures. Mitigation measures shall be included in the development agreement. *The FEIS was written to address a number of differing density scenarios/tenured conditions with recommendations addressing densities upward of 440 plus units. The revised Marian Meadows plat as noted is for a fraction of this density. Please see answer to section 1.2 above as it pertains to mitigation.*

The Plat of Marian Meadows Estates

Fire Prevention Plan

Date:

Prepared By:

This Plan is provided as a guideline for the Plat of Marian Meadows Estates for the implementation of fire related issues which will need to be addressed by the immediate community. It is written for compliance with the requirements of the Occupational Safety and Health Administration's (OSHA) Fire Prevention Plan Standard, 29 Code of Federal Regulations (CFR) 1910.9 as well as supplementing information from the Kittitas County Wildfire Protection Plan (CWFPP).

The purpose of this plan is to adopt protective measures for use within the community and provide for education and awareness of fire related hazards to the community. Through the setting of community education and standards for construction and uses, the impacts of wild land fires in and around the community can be marginalized on both how external fires affect this community and how this community impacts adjacent commercial resource lands.

Fire Prevention Plan Table of Contents

- I. Objective
- II. Background
- III. Assignment of Responsibility
- IV. Plan Implementation
 - A. Good Housekeeping
 - B. Education and Awareness
- V. Types of Hazards
- VI. Program Review

**Community Fire
Prevention Plan for**

Date

The Plat of Marian Meadows

I. OBJECTIVE

The purpose of this Fire Prevention Plan is to identify and manage the:

- causes of fire,
- prevent loss of life and property by fire,
- provide community standards for fire prevention,
- educate community inhabitants on habits and practices as they related to fire issues and as they apply and comply with the Occupational Safety and Health Administration's (OSHA) standard on fire prevention, 29 CFR 1910.39 and CWFPP. It provides Marian Meadows residents with information and guidelines that will assist them in recognizing, reporting, and controlling fire hazards.

II. BACKGROUND

The Plat of Marian Meadows is committed to minimizing the threat of fire to residents, staff, visitors, and property. Marian Meadows Estates complies with all applicable laws, regulations, codes, and good practices pertaining to fire prevention. Marian Meadows Estate separate Emergency Action Plan spells out the procedures for responding to fires and other uncontrollable event. Within this plan, measures will address fire related risks to the community from landscape and foliage growth, management and control of community buffers and commonly held parcels, BPA Distribution and Transmission activity and other pertinent elements in and around the community. This Fire Prevention Plan serves to reduce the risk of fires within the community and raise awareness in the following ways:

- A. provides for community layout and design standards to ensure fire protection personnel and equipment access to all vertical construction within the plat,
- B. provides design standards to meet the Wildland Urban Interface code as adopted by Kittitas County on 4/17/2018,
- C. will maintain a Firewise community,
- D. will promote information and education of community residents on fire prevention methods,
- E. will work with Easton Fire District #3 toward a fire conscience community,
 - which identifies materials that are potential fire hazards and their proper handling and storage procedures;

- distinguishes potential ignition sources and the proper control procedures of those materials;
 - works with the District maintenance of fire protection equipment and/or systems used to control fire hazards;
 - identifies persons responsible for maintaining the equipment and systems installed to prevent or control ignition of fires;
- F. promotes good housekeeping procedures necessary to insure the control of accumulated flammable and combustible foliage and waste material and residues to avoid a fire emergency.

III. ASSIGNMENT OF RESPONSIBILITY

Fire safety is everyone's responsibility. All residents should know how to prevent and respond to fires and are responsible for adhering to community policy regarding fire emergencies. The management and oversight of the Marian Meadow Fire Protection plan will be a function of the Marian Meadows Home and Storage Owners Association (MMHSOA).

A. Management - MMHSOA

MMHSOA determines the Community Fire Prevention and protection policies are in place to provide adequate controls for a fire safe community. MMHSOA will provide adequate resources to encourage fire prevention and the safest possible response in the event of a fire emergency. The MMHSOA will work with Easton Fire District #3 toward maintaining the elements as outlined within this Plan.

B. Plan Administrator

The Chairman (Plan Administrator) of the MMHSOA has the authority to manage the Fire Prevention Plan for **The Plat of Marian Meadows** as directed by the Board and shall maintain all records pertaining to the plan. The Plan Administrator shall also:

1. Develop and administer the Marian Meadows fire prevention education program.
2. Ensure that fire control equipment and systems are properly maintained.
3. Control fuel source hazards.
4. Conduct fire risk surveys (see Appendix A) and make recommendations.

C. Supervisors

Supervisors are responsible for ensuring that residents receive appropriate fire safety information, and for notifying community residents when changes in operation or conditions increase the risk of fire. Supervisors are also responsible for enforcing **Marian Meadows** fire prevention and protection policies.

IV. PLAN IMPLEMENTATION

A. Good Housekeeping and Practices

To limit the risk of fires, residents shall take the following precautions:

1. Design and construct dwelling to conform to KCWUI standards,
2. Maintain community and private their property to Firewise standards,
3. Minimize the storage of combustibile materials. Limited the outside storage of combustibile material, debris or unmanaged undergrowth, foliage or ground cover.
3. Make sure that community owned doors, hallways, stairs, and other exit routes are kept free of obstructions.
4. Properly dispose of combustibile materials in appropriate containers.
5. Use and store flammable materials in well-ventilated areas away from ignition sources.
7. Keep incompatible (i.e., chemically reactive) substances away from each other.
8. Perform “hot activities” (i.e., welding, working with an open flame, exterior burning or other ignition sources) in controlled and well-ventilated areas.
9. Report all gas leaks immediately.
11. Maintain individually owned property free of undergrowth and limit fire impacts to or on adjacent parcels.

Marian Meadows Home and Storage Owners Assoc. (MMHSOA) will ensure that:

- community fire hydrants, roadways and egress routes are maintained and kept clear,
- gates to community property and access route are properly functioning,
- community property is maintained and operating satisfactory, portable fire extinguishers, automatic sprinkler systems, and fixed extinguishing systems are kept in order,
- Community lands, buffers and operating systems are maintained and operational and free of combustion related sources,
- Will monitor adjacent areas as it pertains to fire related issues,

All equipment and parcels owned or managed by MMHSOA is subject to the maintenance, inspection, and testing procedures.

B. Education and Awareness

- Provide community-based informational postings, mailings and communications regarding fire related issues.
- Working with the Local fire department and personnel toward fire awareness education.

- Provide outreach on recycling, solid waste handling and the proper means of waste disposal.

V. TYPES OF HAZARDS

The following sections address major community fire hazards within Marian Meadows Estates and the facilities under control of the MMHSOA and the procedures for controlling the hazards.

- A. **Electrical Fire Hazards**- Electrical distribution system within and serving the community and the maintenance and operations of systems, buildings and property under community and private ownership are kept in proper working order and protocols are in place addressing operations and maintenance.
- B. **The use of open flames**, fire pits or any other ignition source will be monitored and maintained both as it pertains to community lands as well as impact of private ownership in an around the community. Guidelines and proper care will be addressed on a community wide basis toward the control of open burning, times that open burning can be used and methods or controls for the use of open burning.
- D. **Flammable and Combustible Material storage** and handling within the community. Proper care and oversight will be administered for the operations of the community solid waste and recycling facility.

MMHSOA shall regularly evaluate the presence of combustible materials handling within the Community and monitor and assess those areas adjacent to the community for fire related issues.

VI. Program Purpose

This programs purpose is to provide written guidance for the implementation of a community wide fire awareness, education and prevention plan. The most effective means for a fire aware community is through education and vigilance. This include proper;

- maintenance of community and private property,
- monitoring and addressing foliage growth throughout the year,
- maintaining access to fire hydrants and fire suppression equipment at all times and will include measures to keep hydrants accessible during the winter,
- fire communication and noticing,

An active and on-going plan will include evacuation planning, ingress-egress routes and all related elements of fire awareness. This plan should be implemented in conjunction with an Emergency Action Plan and a Landscape and Foliage Program to monitor and access the risk to life and property by under managed natural growth and ground cover.

This plan will be reviewed and updated every 3 years by the MMHSOA.

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Jerry,

Based on the information that you have provided me I have estimated that the minimum fire flow would be:

Residential Townhouses 3601 sq feet and greater with automatic sprinklers = 1 hour flow duration and 1000 Gallons Per Minute. This is considering a Type V wood-frame construction.

The larger RV storage appears to be a Type IIIA ordinary construction – 20,000 sq ft = 2000 x 0.25 (Sprinklers) = 500. (Cannot reduce less than 1000 GPM per IFC). The fire flow would be 1000 GPM for 2 hour flow duration.

1000 GPM flow rate for 2 hours or 120,000 total water needed for fire suppression.

In reference to your hydrant questions, IFC 507.5.1 allows maximum spacing of 600 feet for the hydrants, since the buildings will be sprinkled. The RV storage building should have a hydrant within 600 feet of it.

Thanks,



Patrick Nicholson

Fire Marshal

Kittitas County
411 N Ruby ST, Suite 2
Ellensburg WA 98926

(509) 899-3554 (Cell)

(509)962-7000 (Office)

pat.nicholson@co.kittitas.wa.us

KITTITAS COUNTY WATER DISTRICT NO. 3

RESOLUTION NO.

A RESOLUTION adopting a special connection charge for parcels located within Sec. 1, T20N., R13E., W.M., Kittitas Co., WA, an amending, in part, Resolution No. 030796-2, subject to certain conditions.

WHEREAS, by Resolution No. 030796-2, the Board of Commissioners of the District adopted a general facility connection charge in accordance with RCW 57.08.005(10) in the amount of \$2,260 per residence or residential equivalent;

WHEREAS, the Easton Ridge Land Company ("Developer") is in the process of developing almost all of Section 1, Township 20 North, Range 13 East, W.M., of Kittitas County, Washington (the "Easton Ridge Property") into residential lots and has expended substantial sums to transfer a Northern Pacific Railroad Water Right to the District, to change points of withdrawal of two other District water rights and to change the area of use of all District water rights to include the Easton Ridge Property; and the Developer has also expended substantial sums to update the District's water system comprehensive plan for which the District was required to do regardless of whether the Easton Ridge Property was developed;

WHEREAS, in the course of developing the first forty lots of the Easton Ridge Property, the District will require the Developer to install a 100,000 gallon water reservoir within such property at the same elevation as the District's existing reservoir on Cabin Creek Road and install an eight inch water main connecting the Easton Ridge Property to an existing District water main on Cross Country Drive; and, upon commencement of the second division of the Easton Ridge Property (beginning with the forty-first lot), the District will require the Developer to install a water main loop from the new reservoir to an existing District water main on Sparks Road near the Southwest corner of the Easton Ridge Property;

WHEREAS, portions of the foregoing work will benefit the entire District and have been determined by the Board of Commissioners to constitute general facilities of the District; and the cost of such work has been identified by the Developer as

\$43,000 for the cost of the water right changes and water system comprehensive plan, and the cost of the tank as \$63,000; and the Board of Commissioners has determined that the Developer is entitled to fully recover the costs incurred in preparing and obtaining approval of the aforementioned water right changes and water system comprehensive plan update and one-half of the costs of the water reservoir;

WHEREAS, the District and the Developer have negotiated an understanding whereby, instead of entering into an agreement which would allow the Developer to be reimbursed for an appropriate share of the costs of general facilities from connection charges received by the District, the District would adopt a special connection charge for lots within the Easton Ridge Property that would take into account the Developer's contributions to the District's general facilities; and such understanding is set forth in a letter dated January 27, 2004, from Allen Lang of Eastside Consultants, Inc. to Jonson & Jonson, P.S., the District's legal counsel. Now, therefore,

BE IT RESOLVED that, based on the foregoing recitals, the Board of Commissioners hereby finds and determines that the sum of \$1,760.00 is a fair and equitable general facilities connection charge for the first 150 residences to be built in the Easton Ridge Development, and does hereby adopt a special connection charge of \$1,760.00 per single family residence or equivalent applicable to the first 150 residences or residential equivalents constructed within the Easton Ridge Property; and thereafter the District's regular connection charge shall apply, provided, however, such reduced connection charge shall be conditioned upon Developer's completion, in a good and workman like manner and in accordance with District standards, of the reservoir and water line facilities described in the above recitals and the conveyance of those facilities along with a warranty deed for the reservoir site and easements for the water lines to District at no charge; and

BE IT RESOLVED FURTHER that, District Resolution No. 030796-2 shall remain in full force and effect except for the first 150 residences or residential equivalents built within the Easton Ridge Property; and

BE IT RESOLVED FURTHER that, in the event the Board of Commissioners further amends or supercedes Resolution No. 030796-2 by increasing or decreasing the District's general facility connection charges, then the general facility connection charge payable by the first 150 residences or residential equivalents constructed in the Easton Ridge Property shall be \$500.00 less than the regular amount; and

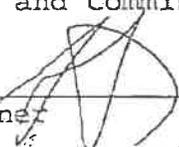
BE IT RESOLVED FURTHER that the District hereby incorporates into its costs basis for general facilities the amount of \$43,000 for the cost of the aforementioned water rights changes and the 2004 water system comprehensive plan amendment and \$31,950 for one-half of the cost of the water reservoir to be constructed by the Developer on the Easton Ridge Property; and

BE IT RESOLVED FURTHER, that the President of the District is hereby authorized and directed to negotiate and execute an agreement with Developer on behalf of the District setting forth the above terms and conditions.

