

PROJECT NAME: **The Vista West PBCP (CL-09-01)**

Index # <small>*Numbers in lower right hand corner</small>	Document Name
1	Long Plat Application & Environmental Checklist
2	Letter of Complete Application
3	Affidavit of Posting
4	Notice of Application
5	Affidavit of Mailing & Publication
6	Comment letter from Judy Hallisey, District Ranger USDA Forest Service 12/16/09
7	Comment letter from Kittitas Co. Public Health 9/30/10
8	Memorandum – Kittitas Co. Public Works 10/4/10
9	Comment letter from Kittitas Co. Fire Marshal 4/19/10 & 10/13/10
10	Comment letter from Dept. of Ecology 4/9/10
11	Comment letter from Liz & Bob Doyle 4/5/10
12	Comment letter from David Artz 4/6/10
13	Comment letter from Russel Libby 4/2/10
14	Comment letter from Rus & Linda Libby date stamped 3/30/10
15	Comment letter from Joseph Turner 4/2010
16	Comment letter from Linda Libby 4/6/10
17	Comment e-mail from Chad Soma 4/2/10
17	Comment e-mail with attachments from Linda Hutchison 4/5/10
18	SEPA MDNS 10/28/10
19	Notice of Decision SEPA Action & Public Hearing
20	Hearing Examiner Staff Report
21	Letter requesting hearing continuance from Allison Kimball 12/9/10 & 1/24/11



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

STAFF REPORT (*Revised from Dec. 9, 2010*) VISTA WEST PERFORMANCE BASED CLUSTER PLAT

TO: Kittitas County Hearing Examiner
FROM: Kittitas County Community Development Services Staff
RE: Vista West Performance Based Cluster Plat (CL-09-01)
DATE: May 26, 2011 Hearing

I. GENERAL INFORMATION

Requested Action: Fortune Creek LLC, property owner, have applied for a 10-lot performance based cluster plat on approximately 21.09 acres of land that is zoned Rural-3. The project is proposed to be served by a Group B water system and individual on-site septic systems.

Location: The subject property is located southwest of the City of Cle Elum, accessed off of Storie Lane via Nelson Siding Road, Cle Elum, WA. The property is located in a portion of the North ½ of Section 33, T20N R14E WM. in Kittitas County. Map number: 20-14-33000-0007.

II. SITE INFORMATION

Total Project Size: 21.09 acres
Number of Lots: 10
Zoning District: Rural-3
Domestic Water: Group B water system
Sewage Disposal: Individual on-site septic systems
Power/Electricity: Puget Sound Energy
Fire Protection: Fire District #7
Irrigation District: None

Site Characteristics:

North: Vacant
South: Vacant
East: Vacant
West: Vacant

Access: The proposed project will have access from Storie Lane via an existing bridge over the KRD canal and connected to existing private roadways. The access road will be constructed to meet Kittitas County Road Standards. All required roadway improvements will be the responsibility of the developer. A second access route may be required.

Zoning and Development Standards: The purpose and intent of the Rural-3 zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in siting Rural-3 zones will be to minimize adverse effects on adjacent natural resource lands.

KCC 16.09 allows for **Performance Based Cluster Platting** to assist in the implementation of Kittitas County's policy to provide tools to foster appropriate densities, while making development economically feasible, benefits to the greater community through an effort to conserve water resources by minimizing the development of exempt wells by encouraging group water systems, to protect public health by reducing the number of septic drain fields, by concentrating urban densities in urban growth areas and by minimizing the impact of "Rural Sprawl" in rural

lands, as designated in the Kittitas County Comprehensive Plan, Kittitas County finds that this "Performance Based Cluster Platting" technique would foster the development of urban and rural designated lands at appropriate densities, while protecting the environment and maintaining a high quality of life in Kittitas County. Public Benefit Rating System (PBRs) elements are items that are not already required by code. When a public benefit is demonstrated then bonus density points will apply. The density bonus is limited to use in the rural designations with a 100% bonus in the Rural -3, Agriculture -3, Rural -5 and Agriculture - 5 zones. There is no limit to density bonus within the Urban Growth Areas and the Urban Growth Nodes. A minimum of twenty five percent (25%) of the area within the project boundary must be set aside in open space prior to application of the Public Benefit Rating System contained in KCC 16.09.090.

The applicant has demonstrated the Public Benefit Rating System (PBRs) with the following elements. The Hearing Examiner can further condition these elements as necessary to meet the intent of the Ordinance for Performance Based Cluster Platting. These elements will be conditions of approval for the Vista West Plat in order to qualify for the density bonus allowed through Performance Based Cluster Platting.

Element	Area	Bonus Points
Open space total (48%)	11.45 acres	0
Open space density bonus (43%)	9.05 acres	43 points
Stream buffer within open space	2.40 acres	0
Development Area	9.64	0
Group B water system		25 points
Total	21.09 acres	68points

Total bonus density points = 68 points. Total bonus density percentage =68%
 Density bonus limit in the Rural 3 zone for this proposal is 68%.

Calculations for project:

Current zone for project is Rural 3

Allowed density for the Rural 3 zone is 1 unit per3 acres

Subject parcel is a total of 21.09 acres

Lots allowed under current zoning (Rural 3) = **21.09 acres/3acres = 7 lots**

(7 lots) x (total bonus density percentage **68%**) = **14 total maximum lots for cluster plat**

Proposed lot yield = **10**

III. ADMINISTRATIVE REVIEW

Notice of Application: A complete long plat application was submitted to Community Development Services on December 16, 2009. The application was deemed complete on January 13, 2010. The Notice of Application for the preliminary plat application was issued on March 25, 2010. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on April 9, 2010.

Posting of Site: In accordance with Kittitas County code 15A.030.110, this project was accurately posted with the "Land Use Action" sign as provided by Community Development Services. The Affidavit of Posting was signed by the applicant and returned to the planner and is included as part of the record.

IV. COMPREHENSIVE PLAN

The Kittitas County Comprehensive Plan designates the subject property as Rural. Kittitas County has established the following goals and policies to guide future housing developments. These goals and policies were developed in response to existing housing conditions and identified needs within the county, and support the County Wide Planning Policies:

GPO 3.1 Provide a sufficient number of housing units for future populations in rural areas of Kittitas County.

GPO 3.6 Provide for future populations while protecting individual property rights.

GPO 3.17 Provide a sufficient number of housing units for future populations while maintaining the rural character of Kittitas County.

GPO 3.18 Provide sufficient housing units while maintaining environmental quality.

GPO 8.5 Kittitas County recognizes and agrees with the need for continued diversity in densities and uses on Rural Lands.

GPO 8.46 Residential development in rural lands must be in areas that can support adequate private water and sewer systems.

V. ENVIRONMENTAL REVIEW

Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on October 28, 2010. The appeal period ended on November 12, 2010 at 5:00 p.m. No appeals were filed.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included as Exhibits in the Hearing Examiner packet.