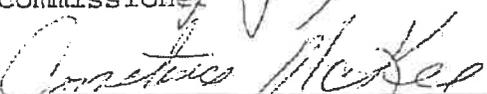
PASSED BY THE BOARD OF COMMISSIONERS OF KITTITAS COUNTY WATER DISTRICT NO. 3, at Easton, Washington, at its regular meeting held 3-09, 2004.



President and Commissioner



Commissioner



Commissioner

ATTEST:


Secretary ~~and Commissioner~~

Boundary Review Board of Kittitas County
411 North Ruby Street, Suite 2, Ellensburg, WA 98926 - Phone (509) 962-7506 - Fax (509) 962-7682

MEMO

TO: FIRE MARSHAL
CODE ENFORCEMENT
ASSESSOR'S OFFICE
BOARD OF COUNTY COMMISSIONERS
COMMUNITY DEVELOPMENT SERVICES
ELECTIONS – AUDITOR'S OFFICE
ENVIRONMENTAL HEALTH
GIS
FIRE DISTRICT #3
PUBLIC WORKS DEPARTMENT
SHERIFF'S OFFICE
PROSECUTOR'S OFFICE
TREASURER
NOXIOUS WEED
SOLID WASTE
KITTCOM
KITTITAS COUNTY WATER DISTRICT #3

FROM: Lindsay Watkins, Chief Clerk

DATE: March 19, 2008

RE: Section 1 and a portion of Section 12 Annexation

Attached is a final ordinance from Water District #3, Washington annexing certain real properties commonly known as the Section 1 and a portion of Section 12 Annexation. Please find the legal description and map included with the ordinance. This annexation has been filed with the Kittitas County Auditor's Office File # 200803110036.

TREASURER'S USE ONLY	RECORDER'S USE ONLY
	<p>03/11/2008 03:29:34 PM 200803110036</p> <p>\$46.00 Resolution ENCOMPASS Kittitas County Auditor Page 1 of 6</p> 

Return To: CDS - TRUDIE PETTIT
Kittitas County

AUDITORS NOTE Portions of this document poor quality for imaging

Kittitas County Auditor/Recorder's Indexing Form

Please Print Or Type All Information

A. Document Titles (or transactions contained therein):

1. RESOLUTION 07-10-07-09
 2. _____

B. Grantor (last name, first name, middle initial):

1. Kittitas County WATER DISTRICT #3
 2. _____

Additional grantors on page ___ of document.

C. Grantee (last name, first name, middle initial):

1. POBUC
 2. _____

Additional grantees on page ___ of document.

D. Legal description (lot, block, plat or section, township, range):

 Additional legal description on page ___ of document.

E. Assessor's property tax parcel/account number(s):

F. Reference numbers of documents assigned or released:

ANNEXATION

Additional references on page ___ of document.

The auditor or recording officer will rely on the information provided on this form. The staff will not read the document to verify the accuracy of or the completeness of the indexing information provided herein.

Portions of this document ARE NOT ORIGINALS
 3/11/08 

Boundary Review Board of Kittitas County

411 North Ruby Street, Suite 2, Ellensburg, WA 98926 - Phone (509) 962-7506 - Fax (509) 962-7682

Certification of Expiration of 45-Day Period

I hereby certify that more than 45 days have elapsed since the following described Notice of Intention was filed with the Washington State Boundary Review Board for Kittitas County and that at no time during said period was a Request for Review filed with the Board. The proposed action is hereby approved as provided in RCW 36.93.100.

FILE NUMBER: BRB 07-08 Section 1 and a portion of Section 12 Annexation

INITIATOR: Kittitas County Water District #3

ACTION SOUGHT: Annexation

DATE FILED: October 18, 2007

45-DAY PERIOD ENDS: December 3, 2007

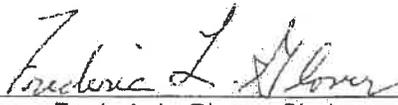
LEGAL DESCRIPTION: The following described lands situated in Kittitas County, State of Washington described as real property into the Kittitas County Water District #3:

(See attached description)

TIME LIMIT: The action proposed in the Notice of Intention must be officially consummated on or before December 3, 2010 or the approval, as defined in this document, shall be null and void.

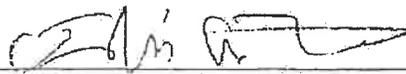
DATED:

1/17/08



Frederic L. Glover, Chair

ATTEST:



Trudie Pettit, Chief Clerk

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Resolution ENCOMPASS
Kittitas County Auditor

200803110036
Page 2 of 6



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Kittitas County Auditor

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Page 3 of 5



KITTITAS COUNTY WATER DISTRICT NO. 3
RESOLUTION NO.

07-10-07-09

A RESOLUTION approving annexation of area of land contiguous with the District boundaries, being a portion of Sections 1 and 12, Township 20N, Range 13E W.M., Kittitas County, Washington.

WHEREAS the Board of Commissioners heretofore adopted Resolution No 06-12-07-12 entertaining a petition for annexation of an area of land contiguous to the District, being a portion of Sections 1 and 12, Township 20N, Range 13E, W.M., and fixed the time and the place for hearing thereon; and notice of the adoption of said resolution and of said time and place of hearing was duly and regularly published and posted in the manner provided by law; and said hearing was duly called and regularly held on July 10, 2007, at 8:30 o'clock a.m., at the Easton School, Easton, Kittitas County Washington; and all interested parties having had an opportunity to be heard, and no one did appear; and

WHEREAS pursuant to the State Environmental Policy Act (SEPA) an environmental checklist and proposed determination of environmental non-significance (DNS) were prepared and circulated to affected agencies, tribes and other parties and notice of the proposed DNS was published as required by law; and comments regarding the proposed annexation and DNS consisting of a letter to the Board of Commissioners dated July 9, 2007 from Attorney Jon H. F. Ufkes were reviewed; and

WHEREAS the Board of Commissioners concur that the DNS is appropriate for this annexation because the development of the proposed annexation area is subject to separate proceedings under SEPA and the SEPA analysis for this annexation is only intended

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\$46.00
Resolution ENCOMPASS
Kittitas County Auditor



to evaluate the impacts of the District's annexation; and the area is within the District's retail water service area and under RCW 43.20.260, the District is already obligated to serve the area and the annexation will not impact the District's obligation or authority to extend water mains and appurtenances to the annexation area; and annexation of the area will entitle the residents to vote for District commissioners and run for office; and based on the foregoing, the Commissioners concur that the DNS is appropriate under the circumstances; and

WHEREAS it appears to the Board of Commissioners that the land area proposed to be annexed is contiguous to the boundaries of the District and is located within Kittitas County, Washington, and that the annexation will be conducive to the public health, welfare and convenience, and will be of special benefit to the land included within the boundaries of such area proposed to be annexed, and it is in the best interest of the District that such annexation be approved. Now, therefore,

BE IT RESOLVED by the Board of Commissioners that the foregoing recitals are hereby adopted as findings of the Board and that the annexation of all of the land described within the area proposed to be annexed, to wit, the following described lands are hereby approved subject to such other approvals as may be required by RCW Ch. 57.24 and Ch. 36.93:

Lots 1, 2, 3, 4, 5, and 6 of that certain survey recorded May 20, 2003, in Book 28 of Surveys, Page 246 under Auditor's File No. 200305200040, records of Kittitas County, State of Washington; being a portion of Section 1, Township 20 North, Range 13 East, W.M., Kittitas County, State of Washington; and

Lots 7, 8, 9, 10, and 11 of that certain survey recorded April 5, 2006, in Book 32 of Surveys, Page 125, under Auditor's File No. 200604050035, records of Kittitas County, State of Washington; being a portion of Sections 1 and 12, Township 20 North, Range 13 East, W.M., Kittitas County, State of Washington.

PASSED BY THE BOARD OF COMMISSIONERS OF KITTITAS COUNTY
WATER DISTRICT NO. 3 OF KITTITAS COUNTY WASHINGTON, at its regular meeting held July 10, 2007.
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63

Charles White
Chairman and Commissioner

Connie McKee
Commissioner

Gerry Hill
Commissioner

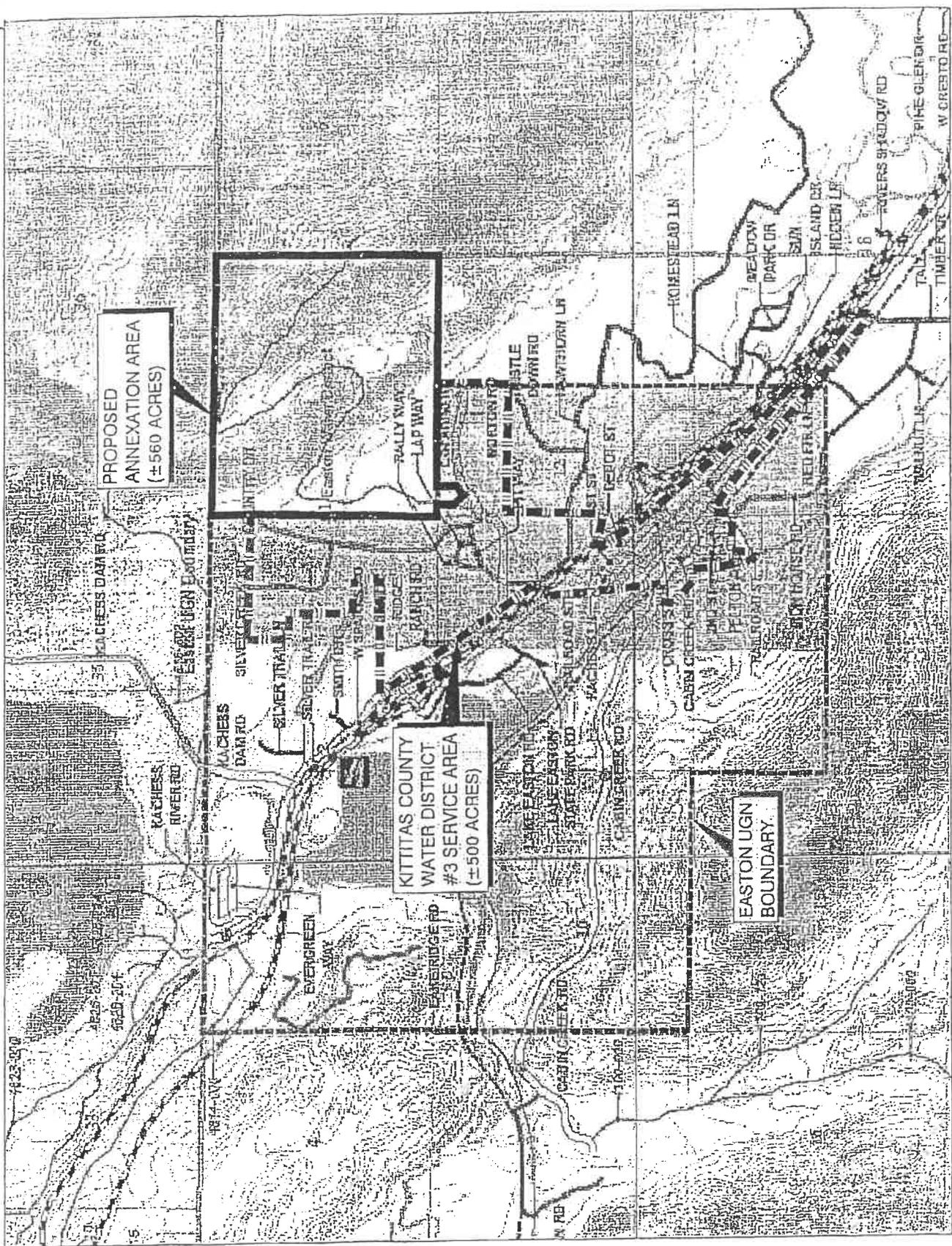
ATTEST:

Colleen Clark
Secretary / Commissioner

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Kittitas County Auditor

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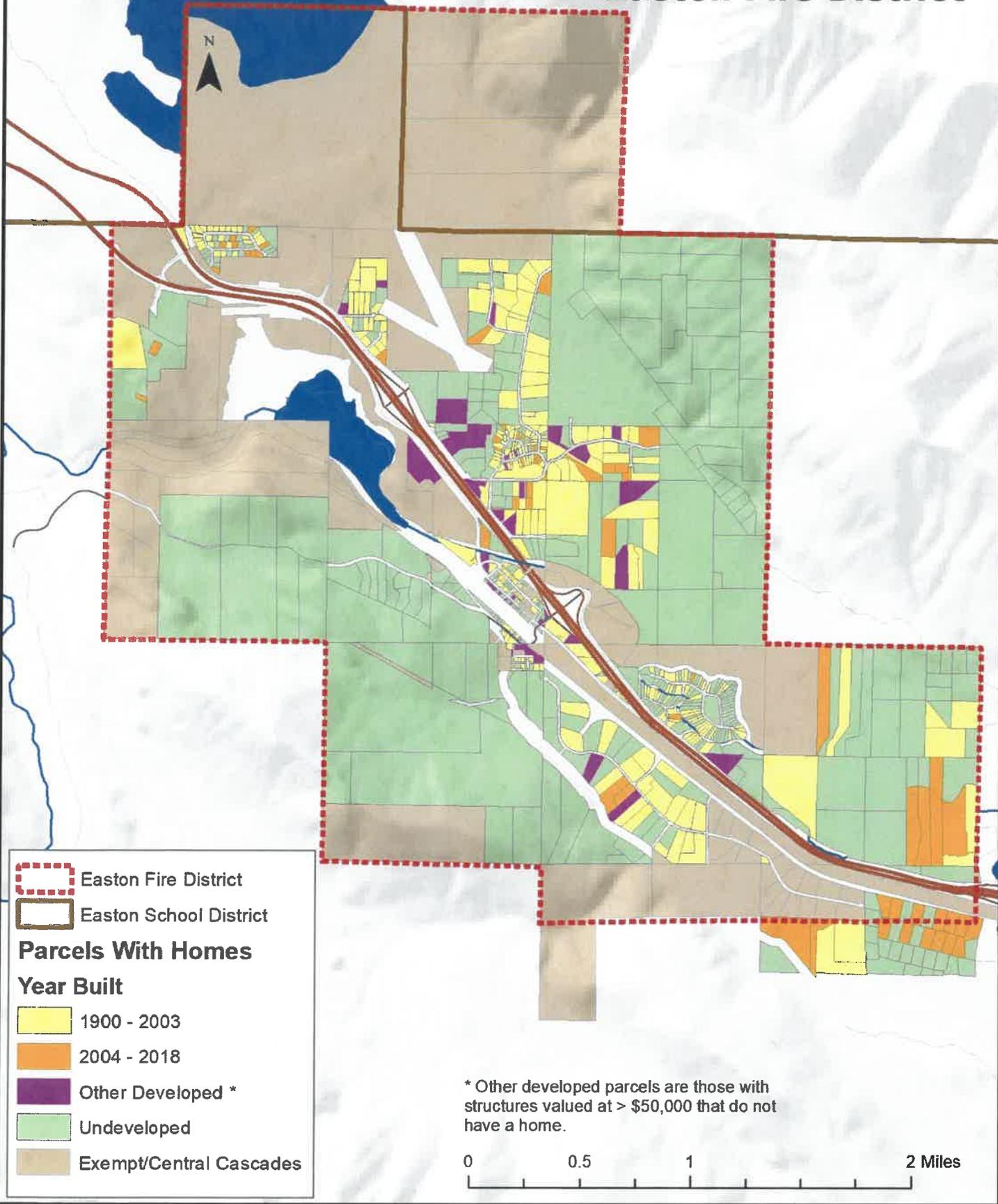
VICINITY MAP

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Resolutions
Kittitas County Auditor



Development in the Easton Fire District



* Other developed parcels are those with structures valued at > \$50,000 that do not have a home.

RCW 82.02.100**Impact fees—Exception, mitigation fees paid under chapter 43.21C RCW.**

(1) A person required to pay a fee pursuant to RCW 43.21C.060 for system improvements shall not be required to pay an impact fee under RCW 82.02.050 through 82.02.090 for those same system improvements.

(2) A person installing a residential fire sprinkler system in a single-family home shall not be required to pay the fire operations portion of the impact fee. The exempted fire operations impact fee shall not include the proportionate share related to the delivery of emergency medical services.

[2011 c 331 § 3; 1992 c 219 § 2.]

NOTES:

Intent—2011 c 331: "The legislature recognizes that fire sprinkler systems in private residences may prevent catastrophic losses of life and property, but that financial, technical, and other issues often discourage property owners from installing these protective systems.

It is the intent of the legislature to eradicate barriers that prevent the voluntary installation of sprinkler systems in private residences by promoting education regarding the effectiveness of residential fire sprinklers, and by providing financial and regulatory incentives to homeowners, builders, and water purveyors for voluntarily installing the systems. It is the further intent of the legislature to fully preserve the rulings of *Fisk v. City of Kirkland*, 164 Wn.2d 891 (2008), *Stiefel v. City of Kent*, 132 Wn. App.523 (2006), and similar cases." [2011 c 331 § 1.]

EASTON FIRE DIST.
RACHEL CARLSON FC
509-656-0121

EXHIBIT C
EASTON SCHOOL DISTRICT MITIGATION

Ordinance 18-006 applicable conditions:

Condition #1

1) The applicant shall enter into a development agreement with Kittitas County to provide a proportionate share of mitigation for impacts to Easton School District and Kittitas County Fire District #3 as follows:

- 1.1 Easton School District: Mitigation shall be provided for the impacts to school facilities and transportation based on a total of 53 new students. (Determined using 79% (89 units rather than 113 units) of Alternatives 3D and 5, Tenure Scenario 1, page 3-135 of the FEIS.)

Condition 30.3 Schools

The FEIS examines impacts to the Easton School District. Impacts of the current proposal are most similar to those identified in Alternatives 3D and 5. The FEIS suggests project contribution to increased District costs. Such contributions can be made a condition of a Development Agreement. The applicant shall contact Easton School District and develop mitigation measures. Mitigation measures shall be included in the development agreement.

Mitigation for the foregoing shall be met by a mitigation fee payment of \$500 per unit for a total of 89 units. This fee shall be paid at building permit issuance.



Johns Monroe
Mitsunaga Koloušková

Robert D. Johns (*Retired*)
Michael P. Monroe
Darrell S. Mitsunaga
Duana T. Koloušková
Vicki E. Orrico
Dean Williams

Lindsey Ozbolt, Planning Official
Community Development Services
Kittitas County
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

October 30, 2019

Re: Project File No. DV-19-00001, Marian Meadows

Dear Ms. Ozbolt:

On behalf of Easton Ridge Land Company (ERLC), Martens Enterprises, LLC and the Marian Meadows development proposal, we provide the following written comments on the above referenced Application and the proposed mitigation for impacts to the Easton School District (the "District"). As you are aware, ERLC has volunteered to pay mitigation for impacts to the District in the amount of \$500 per household for the Marion Meadows residential development. To the best of our information, this is the first time a project developer in Kittitas County has volunteered to pay mitigation, of any amount, to the District for residential housing units and the first time the District has ever asked for such mitigation from any new residential development.

The District has responded that it believes this mitigation is insufficient, but has not provided any concrete information on which it relies. ERLC has three concerns with the District's response. First, the District's argument that the number of students from Marian Meadows would abolish the District's small school funding status is misleading, if not entirely incorrect. Second, the District has historically never required mitigation from new developments. Thus, the District's own choices have led to this supposedly dire situation, not Marian Meadows. Third, in light of the above, equating any loss in public funding to the proportional impacts of the Marian Meadows development would, not only be wrong, but also unlawful under chapter 43.21C RCW, the State Environmental Policy Act ("SEPA") and chapter 82.02 RCW, the State impact fee and voluntary mitigation statute.

Easton School District's Funding

The District relies heavily on its status as a Small School District, as defined in state law, and the expectation that the students added by Marian Meadows will be greater than reports conclude, creating a tipping point for the District's facilities. Whether this latter point holds any truth to it is essential to the District's argument. As demonstrated below, the District already lacks small district status for much of its program. There is also a significant difference between even the highest estimates and the actual number of students Marian Meadows would have to contribute to deprive the District of its small district status for the

remaining grades. The truth is that Marian Meadows presents no threat to the District's small district status under its worst fears.

General District Funding

Small school district funding is a status divided into two categories, K-8 and "high school" or grades 9-12. In recent years, the District has not received small district funding for K-8, due entirely to growth in the District from other developments. Even when the District did receive K-8 small district funding, it was not a significant sum above what they now receive. Most of the funding the District receives based on small district status comes from the fact that it has a small high school.

Based on our research, the District missed the small school money opportunity for fiscal year (FY) 17-18 for grades K-8. The nearest threshold is $25 < K-8 \leq 100$. The District's K-8 total in FY 17-18 was 82.01, **however**, the K-8 small school funding is divided into two separate calculations, based on K-6 and 7-8 enrollment totals. To qualify, the Enroll K-6 Total must be ≤ 60 , OR the Enroll 7-8 Total must be ≤ 20 , or no additional funds will be provided.

To demonstrate how close the District was, their Enroll K-6 Total was 60.15, or 0.15 above the threshold. Their Enroll 7-8 Total was 21.86, or 1.86 above the threshold. Easton has not qualified for small district K-8 funding since FY 15-16.

Last year, the District was at 24.79 FTE (full-time equivalent) grade 9-12 students. The formula for determining whether a district meets small district status for 9-12 is this:

If: $[\text{Enroll 9-12 Total}] > 0 \text{ AND } \leq 300 \text{ AND } ([\text{Enroll 9-12 Total}] - [\text{Enroll 9-12 CTE exp}] - [\text{Enroll 9-12 CTE Prep}] - [\text{Enroll Skills 9-12}]) < 0$ Then, If: $[\text{Enroll 9-12 Total}] \leq 60$ Then: $9 - ([\text{Enroll 9-12 Total}] * [\text{Pupil 9-12 CIS}])$ Else: $\{9 + (([\text{Enroll 9-12 Total}] - 60) / 43.5 * 0.8732)\} - ([\text{Enroll 9-12 Total}] * [\text{Pupil 9-12 CIS}])$ Else: 0.

It is not a model of clarity. If one takes the time to decipher this formula, there appears to be some credence to the District's claim—the more students it has, the less funding it will receive under this formula. About 40% of the District's funding in FY 17-18 can be attributed to its small district status.

The District can maintain its small high school (9-12) status as long as its 9-12 numbers remain below 300, about 275 more students than it currently enrolls there. It is significantly more beneficial to stay below 60; however, and being slightly above 60 is also a great place to be.

Marian Meadows would have to add at least 40 students to the District's 9-12 program alone before its small district funding saw significant changes. For a very rough calculation, with +20 FTE grade 9-12 students, the District would receive about \$70k less or ~2% less than what it receives now. NOTE, this number **does not** account for the **additional general funding** the district will receive for the additional students.

Given the determination that Marian Meadows would add 53 students in total, the District's claims that small district funding is in jeopardy are overstated. The District's 2018-19 enrollment is 112 students according to their Washington State Report Card. That

enrollment number includes just 32 grade 9-12 students. Grade 9 is the District's largest, with 14 students.

Trends in District Enrollment and Future Projections

The numbers above paint a striking picture of the District's enrollment relative to its small district status, and show the District's enrollment is shrinking as a whole. In the last five school years, beginning in 2014-15, the District's enrollment has been 114, 119, 119, 110, and now 112, respectively. While only minimal, the fact that the District's enrollment has shrunk at all in spite of the volume of new homes being built supports ERLC's conclusion that the District's funding is not in jeopardy.

Given the apparent trend towards less enrollment, years after the FEIS was finalized, it is fair to assume that the Marian Meadows project will actually add fewer than the 53 students assumed by Ordinance 2018-006. Some alternatives in the FEIS estimate that Marian Meadows will add less than 40 students. As a result, mitigation on a per household basis (i.e. mitigation paid for many units in Marion Meadows that will never generate a single student at the District) will provide an even greater windfall to the District even beyond the novelty of mitigation moneys to the District that this project is subject to.

The enrollment projections from Washington's Office of the Superintendent of Public Instruction (OPSI) confirm that enrollment in the Easton School District is expected to stay the same **or decrease** through 2024. The District's own projections differ drastically from this, indicating +48 to +83 students, but the last five years have demonstrated that OPSI, not the District's independent consultant, is correct, even with the additional residential development built in the past years.