Several public comments were submitted on this proposal which have been included as exhibits in the Hearing Examiner packet.

VII. PROJECT ANALYSIS

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

Comprehensive Plan Consistency:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan, including those listed above in section IV of this report. The proposed subdivision will be adequately served by rural levels of service. The lots will be served by a Group B water system and individual onsite septic systems.

Consistency with the provisions of KCC 17A Critical Areas:

Staff has conducted an administrative critical area review in accordance with KCC 17A and found wetlands, areas within the 100-year floodplain, and areas of steep slopes on the subject properties.

Consistency with the provisions of KCC 16.09: Performance Based Cluster Platting Code:

The application contained all required elements necessary to review this proposal with the exception of soil logs, which will be required prior to final plat approval. All proposed lots meet the dimensional standards of KCC 17.30A for lots zoned Rural 3. As conditioned, this proposal is consistent with the Kittitas County Subdivision Code for Performance Based Cluster Plats.

Consistency with the provisions of KCC 16.12: Preliminary Plat Subdivision Code:

The application contained all required elements necessary to review this proposal with the exception of soil logs and water availability, which will be required prior to final plat approval. All proposed lots meet the dimensional standards of KCC 17.30A for lots zoned Rural 3. This proposal is consistent with the Kittitas County Code 16.12.150 in making recommendation as to the adequacy of the proposed road system, the proposed sewage disposal and potable water supply system and fire protection facilities within the subdivision.

Consistency with the provisions of KCC Title 12: Roads and Bridges:

All roads are required to meet all Kittitas County Road Standards as outlined in the October 4, 2010 memorandum issued by the Department of Public Works. As conditioned, the proposal is consistent with the provisions of KCC Title 12.

Agency Comments:

The following agencies provided comments during the comment period: Department of Ecology, USDA Forest Service, Kittitas County Department of Public Works, Fire Marshal's Office and Environmental Health. These comments have been included as conditions of approval to address these agency concerns.

Public Comments:

Several public comments were submitted on this proposal which have been included as exhibits in the Hearing Examiner packet.

VIII. RECOMMENDATION

As conditioned below, the application does not appear to be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 12 and Title 16.12 of the Kittitas County Code and the Kittitas County Comprehensive Plan. Staff recommends **approval** of the Vista West Performance Based Cluster Plat; file number (CL-09-01), subject to the following findings of fact and conditions:

Suggested Findings of Fact

1. Fortune Creek LLC, property owner, have applied for a 10-lot performance based cluster plat on approximately 21.09 acres of land that is zoned Rural-3. The project is proposed to be served by a Group B water system and individual on-site septic systems.
2. The subject property is located southwest of the City of Cle Elum, accessed off of Storie Lane via Nelson Siding Road, Cle Elum, WA. The property is located in a portion of the North ½ of Section 33, T20N R14E WM. in Kittitas County. Map number: 20-14-33000-0007.
3. The proposed lots range in size from approximately 0.92 acres to 1.15 acres in size. The project is proposed to be served by a Group B water system and individual on-site septic systems.
4. Site Information:

Total Project Size:	21.09 acres
Number of Lots:	10
Zoning district	Rural 3
Domestic Water:	Group B water system
Sewage Disposal:	Individual on-site septic systems
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District #7
Irrigation District:	None
5. Site Characteristics: The area is characterized as mountain terrain.

6. Surrounding Property:
North: Vacant
South: Vacant
East: Vacant
West: Vacant
7. The Comprehensive Plan designation is Rural.
8. The subject property is zoned Rural 3, which allows for one residential unit per 3 acres and one-half acres for platted cluster subdivisions served by public water and sewer systems. All subdivision lots under three acres in size must be served by public water and sewer systems (KCC 17.30.040).
9. A complete long plat application was submitted to Community Development Services on December 16, 2009. The application was deemed complete on January 13, 2010. The Notice of Application for the preliminary plat application was issued on March 25, 2010. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on April 9, 2010.
10. In accordance with Kittitas County code 15A.030.110, this project was accurately posted with the "Land Use Action" sign as provided by Community Development Services. The Affidavit of Posting was signed by the applicant and returned to the planner and is included as part of the record.
11. Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on October 28, 2010. The appeal period ended on November 12, 2010 at 5:00 p.m. No appeals were filed.
12. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The proposed subdivision will be adequately served by rural levels of service. The lots will be served by a Group A water system and individual or community septic systems. Staff has conducted an administrative critical area review in accordance with KCC 17A and found wetlands, areas within the 100-year floodplain, and areas of steep slopes on the subject properties.
13. This proposal is consistent with the Kittitas County Subdivision Code Chapter 16.09 for Performance Based Cluster Plats.
14. This proposal is consistent with the provisions of KCC 16.12:Preliminary Plat Subdivision Code: The application contained all required elements necessary to review this proposal with the exception of soil logs and water availability, which will be required prior to final plat approval. All proposed lots meet the dimensional standards of KCC 17.30A for lots zoned Rural 3. This proposal is consistent with the Kittitas County Code 16.12.150 in making recommendation as to the adequacy of the proposed road system, the proposed sewage disposal and potable water supply system and fire protection facilities within the subdivision.
15. All roads are required to meet all Kittitas County Road Standards as outlined in the October 4, 2010 memorandum issued by the Department of Public Works. As conditioned, the proposal is consistent with the provisions of KCC Title 12.
16. The following agencies provided comments during the comment period: Department of Ecology, USDA Forest Service, Kittitas County Department of Public Works, Fire Marshal's Office and Environmental

Health. These comments have been included as conditions of approval to address these agency concerns

Suggested Conclusions:

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public use and interest will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 16 Subdivision, Title 17 Zoning, Title 17A Critical Areas, Title 15 Environmental, and Title 12 Roads and Bridges.

Suggested Conditions of Approval:

Platting Standards and Zoning Code:

1. Certificate of Title: A certificate of title of the property proposed to be platted shall be submitted with the final plat.
2. Lot Closures: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
3. Conditions, Covenants, and Restrictions: Prior to final plat approval, a copy of the proposed final Conditions, Covenants, and Restrictions shall be submitted to Community Development Services for review and approval.
4. Open Space Tracts: Prior to final plat approval, all areas not included in development lots shall be labeled as individual tracts. Tracts shall not be further subdivided or altered. All tracts, except the tract(s) containing the private road area, shall be labeled "Open Space."
5. Open Space Tract Ownership and Maintenance: Open space tracts shall be jointly owned and maintained by the developer or legally responsible owner or homeowner's association or other legal entity made up of all benefited property owners.