Conclusion

The District would need roughly 30 additional 9-12 students alone before the +/- 60 student tipping point discussed above is met. The District's own 2018 Capital Facilities Plan indicates that the high school has a capacity of 99, fully three times more than its current 9-12 enrollment. While the District is planning for a new elementary school, the numbers do not support charging ERLC for this under the guise of its proportional impacts. Marian Meadows will not significantly, or even minimally, affect the District's ability to fund its classrooms.

Easton School District's History of Inaction

The District has never before asked a development to pay for the proportionate impact of the students it may add to the District's enrollment total. To the extent that the District is concerned its capital facilities are at a tipping point, this is an existing situation and not attributable to Marian Meadows alone. If the District had participated in review of the below development proposals—if the District had accepted \$500 per household from the below developments—there would significant funding available to address the District's concerns.

2007 – Snocadia Development, 230 lots (later cancelled, without input from District)

2008 – Quaking Aspen Development, 8 lots

2008 – Cabin Mtn Tracts, 15 lots

2008 – Monahan Mtn Tree Farm and Forest Tracts, 16 lots

2011 – Big Creek Development, 58 lots

2011 – Easton Ranchettes, 54 lots

These 151 lots (excluding Snocadia) were not required to pay their fair share of impacts to the Easton School District, or any other. The result of this is, as the District puts it, an inability to pay for additional capital facilities, busing, and/or land for development. The appropriate way to make up for this shortfall, since mitigation payments were not required when the developments were created, is through school levies and property taxes. A prime example is the annual levy of \$340,000 approved for submittal to voters by the School Board's Directors this year.

Appropriate Mitigation in Jurisdictions That Plan for Growth

A similarly sized development in the Cle Elum School District, Cle Elum Pines, added 153 equivalent residential units (ERUs) to that district. The Cle Elum School District agreed to \$500 per ERU, for a total of \$76,500. This is a significant sum for such a development, in addition to the police, fire, traffic, and other mitigation.

Had Easton School District asked for \$500 per ERU for the last fifteen years, there would be \$75,500 in the bank for new capital facilities. This is precisely why a single project should not be held hostage for mitigation that is based on preexisting conditions.

Requiring Marian Meadows to Pay for Easton School District's Loss of Small District Status Would Be Unlawful

A funding need, however sympathetic in nature, cannot be assigned or passed down to a single developer or development project, but must be paid for by sharing the costs fairly across the jurisdiction. Easton School District has historically made the decision not to ask for mitigation for any proposal.

The District claims "the Developer's proposed mitigation would compromise the District's ability to educate the students of Easton." This claim is dispelled above. Regardless, if the District continues to advance the theory that Marian Meadows will overpopulate their facilities, then the District cannot remedy the unavoidable consequences of its inaction over the past decades by requiring one developer to cover those lost mitigation opportunities.

The District's argument is akin to the way cities establish a project's transportation impacts and impose fees to alleviate the project's impacts on the roadway system. The development might be required pay its fair share of the improvements to an intersection or roadway segment to bring it up to standards, or build those improvements as part of the project. However, the development cannot be required to build a new intersection because that is a 'good idea' for anticipated future needs or to get the intersection up to a current standard.

UDC v. Mill Creek, 106 Wn. App. 681 (2001). Nor can the development be required to fix existing conditions or deficiencies in the system. *Benchmark Land Co. v. City of Battle Ground*, 146 Wash.2d 685 (2002). Yet, this is essentially what the District is asking Marian Meadows to do.

The District's Capital Facilities Plan calculates that, under one scenario, roughly 333 new single-family homes should be required to pay \$12,060.00 each to build a new \$4 million elementary school for 77 new students. If the District had begun participating in the public process a decade ago, this would have been spread out over a much larger group. This also ignores the reality that the district is apparently shrinking in enrollment, and is expected to continue to do so by OPSI.

Prior Attempts at Resolution

It would be inaccurate to represent Easton Ridge Land Company and/or its agents as not engaging in discussions with the School District. The District has been on notice since 2003 of development actions by ERLC. As Easton is a small community, very little transpires that does not become a community headline.

Over the past 16 years, there has been ample opportunity, and in fact discussions, with the Community of Easton on all aspects of the Marian Meadows proposal. The efforts of Kittitas County's Community Development Services toward the publishing of an EIS for the project supports this position.

As for discussion directly with the School Board, requests have been unanswered or verbally provided indicating that they were not prepared to talk with the Marion Meadows development team. As ERLC prepared the documentation, which would become Ordinance 2018-006, contact was made with Superintendent DeHuff requesting a meeting. ERLC's agent met with Supr. DeHuff and was told the Board was reviewing the development and not prepared to discuss the project at that time.

With the BOCC passing Ordinance 2018-006, ERLC had direction about development parameters, density and conditions; addressing School District impacts was one of these.

In May of 2018, a request to meet with the Easton School board was made. *See attached*. The agent for ERLC subsequently received a call from Superintendent DeHuff that a meeting at that time would need to be delayed until the District Board had a chance to review and react. The next communication was the District's filing of its Land Use Petition, contesting the BOCC preliminary plat and PUD approval. All further contact was then processed through legal channels complying with direction from the Easton School District #28.

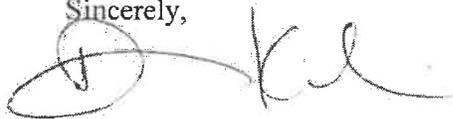
On July 18, 2018, ERLC representatives and the County's prosecuting attorney met with the legal representatives from the District, including with John Jensen and one other Board member. At this time, ERLC was presented with a 'Draft' of the Capital Facilities Plan for the District. That meeting lasted several hours and included opportunities for break out conversations during a tour of the District's facilities. However, the positions of

the District, the County and ERLC were so far apart that no consensus was reached. It was ultimately agreed that the best approach was to proceed toward the Development Agreement with an opportunity for all parties to provide documentation to the BOCC. The lawsuit was dismissed early in December 2018.

Unfortunately, there is no reason to believe that ERLC and the District are any closer to meeting minds now than when the lawsuit began. The District's July 22, 2019 comments to Community Development Services "protests" the \$500 mitigation fee in the Application, but the District does not offer another mitigation, let alone legal rationale or analysis in support. The District does not explain why their "calculations" differ so much from the enrollment projections of OPSI. The District does not explain why this developer should pay for the District's choice to not seek mitigation from prior developments. The District does not explain why, with a current enrollment of 112 and a projected addition of 53 students from Marian Meadows, that ERLC should pay the cost of constructing a new elementary school when their current facility is fit for 225 students.

Finally, the District provides no support for its claim that the imposition of a \$500 mitigation fee without the District's input would somehow violate the Ordinance and the Settlement Agreement. The District simply again objects **without providing any substantive input**. There is simply no evidence to support any concern that Marian Meadows would compromise the District's ability to provide for its students. To the contrary, ERLC's offer of mitigation is entirely reasonable, consistent with mitigation reached by the immediately adjacent school district for residential development, and within the bounds of the law.

Sincerely,



Duana T. Koloušková

Direct Tel: (425) 467-9966

Email: kolouskova@jmmlaw.com

531-001 Response to District Comment 10-15-19.docx

Exempt or Central Cascades	520
Condo	143
Private Undeveloped *	1254
Private With Home	1028
Private Other Developed *	164
Total Parcels	3109

Private undeveloped defined as non-Exempt parcels that are not owned by Central Cascades Land Company, are not condos, are not assessed as having a home, and have a market value of buildings at <= 50,000

Private with home	729
Built before 2004	299
Built 2004-2019	1028

EASTON School District 3109 TOTAL PARCELS

Condo - 143

SFR - 1028

OTHER USES - 164

Parcels Subj to SFR - 1254⁰⁰

CONST. 2003 - 2018 - 299 UNITS

From: Michelle Kuss-Cybula
To: Jerry Martens
Subject: Re: School growth
Date: Tuesday, August 20, 2019 12:30:15 PM

Hello Jerry,

Thank you for reaching out.

You can access our enrollment numbers on the OSPI web

site:<https://washingtonstaterreportcard.ospi.k12.wa.us/ReportCard/ViewSchoolOrDistrict/100046>.

However, here is what I have found:

2016-17 831
2017-18 899
2018-19 859

Based on our four year projections and housing, we predict a slight increase in our younger families to this area, which will grow our numbers at the elementary levels.

We look at housing, employment, and cohort trend data to predict enrollment. There is also a great amount of talk about a recession, which will drive housing down (hopefully) to allow more *affordable options* for our families, hopefully drawing in more families to this area as a permanent residence and not as vacation homes.

The rental market is highly competitive and out price middle income families and definitely lower income families. It's a tough market to enter if you are not self-employed, or have a nest egg.

Hope this helps.

Michelle Kuss-Cybula

Superintendent
Cle Elum-Roslyn School District
(509) 649-4850

On Wed, Aug 14, 2019 at 3:49 PM Jerry Martens <jtm.rustik@gmail.com> wrote:

Ms. Kuss-Cybula, Laura Vaughn provide me with your contact information. I am a land use consultant in the upper county working with a number of clients with land. Most of the information and background available to share with clients is historical based which does little in providing information about our future.

As we look to the future, we need to guess as to what will be needed in the way of services and housing. I have heard that enrollment within upper County schools has been declining or hold a very flat line. Can you provide input? What is the 2019-20 enrollment looking like as compared to the past 10 years. Any insight into the next 5 years?

This information would be very valuable to my clients as well as the development industry. Any help you can provide would be appreciated.

Jerry Martens

Easton School District #8

Enrollment background

Year	OSPI-Oct 1st	OSPI-May	FEIS
1999-2000	125	125	116
2000-2001	126	128	120
2001-2002	128	126	120
2002-2003	137	127	121
2003-2004	120	120	123
2004-2005	137	137	118
2005-2006	115	115	110
2006-2007	103	103	102
2007-2008	112	112	105
2008-2009	89	88	
2009-2010	98	98	
2010-2011	66	70	
2011-2012	88	84	
2012-2013	94	89	
2013-2014	103	107	
2014-2015	109	109	
2015-2016	112	108	
2016-2017	113	120	
2017-2018	110		
2018-2019	112		
2019	104		

Development in the Easton School District



 Easton School District

 Other Developed *

 Condos

 Undeveloped

 Exempt/Central Cascades

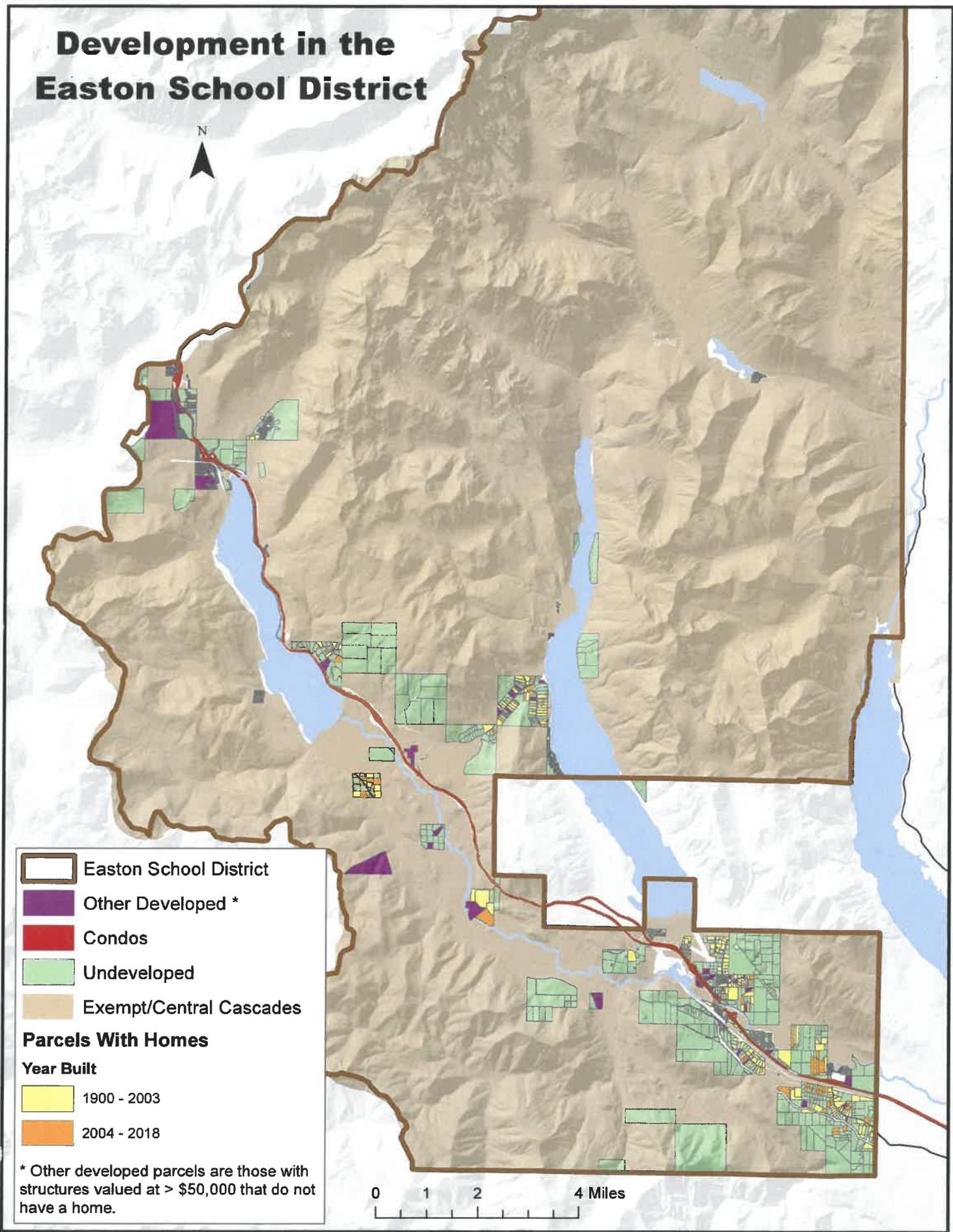
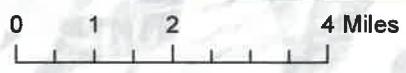
Parcels With Homes

Year Built

 1900 - 2003

 2004 - 2018

* Other developed parcels are those with structures valued at > \$50,000 that do not have a home.



Dan Valoff

From: MarianDEIS email for public comments [MarianDEIS@co.kittitas.wa.us]
Sent: Thursday, April 01, 2010 10:09 PM
To: Jeff Watson; Jan Ollivier; Dan Valoff
Subject: FW: EIS

From: Tom Campbell[SMTP:TOMCAT1827@GMAIL.COM]
Sent: Thursday, April 01, 2010 10:08:56 PM
To: MarianDEIS email for public comments
Subject: EIS

Auto forwarded by a Rule

As one of the original 17 members of the Easton action group, I was involved working on the zoning and public hearings for this area. R-3 zoning was approved for this area of concern. At that time R-3 allowed 3 acres or 1/2 acre lots with a sewer system. We all knew this. When the county came up with cluster housing there was an improvement over 1/2 acre lots because of the open space required. I think the R-3 zone referred through out the EIS should be more clear.

The Easton airport is closed with very set dates for about 6 months every year by the government the last I knew. Living here, I feel your use figures are way off. I would be very surprised if there are 10 landings a month leaving a total of about 60 max for the year. C

I feel that the school section needs to be reviewed and changed. The student count at election time this year reported to the state was 97 total. Cle Elum reported to me that there were 15 of their students having legal transfers to Easton leaving 82 total for the school. At the time the new school was designed I was on the school board and the building was built to house 225 students. C

The access needs to be looked at closer and the Easton Ridge road added as an option. An expansion of this road out of Suncadia has been on the books for several years. Also there are other ways to access this area with work. 3.2. k

The section on the hill side needs to be reviewed as there is a large very buildable section which can not be seen from the bottom in the flats. A

There are many cities in the US and Canada which have deer and elk around homes year round including areas within this county. This section needs review. A

This is a very good draft but needs a few changes. As I am one of the many people who wants this cluster development, I urge you to only make changes that are suggested within the Easton area and not someone that does not live here.

Tom Campbell
P O Box 456



September 9, 2019

Jerry Martens
Agent for Easton Ridge Company
P.O. Box 458
Cle Elum, WA 98922

**RE: Easton Water District
Water Service to the Plat of Marian Meadows**

Dear Mr. Martens,

This letter is being written in response to your letter to Easton Water District dated August 19, 2019. The following is the District's response to the list of items requested within the letter to the District:

1. Acknowledgment that the District is finalizing an agreement (DEA) for use (we have received the standard form draft but the has yet to be edited to address the Marion Meadows Project)

The District is currently working with their attorney (Richard Jonson) and District Engineer (Chad Allen) in preparing the Developer Extension Agreement. Prior to finalizing the Developer Extension Agreement, a meeting will be necessary with the Easton Ridge Company and the District to discuss the required improvements to the water system and associated costs.

2. Within the DEA or attached as an addendum a scope of needed District Improvements for the District to provide water service.

The District is currently modeling the water system based on the current site plan for the Plat of Marian Meadows to confirm pipe size(s), reservoir elevation, etc. Based on the District's approved Comprehensive Water Plan and previous models, it is anticipated the following improvements will be required:

- *A 30' diameter by 25' tall reservoir (132,100 gallons) will be required to be constructed with an overflow elevation at 2,345.00. The reservoir shall be a concrete Mt Baker Silo tank or approved equal. In addition, provisions will be required to ensure the new reservoir and existing reservoirs fill equally. This may require an altitude valve(s) and/or other device.*
- *The internal water system within the Marion Meadows Plat will be required to be an 8-inch diameter looped piping system per District Standards with intertie connections to the existing water mains located at Country Drive Road and E Sparks Way. In addition, an 8-inch stub will be required near the east side of the Marion Meadows Plat for future connection.*
- *The District's telemetry system will be required to be updated or replaced to provide communication between the existing wells, existing reservoirs and proposed reservoir.*

Western Washington Division
165 NE Juniper St., Ste 201, Issaquah, WA 98027
Phone: (425) 392-0250

Eastern Washington Division
407 Swiftwater Blvd, Cle Elum, WA 98922
Phone: (509) 674-7433



3. With the needed improvements, the District's commitment of 120 ERU's to be supplied to Marian Meadows as needed.

The District previously issued a certificate of water availability to serve the Marian Meadows Plat. If the developer diligently prosecutes the development and enters into and carries out a developer extension agreement that is satisfactory to the District, the District will be obligated to serve 120 ERU's for the development.

Please contact me at (425) 392-0250 if you have any further questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad Allen".

Chad Allen, PE
Encompass Engineering and Surveying
District Engineer

Marian Meadows Community Standards and Guidelines

This is meant to address expectations for building standards, building types, construction means and materials used within the development. Marian Meadows is first and foremost a “residential” community and building structure will be supportive of this inclusive of the R V Complex with commercial uses.

Oversight of the Marian Meadows community will be inclusive of 3 Boards.

- Marian Meadow Residential Board (MMRD) comprised of 5 members will oversee the residential aspects of the Community,
- Silver Creek Receptions Vehicle Resort (SCRVR) will oversee and administer aspects of the RV Complex and consist of 3 RV Complex owners,
- Marian Meadows Owners Association (MMOA) will be comprised of 3 MMRD members and 2 SCRVR members to oversee joint applications of the entire community.

Section 1 - Building Types: **(no manufacture/mobile homes)**

1. Marian Meadows will support and encompass a variety of housing types from site-built construction to factory built modular construction (see Attachment 1 for examples) and must be sited on a permanent foundation.
2. Modular homes can be transported intact, in pieces or panelized and will be inclusive of kit designs, log structures, SIPS or other construction methods.
3. **Building types can be single or multi-story construction meeting Kittitas County’s and International Building Code standards.**
4. See attached illustrations of typical home construction suitable for Marian Meadows.
5. Storage complex construction will be of wood, stone, metal or masonry materials and designed and built to be consistent with building types in Marian Meadows and must meet the design criteria as set forth by the Developer and meet Kittitas County Code. Storage Complex can include pole/timber type construction.
6. The Developer will have sole discretionary oversight of building types and building standards until 75% of homes & 75% of units are sold/occupied or developer elects to transfer oversight forward to MMOA.

Section 2 – Building Oversight

1. Building Standards.
 - A. All building must be supported by a permanent foundation of concrete or similar construction as approved within Kittitas County Code. Wood foundations will not be allowed.

Development Agreement Exhibit E
Community Standards & Guidelines

- B. Building materials will consist of typical/conventional materials inclusive of wood, glass, concrete and masonry, metal and or composite materials. The Developer/MMOA will have sole discretionary oversight of building means, methods and materials.
 - C. All potable water connections must be connected to community water infrastructure and provide for interior residential/storage fire suppression. This will be exclusive of the 4 large parcel tracts east of the BPA power lines
2. Single Residential – (Exclusive of Large Parcel Housing)
- (a) Setbacks – 25’ front, 15’ side and rear (perimeter lot setbacks will be identified on the plat)
 - (b) Height – 35’ maximum
 - (c) Community structures – 10’ front, 5’ rear and sides
 - (d) All habitable homes will be inclusive of automated fire suppression. Detached single family garages are not required to have fire suppression.
 - (e) all parcels will use on site septic in compliance with KCC.
 - (f) All construction will comply with KCC standards unless specifically addressed within this section.
 - (g) Illustrations attached in Attachment 1.
3. Attached Townhome residential-
- (a) Setback – 25’ front, 15’ side and rear or as agreed by developer and complying with KCC. If building is platted on individual parcels, stated setbacks apply.
 - (b) Height – 35’ maximum
 - (c) Fire – all habitable buildings will be equipped with automated fire suppression. Detached garage spaces are not required to have fire suppression.
 - (d) Townhomes will use on-sited septic in compliance with KCC.
 - (e) All construction will comply with KCC unless specifically addressed within this section.
4. Large Tract housing (**4 parcels east of BPA lines**)*
- (a) 50’ setback from Property lines and/or in compliance with Wildland urban Interface Code.
 - (b) These parcels will not be subject to automated fire suppression requirements,
 - (c) construction will be required to meet KCC standards.
 - (d) Large parcel ownership is a subset of Marian Meadows but viewed as large acreage tracts suitable for ag and forestry uses. As such, they will be allowed to conduct activities suitable for rural regions of the county provided they comply with state and local ordinances.

Development Agreement Exhibit E
Community Standards & Guidelines

- (e) Construction standards are exempt from the provisions of the Marian Meadows development but must comply with KCC and state statutes.
- (f) Large parcels will use on site septic in compliance with KCC.
- (g) All construction will comply with KCC unless specifically addressed within the section.

** The 4 large parcels in the eastern region of the project are atypical for this PUD and region and set apart from the main function of the Marian Meadows community. These parcels may share in some common facilities and shared interest of the general plat but these parcels will be treated uniquely due to their size, recreational/tourism possibilities and commercial agricultural/forestry opportunities. Measures will be in place to protect the common interest of the community but also allow for these lots to function independent of the HOA and associated CC & R's for the overall Marian Meadows plat.*

- 5. Community Buildings – (pool bldgs., mail fac., solid waste/recycling, etc.)
 - (a) Setbacks – 10' all sides
 - (b) Height – 35'
 - (c) Use of onsite septic per KCC or inclusion with the RV Complex LOSS.
 - (d) All construction will comply with KCC unless specifically addressed within the section.
- 6. R V Complex. Formation of a Board known as the Silver Creek Recreational Vehicle Owners Associations (SCRVR) will be formed to oversee and require compliance to Development Agreement.
 - A. Storage Units – (see Attachment 2 Unit Elev.)
 - (a) Setbacks – 15' from natural buffer areas
 - (b) One single tract with building pads to be determined. Illustration shows conceptual layout with individual 4 unit buildings and larger single building design. (See Attachment 3 – RV Unit Layout)
 - (c) 6' security fencing with concertina wire at RV Complex perimeter.
 - (d) Units will be equipped with fire sprinklers, gas and CO2 monitors.
 - (e) R V Complex will be privately owned storage operations focusing on Recreational Vehicle usage.
 - (f) are partially located within restricted Airport Safety Zone (see Attachment 4)
 - (g) Limited exterior uses in storage (ASZ-4) zone.
 - (h) No overnight use within storage (ASZ-4) zone. This is inclusive of any storage unit or the storage unit areas. Any overnight use will be required to take place in the campground or RV Pad area.