Critical Areas:

6. Wetland Impacts: The proposed plat area contains a wetland area along Little Creek. No development is proposed in this mapped wetland or within approximately 600 feet. The plat shows a trail passing through the wetland and across Little Creek, and notes this trail is possible for future construction "at the discretion of the owner." Construction of this trail will require compliance with Title 17A Critical Areas.
7. Flood Prone Areas: The project site contains frequently flooded areas associated with Little Creek, which is under the jurisdiction of the County's Shoreline Master Program. No lots are proposed within the floodplain boundary, but a trail for possible future construction is shown. Any development within floodplain associated with Little Creek is subject to 17A.05.020 "No net loss of floodplain storage" and applicable provisions of the Conservancy environment included in the Shoreline Master Program.

8. Future Trail Construction: The following note shall be placed on the face of the final plat:

The approval of CL-09-00001 does not authorize construction of the proposed trail system noted as "future construction at the discretion of the owner." The proposed trail passes through a wetland, floodplain, and "Conservancy" shoreline environment. Trail construction shall be subject to County review and approval for compliance with Title 17A Critical Areas and the Shoreline Management Program, and additional wetland and flood storage analysis may be required prior to trail construction.

Stormwater and Drainage

9. This project will require a NPDES Construction Stormwater General Permit from the Washington State Department of Ecology. This permit requires that the SEPA checklist fully disclose anticipated activities, including building, road construction, and utility placements. Obtaining a permit is at least a 38 day process and may take up to 60 days if the original SEPA does not disclose all proposed activities.
10. The NPDES permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction.
11. Erosion control measures must be in place prior to any clearing, grading or construction. These control measures must be effective to prevent soil from being carried into surface water by storm water runoff. Sand, silt, and soil will damage aquatic habitat and are considered pollutants.
12. Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.
13. Best management practices must be used to prevent any sediment, oil, gas, or other pollutants from entering surface or ground water.

Transportation and Infrastructure

14. Timing of Improvements: This application is subject to the Kittitas County Road Standards, dated 9/6/05. The following conditions apply and must be completed prior to the issuance of a building permit for any of the structures within this plat. A Performance Bond or acceptable financial guarantee may be used, in lieu of the required improvements, per the conditions outlined in the current Kittitas County Road Standards.
15. Private Road Certification: Private roads serving any of the lots within this development shall be inspected and certified by a licensed professional engineer for conformance with Kittitas County Road Standards, 9/6/05 edition. Kittitas County Public Works shall require this road certification to be completed or the road construction bonded prior to the issuance of a building permit for any of the structures within the proposed plat.
16. The private road certification shall also include compaction testing results by a method approved by KCC 12.09.040 and the WSDOT Standard Specifications 2-03.3(14), and address roadside safety.
17. Road Names: All roads shall be labeled on the final plat.

18. Private Road Improvements: Access from the end of the County road to the cul-de-sac within the plat shall be constructed to meet or exceed the conditions of a High-Density Private Road that serves 15-40 tax parcels. See Kittitas County Road Standards, 9/6/05 edition.
 - a. Access easements shall be a minimum of 60' wide. The roadway shall have a minimum width of 22', with 1' shoulders, for a total width of 24'.
 - b. Minimum centerline radius shall be 60'.
 - c. Surface requirement BST/ACP.
 - d. Maximum grade is 12%.
 - e. Stopping site distance, reference AASHTO.
 - f. Entering site distance, reference AASHTO.
 - g. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
 - h. Any further subdivision or lots to be served by proposed access may result in further access requirements.
 - i. All roads located within this development or roads that provide access to this development shall be constructed to current county road standards unless any other maintenance agreements, forest service road easements or state easements require higher road standards. The higher of the road standards shall apply.
 - j. All easements shall provide for AASHTO radius at the intersection with a county road.
 - k. A paved apron shall be constructed at the intersection of the proposed private intersection and the county road right-of-way.
19. Cul-de-Sac: A cul-de-sac turn-around having an outside right-of-way or easement diameter of at least 110 feet shall be constructed at the closed end of all dead-end roads serving 3 or more lots. The driving surface shall be at least 96 feet in diameter. Cul-de-sacs must also conform to the requirements specified by the 2009 International Fire Code. Contact the Fire Marshal regarding any additional cul-de-sac requirements.
20. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
21. Access Permit: An approved access permit shall be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right of way.
22. Addressing: Contact the Kittitas County Rural Addressing Coordinator at (509) 962-7523 to obtain addresses prior to obtaining a building permit. A parcel cannot receive a building permit or utilities until such parcel is identified with a 911 address.
23. Fire Protection: Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.
24. Mailbox Placement: The U.S. Postal Service requires that private roads with 6 or more residences install USPS approved Cluster Box Units (CBUs) at a safe location at the mouth of the private road. Contact your local Post Office for location and additional design requirements before beginning construction.

Water and Sewer

25. The final plat notes shall include the following statements:

The approval of this division of land includes no guarantee that there is a legal right to withdraw

groundwater within the land division. The approval of this division of land provides no guarantee that use of water under the ground water exemption (RCW 90.44.050) for this plat or any portion thereof will not be subject to curtailment by the Department of Ecology or a court of law.

AND

Metering will be required on all new residential well connections and metering results shall be recorded in a manner consistent with Kittitas County and Washington State Department of Ecology requirements.

26. Adequate Potable Water Supply Statement: Final approval is conditioned upon the developer/owner of the plat providing proof of potable water. Proof of potable water can be provided through several different ways depending on the source of water proposed as described and outlined in the Board of County Commissioners Resolution 2010-082.

The application states that residences will utilize a Group B Public Water System; therefore, the following information is required prior to final plat approval:

Applicants shall have a well site inspection performed by KCPHD staff; complete and submit a Group B Public Water System Workbook to either KCPHD for water systems with 3-9 connections or Washington State Department of Health (DOH) for water systems with 10-14 connections or as amended by DOH; have the well(s) drilled; and submit a copy of an agreement with an approved Kittitas County Satellite Management Agency. All infrastructure for the Group B Water System including the well/pump house and storage tanks must be completed or the developer/owner can bond for completion. Final approval of the Group B Public Water System including issuance of the public water system ID number from DOH is required prior to recommendation by KCPHD for final approval. If a bond is in place, final approval will still be recommended but all infrastructure must be completed before issuance of the first building permit within the subdivision.

27. Water Use for Group B System. The Department of Ecology states: the Upper Kittitas Ground Water Rule restricts all new appropriations of groundwater within the upper Kittitas. This project lies within the affected area. The rule does allow for new uses of groundwater if:
- A building permit has been granted and vested prior to July 16, 2009;
 - A qualifying 'group use' under WAC 173-539A was established prior to July 16, 2009; or
 - The project is determined by Ecology to be 'water budget neutral.'

The proponent shall apply to Ecology for a permit to appropriate public groundwater of, if seeking to use the groundwater exemption, shall submit to Ecology a request for determination that the proposed exempt use would be water budget neutral. No new exempt uses under RCW 90.44.050 may commence unless Ecology has approved a request for determination that the proposed exempt use would be water budget neutral.

28. Water for Dust Suppression. The Department of Ecology States: water use from road construction and dust suppression will likely be necessary given that new roads and grading are planned. Water use for construction and dust compression are not listed uses eligible for appropriation under RCW 90.44.050. Therefore, a water right will be required for water used for short term and long term construction and dust suppression needs. Temporary permits may be obtainable in short time-periods.
29. Water Usage Impacts to Little Creek. The Department of Ecology States: the checklist does not address impacts to water supplies or to Little Creek, which runs through the site. There are approximately 5.3 cfs of confirmed water rights from Little Creek immediately downstream from the project. Little Creek has limited water supplies and there is not a consistent supply of water to satisfy the existing confirmed

rights. The location, construction, and use of the project's well(s) will have an affect on the ability of the Little Creek water right holders to exercise their rights. The timing and magnitude of impact to the Little Creek water right holders is not addressed in any of the documents provided. When the Little Creek water right holders are not satisfied, any additional impact results in the impairment of these rights (Supreme Court of WA *Postema v. PCHB No. 67549-0*). In Washington State, the statute does not allow for de minimis impairment of an existing right. Therefore, groundwater may not be consistently legally available to this project.

All consumptive water use must be adequately mitigated for prior to use pursuant to WAC 173- 539A. ALL unmitigated new consumptive uses will result in negative environmental impacts and be in violation of State law (WAC 173-539A). The subject property lies within one of the state's most water-short areas. Unmitigated use of water by the project will have a direct impact on senior water rights. When senior water rights are not met, each new unmitigated groundwater use, small as it may be, will result in the impairment of senior water rights. If mitigation is offered, all commenting agencies and persons should have an opportunity to address any potential concerns with or the adequacy of the mitigation offered. If you have any questions concerning the Water Resources comments, please contact Kurt Walker at (509) 454-4237.

Fire Safety

30. Approved water storage with a private fire hydrant system shall be installed. The hydrant system shall be subject to plan review through the Fire Marshal's Office and shall be subject to an annual Operational Permit.
31. Water storage and hydrant spacing shall comply with the International Fire Code.
32. The minimum fire flow requirements for the residential structures shall be no less than 1,000 gallons per minute for a duration of no less than 30 minutes. A reduction in fire flow of 50% is allowed when a building is provided with an automatic sprinkler system.
33. No fire apparatus access lane shall have a slope greater than 12%. A variance permit will be required for any slopes or grades greater than allowed by County Code.
34. "No Parking—Fire Lane" signs must be posted per Fire Marshal requirements on all cul-de-sacs.
35. Secondary access is required, or each residence accessed off of the single access road shall be required to have sprinkler protection as required by the County Fire Marshal's Office, with all associated permits issued. The sprinkler requirements shall be noted as a plat not on the final plat.
36. All bridges shall be required to be certified.
37. All development, design and construction shall comply with Kittitas County Code Kittitas County Zoning and the 2006 International Fire and Building Codes.
38. A separate permit is required for any private water storage or hydrant system.
39. Review of the final project submittals may include further requirements.

Air Quality

40. WAC 173-400-040 requires that reasonable precautions be taken to prevent dust from leaving the site. Dust is prohibited from interfering unreasonably with the use and enjoyment of property, causing health

impacts, or damaging property or business.

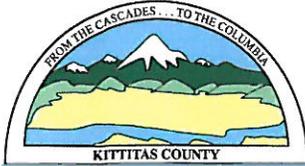
41. The applicant should create a site-specific Fugitive Dust Control Plan (FDCP) before starting this project, and then follow the plan for construction of the project and duration of activity on the property. The FDCP should include, but is not limited to, the following components:
 - Identify all potential fugitive dust emission points.
 - Assign dust control methods.
 - Determine the frequency of application
 - Record all dust control activities.
 - Train personnel in the FDCP.
 - Shut down during windy conditions.
 - Follow the FDCP and monitor dust control efforts.

42. According to County standards, a water truck shall be available during construction to minimize dust emissions.

SEPA Mitigation

43. All development, design and construction shall comply with those mitigation measures listed as “Voluntary Mitigation” in the SEPA Mitigated Determination of Nonsignificance, dated October 28, 2010, including the following:
 - a. All stormwater facilities will be designed and constructed in accordance with the Department of Ecology’s Stormwater Management Manual for Eastern Washington.
 - b. Energy-efficient and “green” building practices will be encouraged for future residences.
 - c. Construction will be limited to 7am-6pm during the summer, and 8am-6pm during the winter.
 - d. Future CC&Rs should encourage the use of natural building materials and natural or earth-tone colors.
 - e. If ground disturbance or other activities related to the proposed development should result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact made with the Washington State DAHP, SHPO and/or affected tribes. Work shall remain suspended until the find is assessed and appropriate consultation is conducted.
 - f. The applicant may construct a trail that will provide opportunities for active and passive recreation.

44. The following mitigation conditions from the SEPA Mitigated Determination of Non-Significance shall be noted on the face of the final plat and included in the Covenants, Conditions, and Restrictions (CC&Rs) document recorded with the final plat:
 - a. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

NOTICE OF PUBLIC HEARING

To: Adjacent Property Owners
Applicant

From: Dan Valoff, Staff Planner

Date: May 5, 2011

Subject: **Vista West Performance Based Cluster Plat (LP-09-01)**

Notice is hereby given that Kittitas County Hearing Examiner will be conducting an open record public hearing on the Vista West Performance Based Cluster Plat, LP-09-01, submitted by Dave Blanchard, authorized agent for Fortune Creek LLC., landowner. The applicant is proposing a 10-lot plat on approximately 21.09 acres of land that is zoned Rural-3, located southwest of the City of Cle Elum, accessed off of Storie Lane via Nelson Siding Road, Cle Elum, WA. The property is located in a portion of the North ½ of Section 33, T20N R14E WM. in Kittitas County. Map number: 20-14-33000-0007.

An open record hearing will be held before the Kittitas County Hearing Examiner on May 26, 2011 at 6:00 pm in the Kittitas County Courthouse, 205 W. 5th Avenue, Ellensburg, WA in the Commissioner's Auditorium. The Hearing Examiner at said public hearing will consider written and oral testimony. Interested persons are encouraged to attend.

Project documents may be viewed during normal business hours at Kittitas County Community Development Services (CDS) Office, 411 N. Ruby Street, Ellensburg, WA 98926. Please do not hesitate to contact CDS at (509) 962-7506 with any questions you might have. Contact: Dan Valoff, CDS Staff Planner.