Development Agreement Exhibit E
Community Standards & Guidelines

- (i) Outside storage would be limited, seasonal and primarily apply to short term storage for vehicles to be serviced. In most cases, this would be within the gated portion of the complex.
 - (j) Storage unit use would be limited to fee simple ownership, tenants and guest.
 - (k) Camping and RV Park usage will include restrictions for duration, seasonal uses, etc. Use of this area will be by owners/tenants and guest of Storage Complex.
 - (l) all operations within the R V Complex will be required to be connected and serviced by the LOSS system within the complex.
- B. RV Commercial Applications* (see Attachment 3)
- (a) in place for servicing, monitoring and oversight of RV Complex operations.
 - (b) Building limitations- (see Attachment 3)
 - RV Service Shop – 48’ x 60’ bay configuration.
 - Retail Space – limited to 2500 sf or less
 - Office - limited to 1000 sf and attached to Office building
 - (c) Commercial applications hours - 6 AM to 9 PM (Monday - Saturday)
- * All aspects of the commercial presence within Marian Meadows will be subject to SCRVR-MMOA oversight and governance.*
7. Community will provide Road and Trail standards per KCC. Private Roads will not be provided with curbs, sidewalks and gutters.
8. Parks and Open Spaces: The community will have community features as delineated on the plat map with natural buffers on the west and south boundaries. Trails are as shown. BPA easement and locations to the east of the easement are designated wildlife corridors.
9. Marian Meadows Roads –
- A. **Meadow Way** is a current Kittitas County public roadway and included as “in network” to be serviced and maintained by Kittitas County public Works. Meadow Way is slated for additional improvements and further dedication to Kittitas County as shown within platting approvals.
 - B. Further extension of Meadow Way (beyond round a bout) will be as a private community roadway and built to Kittitas County Road Standards.
 - C. All other community roads will be private roadways built and in compliance with KCC Road Standards.
 - D. R V Storage Complex Roadways –(Specifically addressing Condition #13- See illust. D- RV Layout) Campsite will be limited to 12 sites. R V Pads will be limited to 15 partial or full-service pads with no RV dumping provisions.
1. Paved two lane roads within the storage complex will be 22’ wide. They will be service “driveways” included within the layout of the storage complex. Roadways designated as “one way” will be 16’ paved surfaces and act as return roads to the

Development Agreement Exhibit E
Community Standards & Guidelines

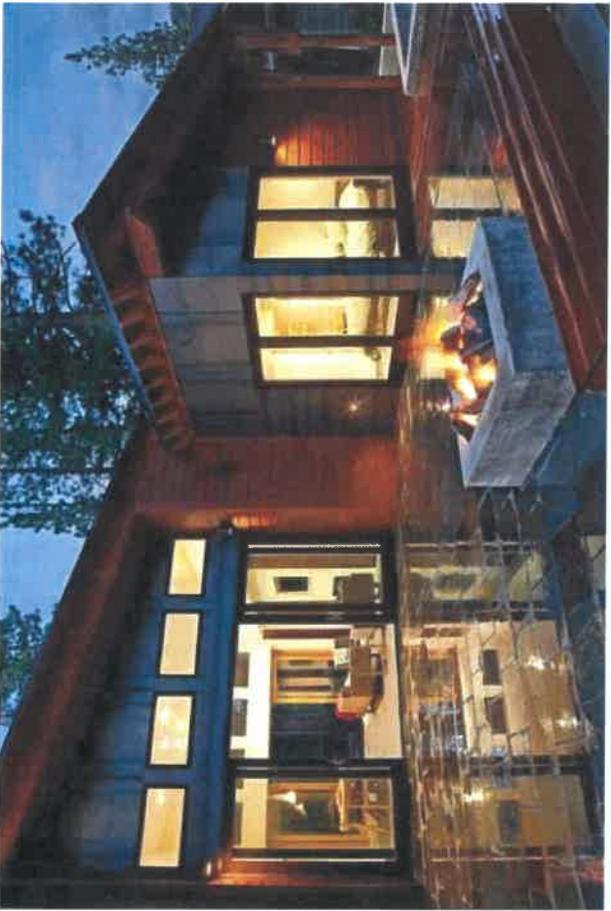
2 lane surfaces. No dedication or delineation of Right of Way is planned for road surfaces within the Complex. (see RV illustration 1 & 2)

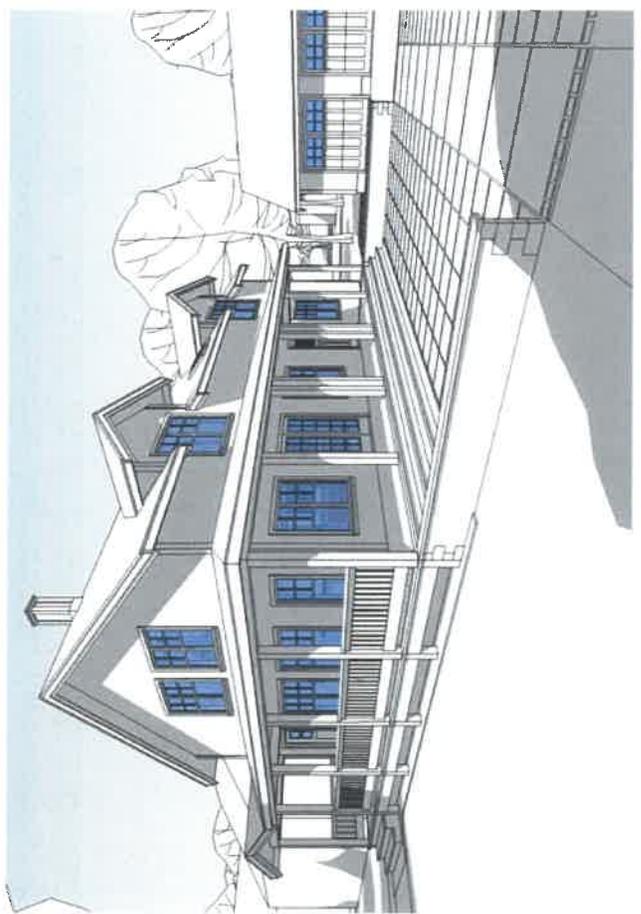
2. Roadways servicing the RV Pads and Campground will be 22' gravel surfaces for two lane roads and 16' gravel surface for "one way" surfaces. No dedication or delineation of Right of Way is planned for road surfaces within the Complex.

E. Snow Storage (**Condition #18**) Within this condition was BOCC comments pertaining to the "public" dedication of surface area for winter snow storage for snow accumulation of 84". Within the plat design for Marian Meadows we have allow for a significant amount of land for this purpose that is located adjacent to the Public Roadway. This was not earmarked for public dedication and we question the County's intention of assuming ownership and control for this use?
We ask for clarification of this condition and inclusion within the Development Agreement?

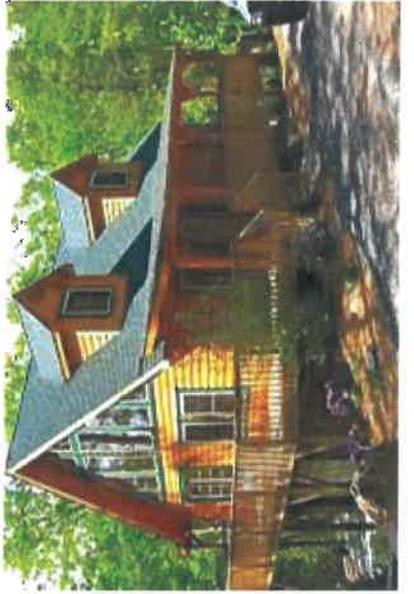
F. Access Easements (**Condition # 27**)

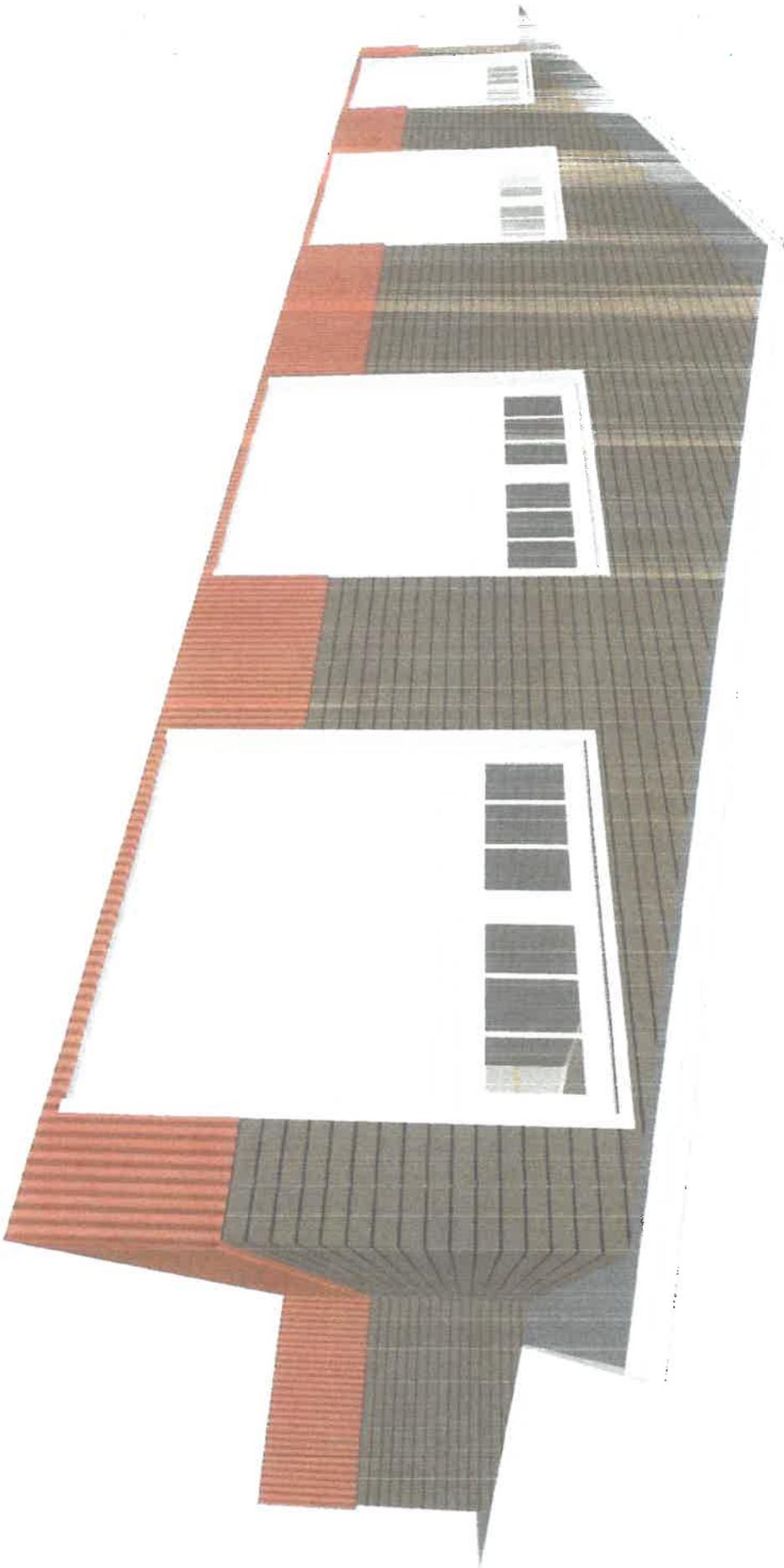
We have no knowledge of recorded or unrecorded easements over Marian Meadows. Additional Access easements will be placed for such issues as the new Water District Storage Facility.













- Concrete or masonry wall
- Wood framed wall
- 6' chain link fencing with concertina wire
- 14' one way driveways
- Entry gates
- control vegetation
- Unit detailing station
- Unit dumping stations
- 4 unit building

RV Illustration 1

Marian Meadows

Phasing-Timelines

Within the approved PUD applications for Marian Meadows, a phasing sequence for the development is required. With so many unknowns of what or how the proposed plat would be approved and what elements or aspects would be included within the approvals, we provided our best expectations of how the development would proceed.

At this point in time and with a much better understanding of elements to be included within the project, we request the development agreement be inclusive of following phasing sequence.

It has become clear that the Easton Water System is in need of infrastructure/distribution updates to maintain services levels and this single issue will put the looping of an 8” water line from E Sparks Road through Marian Meadows and connected to the distribution line on the north end of Country Drive as a priority. With this in mind, we submit the following timeline for inclusion of the Development Agreement for the Plat of Marian Meadows.

Looped Water Line - Time: As negotiated with Easton Water District #3.

- Construction of looped water line will commence under a negotiated agreement with the Water District.
 - This will be inclusive of an extension of Meadow Way to the round-a-bout and dedication of roadway to Kittitas County as a Public Road.
 - Further development of the private extension of Meadow Way north as shown to the BPA Distribution lines. This will be developed to KCC private road standards and will include the extension of the power line grid from Puget Sound Energy and the improvement of said water line loop inclusive of designed fire hydrant layouts, water system valves for future sub-divisions connections and access points for private roadway extensions.
 - Included within this time frame will be the platting of the two lots just north of E Sparks Road and Meadow Way intersection. These lots will be available for sale with final plat recording.

Water Tank - Time: As negotiated with Easton Water District #3.