Notice of Public Hearing
Vista West Performance Based Cluster Plat LP-09-01

Notice is hereby given that Kittitas County Hearing Examiner will be conducting an open record public hearing on the Vista West Performance Based Cluster Plat, LP-09-01, submitted by Dave Blanchard, authorized agent for Fortune Creek LLC., landowner. The applicant is proposing a 10-lot plat on approximately 21.09 acres of land that is zoned Rural-3, located southwest of the City of Cle Elum, accessed off of Storie Lane via Nelson Siding Road, Cle Elum, WA. The property is located in a portion of the North ½ of Section 33, T20N R14E WM. in Kittitas County. Map number: 20-14-33000-0007.

An open record hearing will be held before the Kittitas County Hearing Examiner on May 26, 2011 at 6:00 pm in the Kittitas County Courthouse, 205 W. 5th Avenue, Ellensburg, WA in the Commissioner's Auditorium. The Hearing Examiner at said public hearing will consider written and oral testimony. Interested persons are encouraged to attend.

Project documents may be viewed during normal business hours at Kittitas County Community Development Services (CDS) Office, 411 N. Ruby Street, Ellensburg, WA 98926. Please do not hesitate to contact CDS at (509) 962-7506 with any questions you might have. Contact: Dan Valoff, CDS Staff Planner.

Date: May 2, 2011
Publish: May 5, 2011

DAILY RECORD
ORDER CONFIRMATION

Salesperson: KATHY ADAMS

Printed at 05/03/11 12:01 by cad18

Acct #: 84329

Ad #: 443467

Status: N

KITTITAS COUNTY COMMUNITY
DEVELOPMENT SERVICES
411 N. RUBY ST, SUITE 2
ELLENSBURG WA 98926

Start: 05/05/2011 Stop: 05/05/2011
Times Ord: 1 Times Run: *****
STD6 1.00 X 7.22 Words: 216
Rate: LEG2 Cost: 60.07
Class: 0001 LEGAL NOTICES

Contact:

Phone: (509)962-7506

Fax#:

Email: dan.valoff@co.kittitas.wa.us

Agency:

Descript: VISTA WEST LP-09-01

Given by: *

Created: cad18 05/03/11 11:34

Last Changed: cad18 05/03/11 11:37

PUB ZONE ED TP START INS STOP SMTWTFS
DR A 97 S 05/05
IN A 97 S 05/05

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Quote from Daily Record/Kittitas County Publishing (509) 925-1414
This ad will run as quoted unless cancellation is received. Please contact your sales rep 24 hours prior to first run date to cancel order.

Name (print or type)

Name (signature)

(CONTINUED ON NEXT PAGE)

DAILY RECORD
ORDER CONFIRMATION (CONTINUED)

Salesperson: KATHY ADAMS

Printed at 05/03/11 12:01 by cad18

Acct #: 84329

Ad #: 443467

Status: N

**Notice of Public Hearing
Vista West Performance
Based Cluster Plat
LP-09-01**

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Date: May 2, 2011
Publish: May 5, 2011



KITTITAS COUNTY LAND USE HEARING EXAMINER

IN THE MATTER OF CL-09-01 Vista West Performance Based Cluster Plat)))))	ORDER ON REQUEST FOR CONTINUANCE
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THIS MATTER was scheduled after due legal notice for an open record public hearing to be held on January 27, 2011, at 6:00 p.m. at the Kittitas County Courthouse, Commissioner's Auditorium, Room 109.

On January 24, 2011, the authorized agent for the applicant requested a continuance of this hearing to a date uncertain.

The Hearing Examiner hereby GRANTS this request for continuance provided, however, that the applicant shall pay for all costs for re-noticing the new open record public hearing whenever that hearing is rescheduled. The applicant shall reimburse Kittitas County for all costs associated with re-noticing this open record public hearing.

SO ORDERED this 25th day of January, 2011.

KITTITAS COUNTY HEARING EXAMINER



 Andrew L. Kottkamp

CL-09-01
 Vista West Performance
 Based Cluster Plat
 Page 1 of 1

Brookside Consulting

January 24, 2011

Mr. Dan Valoff, Planner II
Kittitas County
Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

RE: Request to continue hearing
Vista West Performance Based Cluster Plat

Dear Dan:

On behalf of Fortune Creek, LLC please accept this request to continue the public hearing for the Vista West Performance Based Cluster Plat that is currently scheduled for January 27, 2010 before the Kittitas County Hearing Examiner.

As you know, we have asked the Board of County Commissioners to make a policy decision regarding the Fire Marshal's administration of the International Fire Code. This policy decision will directly affect the subject plat and may cause a change in some proposed plat conditions.

Until such time that this decision has been made by the Board of County Commissioners, we request that the scheduled hearing for this project be continued.

Please feel free to contact me at 509-859-3421.

Sincerely,



Allison Kimball
Authorized Agent, Fortune Creek LLC

Brookside Consulting

December 9, 2010

Mr. Dan Valoff
Kittitas County
Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

RE: Request for hearing continuance
Vista West Performance Based Cluster Plat (LP-09-01)

Dear Dan:

Due to unforeseen circumstances the applicant and the engineer for the subject plat are unable to attend tonight's hearing.

We respectfully request that the hearing be continued to a later date. It is my understanding from you that the next available date before the Hearing Examiner is January 27, 2011.

Sincerely,



Allison Kimball
Authorized Agent



STAFF REPORT

VISTA WEST PERFORMANCE BASED CLUSTER PLAT

TO: Kittitas County Hearing Examiner
FROM: Kittitas County Community Development Services Staff
RE: Vista West Performance Based Cluster Plat (CL-09-01)
DATE: December 9, 2010

I. GENERAL INFORMATION

Requested Action: Fortune Creek LLC, property owner, have applied for a 10-lot performance based cluster plat on approximately 21.09 acres of land that is zoned Rural-3. The project is proposed to be served by a Group B water system and individual on-site septic systems.

Location: The subject property is located southwest of the City of Cle Elum, accessed off of Storie Lane via Nelson Siding Road, Cle Elum, WA. The property is located in a portion of the North ½ of Section 33, T20N R14E WM. in Kittitas County. Map number: 20-14-33000-0007.

II. SITE INFORMATION

Total Project Size: 21.09 acres
Number of Lots: 10
Zoning District: Rural-3
Domestic Water: Group B water system
Sewage Disposal: Individual on-site septic systems
Power/Electricity: Puget Sound Energy
Fire Protection: Fire District #7
Irrigation District: None

Site Characteristics:

North: Vacant
South: Vacant
East: Vacant
West: Vacant

Access: The proposed project will have access from Storie Lane via an existing bridge over the KRD canal and connected to existing private roadways. The access road will be constructed to meet Kittitas County Road Standards. All required roadway improvements will be the responsibility of the developer. A second access route may be required.

Zoning and Development Standards: The purpose and intent of the Rural-3 zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in siting Rural-3 zones will be to minimize adverse effects on adjacent natural resource lands.

KCC 16.09 allows for **Performance Based Cluster Platting** to assist in the implementation of Kittitas County's policy to provide tools to foster appropriate densities, while making development economically feasible, benefits to the greater community through an effort to conserve water resources by minimizing the development of exempt wells by encouraging group water systems, to protect public health by reducing the number of septic drain fields, by concentrating urban densities in urban growth areas and by minimizing the impact of "Rural Sprawl" in rural

lands, as designated in the Kittitas County Comprehensive Plan, Kittitas County finds that this "Performance Based Cluster Platting" technique would foster the development of urban and rural designated lands at appropriate densities, while protecting the environment and maintaining a high quality of life in Kittitas County. Public Benefit Rating System (PBRS) elements are items that are not already required by code. When a public benefit is demonstrated then bonus density points will apply. The density bonus is limited to use in the rural designations with a 100% bonus in the Rural -3, Agriculture -3, Rural -5 and Agriculture - 5 zones. There is no limit to density bonus within the Urban Growth Areas and the Urban Growth Nodes. A minimum of twenty five percent (25%) of the area within the project boundary must be set aside in open space prior to application of the Public Benefit Rating System contained in KCC 16.09.090.

The applicant has demonstrated the Public Benefit Rating System (PBRS) with the following elements. The Hearing Examiner can further condition these elements as necessary to meet the intent of the Ordinance for Performance Based Cluster Platting. These elements will be conditions of approval for the Vista West Plat in order to qualify for the density bonus allowed through Performance Based Cluster Platting.

Element	Area	Bonus Points
Open space total (48%)	11.45 acres	0
Open space density bonus (43%)	9.05 acres	43 points
Stream buffer within open space	2.40 acres	0
Development Area	9.64	0
Group B water system		25 points
Total	21.09 acres	68points

Total bonus density points = 68 points. Total bonus density percentage =68%
 Density bonus limit in the Rural 3 zone for this proposal is 68%.

Calculations for project:

Current zone for project is Rural 3
 Allowed density for the Rural 3 zone is 1 unit per3 acres
 Subject parcel is a total of 21.09 acres

Lots allowed under current zoning (Rural 3) = **21.09** acres/3acres = 7 lots
 (7 lots) x (total bonus density percentage **68%**) = **14 total maximum lots for cluster plat**
 Proposed lot yield = **10**

III. ADMINISTRATIVE REVIEW

Notice of Application: A complete long plat application was submitted to Community Development Services on December 16, 2009. The application was deemed complete on January 13, 2010. The Notice of Application for the preliminary plat application was issued on March 25, 2010. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on April 9, 2010.

Posting of Site: In accordance with Kittitas County code 15A.030.110, this project was accurately posted with the "Land Use Action" sign as provided by Community Development Services. The Affidavit of Posting was signed by the applicant and returned to the planner and is included as part of the record.

IV. COMPREHENSIVE PLAN

The Kittitas County Comprehensive Plan designates the subject property as Rural. Kittitas County has established the following goals and policies to guide future housing developments. These goals and policies were developed in response to existing housing conditions and identified needs within the county, and support the County Wide Planning Policies:

GPO 3.1 Provide a sufficient number of housing units for future populations in rural areas of Kittitas County.

GPO 3.6 Provide for future populations while protecting individual property rights.

GPO 3.17 Provide a sufficient number of housing units for future populations while maintaining the rural character of Kittitas County.

GPO 3.18 Provide sufficient housing units while maintaining environmental quality.

GPO 8.5 Kittitas County recognizes and agrees with the need for continued diversity in densities and uses on Rural Lands.

GPO 8.46 Residential development in rural lands must be in areas that can support adequate private water and sewer systems.

V. ENVIRONMENTAL REVIEW

Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on October 28, 2010. The appeal period ended on November 12, 2010 at 5:00 p.m. No appeals were filed.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included as Exhibits in the Hearing Examiner packet.

Several public comments were submitted on this proposal which have been included as exhibits in the Hearing Examiner packet.

VII. PROJECT ANALYSIS

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

Comprehensive Plan Consistency:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan, including those listed above in section IV of this report. The proposed subdivision will be adequately served by rural levels of service. The lots will be served by a Group B water system and individual onsite septic systems.

Consistency with the provisions of KCC 17A Critical Areas:

Staff has conducted an administrative critical area review in accordance with KCC 17A and found wetlands, areas within the 100-year floodplain, and areas of steep slopes on the subject properties.

Consistency with the provisions of KCC 16.09: Performance Based Cluster Platting Code:

The application contained all required elements necessary to review this proposal with the exception of soil logs, which will be required prior to final plat approval. All proposed lots meet the dimensional standards of KCC 17.30A for lots zoned Rural 3. As conditioned, this proposal is consistent with the Kittitas County Subdivision Code for Performance Based Cluster Plats.

Consistency with the provisions of KCC Title 12: Roads and Bridges:

All roads are required to meet all Kittitas County Road Standards as outlined in the October 4, 2010 memorandum issued by the Department of Public Works. As conditioned, the proposal is consistent with the provisions of KCC Title 12.

Agency Comments:

The following agencies provided comments during the comment period: Department of Ecology, USDA Forest Service, Kittitas County Department of Public Works, Fire Marshal’s Office and Environmental Health. These comments have been included as conditions of approval to address these agency concerns.

Public Comments:

Several public comments were submitted on this proposal which have been included as exhibits in the Hearing Examiner packet.

VIII. RECOMMENDATION

As conditioned below, the application does not appear to be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 12 and Title 16.12 of the Kittitas County Code and the Kittitas County Comprehensive Plan. Staff recommends **approval** of the Vista West Performance Based Cluster Plat; file number (CL-09-01), subject to the following findings of fact and conditions:

Suggested Findings of Fact

1. Fortune Creek LLC, property owner, have applied for a 10-lot performance based cluster plat on approximately 21.09 acres of land that is zoned Rural-3. The project is proposed to be served by a Group B water system and individual on-site septic systems.
2. The subject property is located southwest of the City of Cle Elum, accessed off of Storie Lane via Nelson Siding Road, Cle Elum, WA. The property is located in a portion of the North ½ of Section 33, T20N R14E WM. in Kittitas County. Map number: 20-14-33000-0007.
3. The proposed lots range in size from approximately 0.92 acres to 1.15 acres in size. The project is proposed to be served by a Group B water system and individual on-site septic systems.
4. Site Information:

Total Project Size:	21.09 acres
Number of Lots:	10
Zoning district	Rural 3
Domestic Water:	Group B water system
Sewage Disposal:	Individual on-site septic systems
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District #7
Irrigation District:	None
5. Site Characteristics: The area is characterized as mountain terrain.
6. Surrounding Property:
 - North: Vacant
 - South: Vacant
 - East: Vacant
 - West: Vacant