Water tank construction will be independent of Marian Meadows development and be closely tied to efforts with the Water District. Expectations are for this to commence construction prior to any single-family homes sales other than the 2 parcels located south of the Storage complex.

Phase One

R V Complex - Time: Platting and construction will be impacted by discussions with Easton Water District #3 (See Exhibit D). Expectations are for construction to commence within 24 months of the water line loop being approved and released to the District.

- Construction build out would be slated for upward of **20 years** and subject to the terms of this agreement.
- With the commencement of construction for the water storage upgrade, the first phase of construction will be focused toward the water line loop and connection of E Sparks Road with Country Drive,
 - The west side of Meadow Way will be targeted for construction 1st with fencing and vertical construction.
 - Construction will continue moving east. Estimated timing would likely be a continuous construction cycle over each summer for the next ten to **20 years** dependent on marketing conditions, etc. and include the improvements and development of the private campground and R V Park.
 - As the market develops around the RV Storage presence, the service shop and retail support facility will be built; expectations are for this to happen as 50% of the storage units are sold.
 - Estimated completion of Storage complex is by the end of 2038.

Phase 2-6 – In no specific order provided it meets with KCC.

With the construction of Meadow Way north to a cul-de-sac just south of the BPA distribution lines, added water storage and the required looping of the Easton Water Districts East Sparks Road distribution line in place, residential development and future phasing could conceivably happen independent of each other or additional infrastructure needs. The looped water lines will include tees and valves allowing for water line spurs to be added as needed. **We request that once Easton Water Districts current water infrastructure needs are in place, platting and construction of added lots and townhomes can be added by the land owner and subject to concurrence with the Kittitas County CDS Director.**

- Residential Single-Family Homes – As Agreed with CDS Director.
 - As noted above, with the looped water system inclusive of tees with valves, differing sections of the development can be developed independent of each other. Expectations are for adding 8 to 16 homes on to the system annually and per market demand.
- Town Homes – Construction start within 10 years from water tank completion.

- This portion of the project is again independent of other sections and can develop as the market dictates. Expectations are for the type of housing to follow the single-family housing commencement with building #1 likely to be started on or before 2030 with build out by 2036

Phase 7 – can be implemented at any time provided it meets with KCC.

- Large Parcel home sites –
 - These sites are separate and stand-alone uses from Marian Meadows. While included within the PUD, we request that they be viewed and handled by the County as independent large parcel properties. Due to location and characteristics unique to these parcels such as access, elevations and location, we will be including these into the design and platting of adjacent property to the South.

Marian Meadows

Person/Entity Commenting	Comment Summary	ERIC Answers	County Responses (if any)
Washington State DOH Russell Mau	<ol style="list-style-type: none"> 1. Water Source Confirmation 2. Confirm EWD's capacity to provide water. 3. Confirm Correct Water System Name 4. Clarify connections 5. Provide accounting re: connections to DOH 6. Provide Developers Extension Agreement to DOH 	<p>Please See Attached response to WSDOH and other concerns pertinent to Easton Water District, District system improvements and the Plat of Marian Meadows.</p>	
Washington State DOH LOSS Program, Kathryn Hayden	<ol style="list-style-type: none"> 1. LOSS permitted through DOH prior to const. 2. Include Management/oversight information. 	Acknowledged	
Kittitas County – Building Department Michael Flory	Building to meet IBC, IFC & WA State Codes	Acknowledged	
Washington State Dept. of Fish and Wildlife	<ol style="list-style-type: none"> 1. Stream typing. 2. Large Eastern Lots. 	<ol style="list-style-type: none"> 1. Within the approvals granted, the applicant was directed to provide documentation of conditions of this channel during times of high (spring time) snow melt or water volumes. Readeke Associates was commissioned for this follow up work to their original report. Their oversight included numerous site visits involving this entire region of the project. No evidence of standing 	

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Kittitas Co. CDE

Marian Meadows

		<p>or flowing water was observed. 2. Any activities involving these lots will be subject to Kittitas County and State oversight. At this time they will be platted as Single Family Residential Sites.</p>	
John R Jensen	<ol style="list-style-type: none"> 1. Discussion with KCFD #3 2. Discussion with ESD #28 3. See first two items 4. Easton Acres CC&R's - Road Access 5. Sparks Road issues 6. Opinion on RID for Sparks Road 7. Easton Water District agreement 8. Mail Service 9. Phasing and Time lines -Large Lots 	<p>See John R Jensen response attached</p>	
Claire Campbell	Notice and Ingress/Egress	See item #4 of John R Jensen Response	
Scott Campbell	<ol style="list-style-type: none"> 1. Notice 2. Access 3. Egress 4. Fire Concerns 5. School Concerns 	<ol style="list-style-type: none"> 1. Applicant posted site as directed by CDS 2. See John Jensen Response #4 3. See John Jensen Response #4 4. Addressed in Development Agreement Updates 5. Addressed in Development Agreement Updates 	
Easton Water District & Kittitas County Water	1(a). Questions regarding the Quantity of water requested.	See Water District Response, Mike Gerber	

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District #3, Mike Gerber	<p>1 (b). Design is on going and will be subject to District oversight. 2(a). Reference to prior Resolution & revision 3(a). Phasing, Timelines and Agreements</p>		
Kittitas Fire District #3 Cynthia McLaughlin, Leonard Lopez, Terri Campbell	Issues with notice and contact by applicant	See Update to Development Agreement	
Easton School District #28 Patrick Dehuff, Superintendent	Issues with notice and contact by applicant	See Update to Development Agreement	
Kittitas County, Dept of Public Works Taylor Gustafson	<p>ENGINEERING: 1. Number of campsites and RV pads 2. Lot 19 access 3. Condition 11.3.9 4. Fire land Width 5. Private road standards 6. Private roads serving more than 30 lots. 7. Airport Safety Zone questions? 8. Question surrounding phasing 9. Question pertaining to Water Tank. 10. Definition of RV complex traffic impacts. WATER: 1. Water quantity concerns</p>	Please see Response to Taylor Gustafson	

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	<p>and Water availability concerns 2. Analysis of ERU data, 3. Comments on total lots, service.</p>		
<p>Marge Brandsrud</p>	<p>Comments pertaining to the County's Code regarding Development Agreements. Comment on community standards, comments on large lots, Also Buffers, RV Storage, Outside Storage, Use and Schools</p>	<p>Please see Response to Brandsrud Comments</p>	
<p>Terri Campbell</p>	<p>Notice, Access, Fire and Roadways</p>	<p>The applicant was required to post signage at the site provided by Kittitas County CDS, which was completed per Code. See John Jensen Response. See Fire District Response. Please see TENW Study for transportation concerns.</p>	
<p>Tim Ryals</p>	<p>School, Fire, and Water District comments, also concerns about CC&R's for both Marian Meadows and Easton Acres</p>	<p>District comments are answered within the responses related directly to the Development Agreement. Please refer to those. Refer to John Jensen Response #4.</p>	
<p>Kittitas County Department of Environmental Health Jessica Cox</p>	<p>Comments regarding Ingress, On-site Septic, RV LOSS and Large Lot Septic</p>	<p>All residential lots will be serviced via on-site septic or other means approved by the county and/or State. RV Complex will be service via Engineered and approved LOSS system. The</p>	

Marian Meadows

		4 lg parcels in the eastern region will comply with KC Code and approvals.	
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Marian Meadows

Response to Russell Mau, Washington State Dept. of Health

Easton Ridge Land Company (ERLC) has been involved and working with Easton Water District (EWD) for upward of 15 years. We have included the Water District's Resolution #0307796-2 dated March 9, 2004, for reference, which outlines the following:

- Has facilitated the transfer of northern Pacific Railroad Water Right to District,
- Has assisted in changing points of withdrawal for two District Water Rights,
- Has assisted in changing "area of use" for District water Rights to include Marion Meadows property and annexed into District,
- Has facilitated updates of District water systems Comprehensive Plan.
- Has completed 700 lf of looped mainline extension with fire hydrant down Kittitas County ROW known as Meadow Way,
- Developer has contributed \$43,000 for efforts with District water rights/Comp Plan,
- Design and construction of new water storage (100,000 gals)

As shown above, ERLC has provided a 700' extension of the systems infrastructure into the Development.

Subsequent to the agreement and work, three significant issues regarding the Plat of Marian Meadows took place:

- Kittitas County required an Environmental Impact Statement be prepared,
- The economy transition into the 2008 National Recession, and
- The principle ownership of ERLC underwent significant changes.

Effort to revive the plat were again start in 2016 with approvals for the PUD received in May of 2018.

During this period questions have been asked by both the County and State which literally could not be answered until approvals were in place. With approvals, we have begun discussion with Easton Water District on design requirement, tank placement, engineering and District infrastructure needs. The District is a small municipal system with primarily volunteer management and oversight so decision and answers require time.

Over the past 18 months, a representative of ERLC has attended many monthly meetings. Design and engineering work have commenced for both the Plat of Marian Meadows and District infrastructure needs. It should be noted that the needs of the District are different from those addressed in the earlier Resolution with a larger storage tank in the equation.

To address specific points made by Mr. Mau with Washington State's Department of Health;

1. Marian Meadows has annexed into the Districts "water service area" and been provided with the Districts intention of servicing this plat. We are moving forward with this direction and will continue to work with the District until advised otherwise. Please note that the Applicant has the ability and resources to provide a Group A Water System for this plat if needed.

Marian Meadows

2. EWD currently indicates it has the capacity to service this plat and has provide a Letter of Water Availability to ERLC. While these are time sensitive, the District has acknowledged its legally responsibility to provide water for Marian Meadows.
3. The State question the name of the system. While the State indicates the District is known as Easton Water District, all of our resolution and agreements to date have been in the name of Kittitas County Water District #3. As asked in prior correspondence, please advise as to the name we should refer too.
4. The connections requested have been outlined within a prior submittal to the record. This was formulated with input and guidance from the District's Engineer. Each residential dwelling is assigned 1 ERU. As no historical basis could be determined for water usage similar to what has been proposed and approved for the RV Complex, we used septic effluent discharge documentation to assist in determining water needs for this use. It is our conclusion that the 23.92 ERU's identified for other uses within our assessment is conservative and will cover the uses of the RV storage, shop and retail areas.
5. All documentation and discussion with the District have indicated that the District has sufficient water connections to satisfy the needs of Marian Meadows at this time. The documentation and preliminary plat engineering are clear that the approved PUD will include 77 single family dwelling, 12 townhomes and the RV Complex uses. We are confident that the 120 ERU's identified will satisfy the needs of this community.
6. As negotiation with the District proceed, designs to District infrastructure are engineered and approved, the Developers Extension Agreement will be formulated. It is our understanding that this process includes the District submitting to the State all documentation, engineering and planning for system improvements. This will come from the District and not be provided by ERLC.

Marian Meadows Estates

Anticipated water usage from KCWD #3

120 ERU's

Breakdown:

Residential

77 dwelling units

77 ERU's

12 town homes

12 ERU's

Sub total

89 ERU's

Storage Complex-184 day season

15 RV Pads (per WSHD septic design standards) 120 GPD

4.45 ERU's

12 Camp sites (per WSHD septic design standards) 75 GPD

2.23 ERU's

Sub Total

6.68 ERU's

R V Dump Station (2 locations – 365 days)

.4 ERU's

Known ERU's needed for Plat

96.08 ERU's

Additional ERU's set aside for other uses:

23.92 ERU's

Design criteria determined using Table 4 from Washington State Health Department Large On-site Sewage System Regulations Chapter 246-272B WAC

Table 4 sets the design criteria for Typical Flows for Nonresidential Facilities. It is assumed that this table has been established with historical data determining the design for septic waste with specific uses and should provide a reliable basis in determining actual water uses and needed ERU's of the plat for non-residential needs.

Marian Meadows

Response to John R Jensen comments;

Within the written record, it shows that Mr. Jensen has been the most outspoken and persistent opponent of ERLC and the plat of Marian Meadows. We applaud his tenacious support and concerns for the Easton Community but also have serious reservations about receiving fair and non-bias decision from Boards and Commissions that the County has directed us to consult with.

Mr. Jensen is an active member and voice within Kittitas County Fire District #3, is a sitting Board Member of Easton School District #28 and a significant influence to members of the Easton Water District. His son has recently been the Fire District Fire Chief.

Regarding his comments, we have the following:

1. ERLC has contacted the Fire District Commission and met with them early in the process prior to community meetings in Jan of 2017. While we were still formulating and planning the development at this time, the agent for ERLC met again with Fire Chief Jensen at 5 PM on May 24, 2018 after the approvals for the plat were received. At this meeting, Chief Jensen expressed his concerns that a small volunteer dept such as Easton's, could not provide for growth that would come from a plat similar to Marian Meadows. It was explained to Chief Jensen that because of these concerns, decisions were made to provide fire suppression to all buildings within the development accept smaller service level structures like community bathrooms etc. along with water system improvements including fire hydrants throughout the plat. Mr. Jensen indicated that if this was the case, he had no issues with the development.