7. The Comprehensive Plan designation is Rural.
8. The subject property is zoned Rural 3, which allows for one residential unit per 3 acres and one-half acres for platted cluster subdivisions served by public water and sewer systems. All subdivision lots under three acres in size must be served by public water and sewer systems (KCC 17.30.040).
9. A complete long plat application was submitted to Community Development Services on December 16, 2009. The application was deemed complete on January 13, 2010. The Notice of Application for the preliminary plat application was issued on March 25, 2010. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on April 9, 2010.
10. In accordance with Kittitas County code 15A.030.110, this project was accurately posted with the "Land Use Action" sign as provided by Community Development Services. The Affidavit of Posting was signed by the applicant and returned to the planner and is included as part of the record.
11. Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on October 28, 2010. The appeal period ended on November 12, 2010 at 5:00 p.m. No appeals were filed.
12. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The proposed subdivision will be adequately served by rural levels of service. The lots will be served by a Group A water system and individual or community septic systems. Staff has conducted an administrative critical area review in accordance with KCC 17A and found wetlands, areas within the 100-year floodplain, and areas of steep slopes on the subject properties.
13. This proposal is consistent with the Kittitas County Subdivision Code Chapter 16.09 for Performance Based Cluster Plats.
14. All roads are required to meet all Kittitas County Road Standards as outlined in the October 4, 2010 memorandum issued by the Department of Public Works. As conditioned, the proposal is consistent with the provisions of KCC Title 12.
15. The following agencies provided comments during the comment period: Department of Ecology, USDA Forest Service, Kittitas County Department of Public Works, Fire Marshal's Office and Environmental Health. These comments have been included as conditions of approval to address these agency concerns

Suggested Conclusions:

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public use and interest will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 16 Subdivision, Title 17 Zoning, Title 17A Critical Areas, Title 15 Environmental, and Title 12 Roads and Bridges.

Suggested Conditions of Approval:

Platting Standards and Zoning Code:

1. Certificate of Title: A certificate of title of the property proposed to be platted shall be submitted with the final plat.
2. Lot Closures: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
3. Conditions, Covenants, and Restrictions: Prior to final plat approval, a copy of the proposed final Conditions, Covenants, and Restrictions shall be submitted to Community Development Services for review and approval.
4. Open Space Tracts: Prior to final plat approval, all areas not included in development lots shall be labeled as individual tracts. Tracts shall not be further subdivided or altered. All tracts, except the tract(s) containing the private road area, shall be labeled "Open Space."
5. Open Space Tract Ownership and Maintenance: Open space tracts shall be jointly owned and maintained by the developer or legally responsible owner or homeowner's association or other legal entity made up of all benefited property owners.

Critical Areas:

6. Wetland Impacts: The proposed plat area contains a wetland area along Little Creek. No development is proposed in this mapped wetland or within approximately 600 feet. The plat shows a trail passing through the wetland and across Little Creek, and notes this trail is possible for future construction "at the discretion of the owner." Construction of this trail will require compliance with Title 17A Critical Areas.
7. Flood Prone Areas: The project site contains frequently flooded areas associated with Little Creek, which is under the jurisdiction of the County's Shoreline Master Program. No lots are proposed within the floodplain boundary, but a trail for possible future construction is shown. Any development within floodplain associated with Little Creek is subject to 17A.05.020 "No net loss of floodplain storage" and applicable provisions of the Conservancy environment included in the Shoreline Master Program.
8. Future Trail Construction: The following note shall be placed on the face of the final plat:

The approval of CL-09-00001 does not authorize construction of the proposed trail system noted as "future construction at the discretion of the owner." The proposed trail passes through a wetland, floodplain, and "Conservancy" shoreline environment. Trail construction shall be subject to County review and approval for compliance with Title 17A Critical Areas and the Shoreline Management Program, and additional wetland and flood storage analysis may be required prior to trail construction.

Stormwater and Drainage

9. This project will require a NPDES Construction Stormwater General Permit from the Washington State Department of Ecology. This permit requires that the SEPA checklist fully disclose anticipated activities, including building, road construction, and utility placements. Obtaining a permit is at least a 38 day process and may take up to 60 days if the original SEPA does not disclose all proposed activities.

10. The NPDES permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction.
11. Erosion control measures must be in place prior to any clearing, grading or construction. These control measures must be effective to prevent soil from being carried into surface water by storm water runoff. Sand, silt, and soil will damage aquatic habitat and are considered pollutants.
12. Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.
13. Best management practices must be used to prevent any sediment, oil, gas, or other pollutants from entering surface or ground water.

Transportation and Infrastructure

14. Timing of Improvements: This application is subject to the Kittitas County Road Standards, dated 9/6/05. The following conditions apply and must be completed prior to the issuance of a building permit for any of the structures within this plat. A Performance Bond or acceptable financial guarantee may be used, in lieu of the required improvements, per the conditions outlined in the current Kittitas County Road Standards.
15. Private Road Certification: Private roads serving any of the lots within this development shall be inspected and certified by a licensed professional engineer for conformance with Kittitas County Road Standards, 9/6/05 edition. Kittitas County Public Works shall require this road certification to be completed or the road construction bonded prior to the issuance of a building permit for any of the structures within the proposed plat.
16. The private road certification shall also include compaction testing results by a method approved by KCC 12.09.040 and the WSDOT Standard Specifications 2-03.3(14), and address roadside safety.
17. Road Names: All roads shall be labeled on the final plat.
18. Private Road Improvements: Access from the end of the County road to the cul-de-sac within the plat shall be constructed to meet or exceed the conditions of a High-Density Private Road that serves 15-40 tax parcels. See Kittitas County Road Standards, 9/6/05 edition.
 - a. Access easements shall be a minimum of 60' wide. The roadway shall have a minimum width of 22', with 1' shoulders, for a total width of 24'.
 - b. Minimum centerline radius shall be 60'.
 - c. Surface requirement BST/ACP.
 - d. Maximum grade is 12%.
 - e. Stopping site distance, reference AASHTO.
 - f. Entering site distance, reference AASHTO.
 - g. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.

- h. Any further subdivision or lots to be served by proposed access may result in further access requirements.
 - i. All roads located within this development or roads that provide access to this development shall be constructed to current county road standards unless any other maintenance agreements, forest service road easements or state easements require higher road standards. The higher of the road standards shall apply.
 - j. All easements shall provide for AASHTO radius at the intersection with a county road.
 - k. A paved apron shall be constructed at the intersection of the proposed private intersection and the county road right-of-way.
19. Cul-de-Sac: A cul-de-sac turn-around having an outside right-of-way or easement diameter of at least 110 feet shall be constructed at the closed end of all dead-end roads serving 3 or more lots. The driving surface shall be at least 96 feet in diameter. Cul-de-sacs must also conform to the requirements specified by the 2009 International Fire Code. Contact the Fire Marshal regarding any additional cul-de-sac requirements.
 20. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
 21. Access Permit: An approved access permit shall be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right of way.
 22. Addressing: Contact the Kittitas County Rural Addressing Coordinator at (509) 962-7523 to obtain addresses prior to obtaining a building permit. A parcel cannot receive a building permit or utilities until such parcel is identified with a 911 address.
 23. Fire Protection: Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.
 24. Mailbox Placement: The U.S. Postal Service requires that private roads with 6 or more residences install USPS approved Cluster Box Units (CBUs) at a safe location at the mouth of the private road. Contact your local Post Office for location and additional design requirements before beginning construction.