It should also be noted that RCW 82.02.100 supports this position.

No further contact with the commission was made pending the submission of the Development Agreement.

2. ERLC has contacted the School District through Superintendent Dehuff both early into formulation of the development concept and then again in May of 2018 after County approvals for the development. Early on, it was clear that the EIS saw significant school impacts "IF" the development would involve hundreds of new dwelling units. Within the EIS, it also determined that Alt. #5 would have substantially less or no impacts. The approved project represents a 21% reduction of dwelling units identified under EIS Alt. #5. We will address other points within our response to the School District.
3. See above
4. The Marian Meadows plat is accessed via Meadow Way which sits on a portion of Lot 3 of the plat of Easton Acres. ERLC purchase this parcel for purposes of providing access

Marian Meadows

to its property within Sec. 1 and moved forward through Kittitas County toward this end. The County accepted Meadow Way into the County road system under Resolution 2018-151. Within the Easton Acres C C & R's, provisions require that "commercial activity requires 75% acceptance by the community". We have agreed that any usage of Easton Acres lot #3 will be subject to the CC & R's for both Easton Acres as well as the plat of Marian Meadows but do not view the placement of a public roadway over this parcel as commercial activity. Furthermore, C C & R's for Easton Acres cannot impede or impact uses beyond its borders.

5. ERLC was asked to provide options/avenue to the County to address winter closure of I-90 that cause impacts to the E Sparks Road area. Within the EIS formation, one options was provided using an avenue through the Ellensburg Cement Products locations which provides a means to exit this area via the southern I-90 Interchange. An additional option was identified via Country Drive to the BPA ROW and looping back to the Easton I-90 North interchange.

Both of these routes were provided as emergency relief route during periods of incimate weather and never suggested as permanent roadways.

6. Public Works suggested a Road Improvement District in lieu of the above.
7. See Response to Russell Mau, Washington State Dept. of Health.
8. Included within platting will be a mail box facility.
9. Large Eastern Lots. Within the PUD, acreage from the eastern steep slopes were included in density calculations and then clustered under the County's PUD provisions. These lots were then set aside as large parcels subject to regulatory oversight of Kittitas County.

Marian Meadows

Response to comments by Mike Gerber, Easton Water District

- 1(a). Mr. Gerber, as Chair of the Water District Commission has never asked for clarification of the ERU's requested. We would refer everyone to the accounting provided within the record and attached to Russell Mau's response. The 23.92 ERU's identified as "other uses" will include the storage units, retail and shop uses as well as the recycling and community uses. The number of 120 ERU's was a determination made in consultation with the District's Engineer.
- 1(b). Design and Engineering will be provided by the developer in consultation with the District. As the Developers Extension Agreement is reached and executed with the District, all documentation will be supplied by the District to DOH unless the Applicant/ Developer is directed otherwise.

2. Exhibit C. B.3

- (a) While the District has rescinded Resolution #030796-2 under Resolution # 041117 it has also acknowledged its responsibility to provide service to this development. The terms and conditions of service will be addressed in the Developers Extension Agreement as design and engineering continues. It is unclear what Mr. Gerber is referring to in saying "There has been no further discussion between the District and the Developer regarding connection charges and or the Developer Extension Agreement". The Applicant's agent has attended many of the District's monthly meeting, supplied a DEA draft template for review by the District and discussed elements which need to be included within the DEA. Furthermore, the Applicant has entered into a funding agreement to cover District expenditures and has paid all outstanding invoices that we are aware of.

3. Exhibit "F" Phasing.

- (a). Discussion with the District has included timing discussions but have been overshadowed with the District current level of intermittent service level non-compliance. The District has acknowledged that service levels to areas surround the subject plat have experienced "issues" with DOH compliance which will be satisfied by the looped water connection between E Sparks Rd and Country Drive and the construction of a new water storage tank within the boundary of Marian Meadows.

At this time, ERLC is questioning the commitment of the Easton Water District and its commissioner's intention for servicing the Plat of Marian Meadows. Mr. Gerber comments are in the written record questioning this plat in this area. If the District is not interested in servicing the Plat of Marian Meadows please advise so that ERLC can move forward with the formation and needed approvals for a Group A water system.

Marian Meadows

Response to Comment by Taylor Gustafson, KC Public Works Department

Engineering:

1. Question regarding number of campsites and RV pads, included in Development Agreement.
2. Please refer to the attached schematic that was provide within the written record and prior to the PUD approval.
3. On sheet 4 of the PUD engineered drawings, snow storage area is designated on the west side of ROW and north of the recycling center. The ROW accessing the development is also 60' wide with public dedicated space on both sides.
4. Acknowledge fire lanes shall be 16' wide.
5. Acknowledged.
6. Meadow Way is a dedicated public ROW extended to the round a bout. At this point, all private roads access a public ROW meeting the intent of Kittitas County's Private Road Standards.
7. The approved engineered PUD drawings clearly illustrated the impacts of applicable Airport zones. Any use with APZ-4 includes restrictions on overnight stays per Washington State RCW's. Please review the 3-17-17 approved applications for explanations of Airport zones.
8. Project phasing will be determined by agreements pertaining to water system improvements. We can say that phase 1 will coincide with the building of the Water District tank and construction of the looped water line. Phase 1 will include the two lots fronting on Meadow Way and the first buildings within the storage complex. Once these improvements are in place, further phasing would not require the completion of tank storage or looped infrastructure.
9. Easton Water District's infrastructure is in need of improvements for compliance to State standards. The Plat of Marian Meadows can satisfy the needed improvements with both construction of a water storage tank and looping a water line from E Sparks Road to Country Drive.
10. Traffic impacts were included and addressed within the traffic study by TENW. These studies were inclusive and accounted for the added traffic anticipated with this use.

WATER:

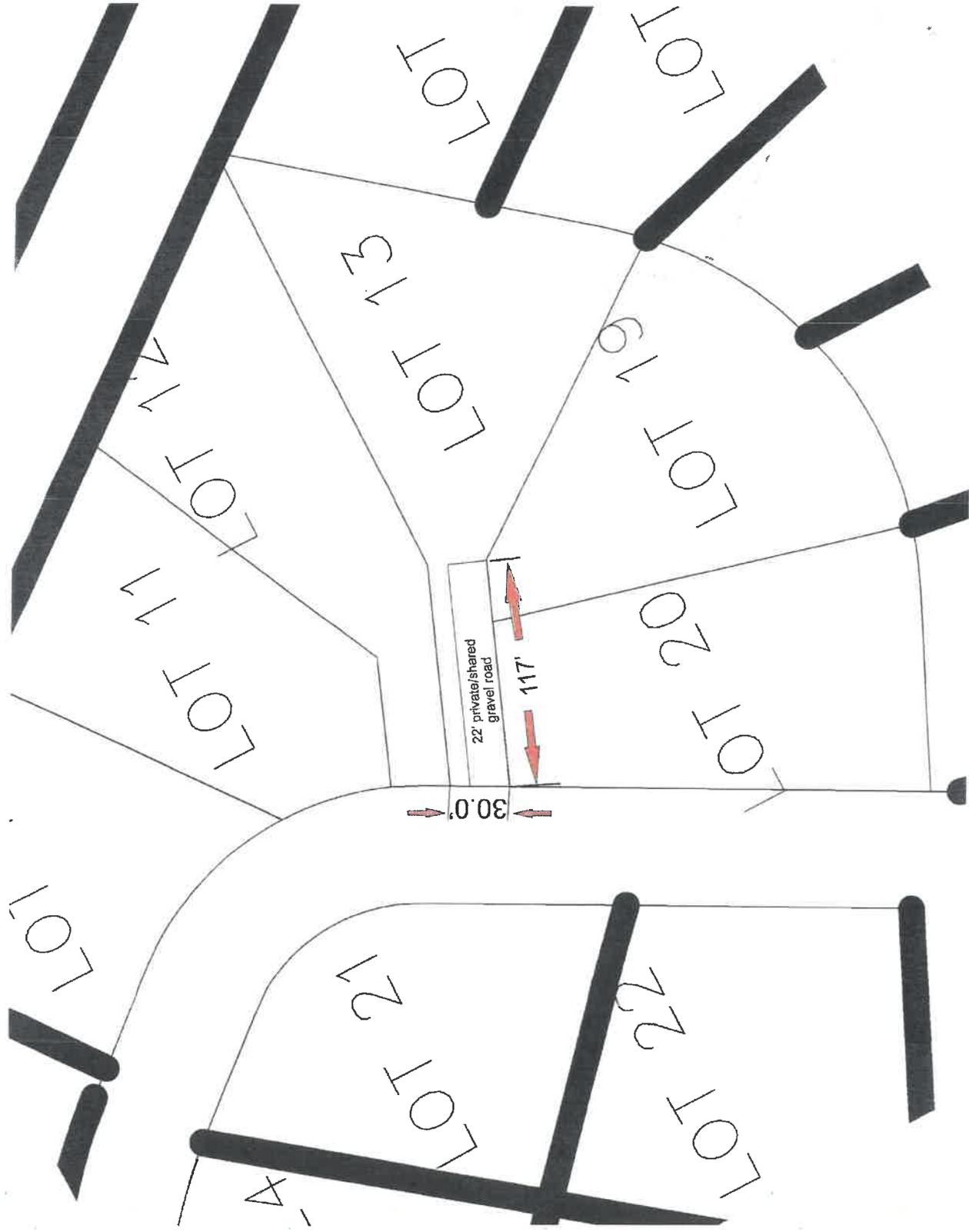
1. Any development will be subject to either the Water District and ERLC executing an agreement or ERLC providing its own Group A Water System. If the Easton Water District is not interested in providing service, ERLC will develop a State Approve system.

Marian Meadows

- Other items will be addressed within the Developers Extension Agreement with the District. The agreement will cover system improvements, connects needed, timing issues and funding elements and is subject to state oversight.
- 2. The quantity of 120 ERU's is an estimate based on discussions with the Water Districts Engineer. Quantities for SFR, the RV park and Campground was derived at using Washington State guidelines but no documentation is in place for RV Storage units. The Decision has been made to factor in 23.92 ERU's for this which we believe will be a very conservative number.
- 3. The plat applications, plat approvals and all documentations discuss 89 sfr inclusive of 4 large lot parcels, 12 townhomes and 73 SFR. The Preliminary PUD drawing illustrate this clearly. See above for the water district discussion.

SURVEY:

Exhibit "A" outlines the parcels involved with the Development Agreement but the entire document is tied back to the Preliminary PUD Approval. Please see engineered drawings submitted.



Marian Meadows

Response to Marge Brandsrud

General Requirements: We have no comment regarding the County Codes she sites.

We would also note that much of Ms. Brandsrud's questions whether this an appropriate developmental use within Kittitas County's rural zoning. We would like to point out that within the Commissioners deliberation about this plat, this single topic was focused on. So much so that the Commissioners remanded the decision back to the Hearing Examiner for his opinion of the project and its rural character. Please see the final decision rendered by the Hearing Examiner in regards to the rural character of Marian Meadows.

The number of townhomes are documented throughout the approvals and again within the Development Agreement. All engineered drawing illustrate the townhome element and it is identified within the Development Agreement.

Large eastern parcels of the development. As Ms. Brandsrud outlines, these lots are not like the core of Marian Meadows. They are elevated and separated by significant slope, large in size and contain characteristics unique to these lots. We have requested they be viewed differently as it is likely that a continued forest practice presence will continue along with open space designations. It is our opinion that these lots will not share any of the amenities of the general plat including roadways.

DA speaks of a 15' setback for one portion of the storage complex. Upon further examination, the 15' is a landscape buffer from a 35' natural buffer and only in the location of a project rear facing wall of the complex. All other buffers exceed this.

Definition for Recreational Vehicle. As noted, we are open to all varieties. The intent is a complex that can house and service these general units. Due to what is associated with RV's, each storage unit will be sprinklered and monitored for gases. The intention is for the service area to include a monitoring station of each unit.

While outside storage will be strictly controled and not allowed during winter months, it is likely that units waiting for servicing or repair will be parked outside of the service shop and within the fenced area.

Ownership versus usage of storage units. We have raised this as a concern on our part. Any use of a unit will be governed by County Code and Community Standards that will apply to renters

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just as much as fee simple ownership. It is no different that ownership of single-family residence throughout the County.

General Comments – Please refer to Development Agreement Updates.