Water and Sewer

25. The final plat notes shall include the following statements:

The approval of this division of land includes no guarantee that there is a legal right to withdraw groundwater within the land division. The approval of this division of land provides no guarantee that use of water under the ground water exemption (RCW 90.44.050) for this plat or any portion thereof will not be subject to curtailment by the Department of Ecology or a court of law.

AND

Metering will be required on all new residential well connections and metering results shall be recorded in a manner consistent with Kittitas County and Washington State Department of Ecology requirements.

26. Adequate Potable Water Supply Statement: Final approval is conditioned upon the developer/owner of the plat providing proof of potable water. Proof of potable water can be provided through several different ways depending on the source of water proposed as described and outlined in the Board of County Commissioners Resolution 2010-082.

The application states that residences will utilize a Group B Public Water System; therefore, the following information is required prior to final plat approval:

Applicants shall have a well site inspection performed by KCPHD staff; complete and submit a Group B Public Water System Workbook to either KCPHD for water systems with 3-9 connections or Washington State Department of Health (DOH) for water systems with 10-14 connections or as amended by DOH; have the well(s) drilled; and submit a copy of an agreement with an approved Kittitas County Satellite Management Agency. All infrastructure for the Group B Water System including the well/pump house and storage tanks must be completed or the developer/owner can bond for completion. Final approval of the Group B Public Water System including issuance of the public water system ID number from DOH is required prior to recommendation by KCPHD for final approval. If a bond is in place, final approval will still be recommended but all infrastructure must be completed before issuance of the first building permit within the subdivision.

27. Water Use for Group B System. The Department of Ecology states: the Upper Kittitas Ground Water Rule restricts all new appropriations of groundwater within the upper Kittitas. This project lies within the affected area. The rule does allow for new uses of groundwater if:
- A building permit has been granted and vested prior to July 16, 2009;
 - A qualifying 'group use' under WAC 173-539A was established prior to July 16, 2009; or
 - The project is determined by Ecology to be 'water budget neutral.'

The proponent shall apply to Ecology for a permit to appropriate public groundwater of, if seeking to use the groundwater exemption, shall submit to Ecology a request for determination that the proposed exempt use would be water budget neutral. No new exempt uses under RCW 90.44.050 may commence unless Ecology has approved a request for determination that the proposed exempt use would be water budget neutral.

28. Water for Dust Suppression. The Department of Ecology States: water use from road construction and dust suppression will likely be necessary given that new roads and grading are planned. Water use for construction and dust compression are not listed uses eligible for appropriation under RCW 90.44.050. Therefore, a water right will be required for water used for short term and long term construction and dust suppression needs. Temporary permits may be obtainable in short time-periods.
29. Water Usage Impacts to Little Creek. The Department of Ecology States: the checklist does not address impacts to water supplies or to Little Creek, which runs through the site. There are approximately 5.3 cfs of confirmed water rights from Little Creek immediately downstream from the project. Little Creek has limited water supplies and there is not a consistent supply of water to satisfy the existing confirmed rights. The location, construction, and use of the project's well(s) will have an affect on the ability of the Little Creek water right holders to exercise their rights. The timing and magnitude of impact to the Little Creek water right holders is not addressed in any of the documents provided. When the Little Creek water right holders are not satisfied, any additional impact results in the impairment of these rights (Supreme Court of WA *Postema v. PCHB No. 67549-0*). In Washington State, the statute does not allow for de minimis impairment of an existing right. Therefore, groundwater may not be consistently legally available to this project.

All consumptive water use must be adequately mitigated for prior to use pursuant to WAC 173- 539A. ALL unmitigated new consumptive uses will result in negative environmental impacts and be in violation of State law (WAC 173-539A). The subject property lies within one of the state's most water-short areas. Unmitigated use of water by the project will have a direct impact on senior water rights. When senior water rights are not met, each new unmitigated groundwater use, small as it may be, will result in the impairment of senior water rights. If mitigation is offered, all commenting agencies and persons should

have an opportunity to address any potential concerns with or the adequacy of the mitigation offered. If you have any questions concerning the Water Resources comments, please contact Kurt Walker at (509) 454-4237.

Fire Safety

30. Approved water storage with a private fire hydrant system shall be installed. The hydrant system shall be subject to plan review through the Fire Marshal's Office and shall be subject to an annual Operational Permit.
31. Water storage and hydrant spacing shall comply with the International Fire Code.
32. The minimum fire flow requirements for the residential structures shall be no less than 1,000 gallons per minute for a duration of no less than 30 minutes. A reduction in fire flow of 50% is allowed when a building is provided with an automatic sprinkler system.
33. No fire apparatus access lane shall have a slope greater than 12%. A variance permit will be required for any slopes or grades greater than allowed by County Code.
34. "No Parking—Fire Lane" signs must be posted per Fire Marshal requirements on all cul-de-sacs.
35. Secondary access is required, or each residence accessed off of the single access road shall be required to have sprinkler protection as required by the County Fire Marshal's Office, with all associated permits issued. The sprinkler requirements shall be noted as a plat not on the final plat.
36. All bridges shall be required to be certified.
37. All development, design and construction shall comply with Kittitas County Code Kittitas County Zoning and the 2006 International Fire and Building Codes.
38. A separate permit is required for any private water storage or hydrant system.
39. Review of the final project submittals may include further requirements.

Air Quality

40. WAC 173-400-040 requires that reasonable precautions be taken to prevent dust from leaving the site. Dust is prohibited from interfering unreasonably with the use and enjoyment of property, causing health impacts, or damaging property or business.
41. The applicant should create a site-specific Fugitive Dust Control Plan (FDCP) before starting this project, and then follow the plan for construction of the project and duration of activity on the property. The FDCP should include, but is not limited to, the following components:
 - Identify all potential fugitive dust emission points.
 - Assign dust control methods.
 - Determine the frequency of application
 - Record all dust control activities.
 - Train personnel in the FDCP.
 - Shut down during windy conditions.
 - Follow the FDCP and monitor dust control efforts.

42. According to County standards, a water truck shall be available during construction to minimize dust emissions.

SEPA Mitigation

43. All development, design and construction shall comply with those mitigation measures listed as “Voluntary Mitigation” in the SEPA Mitigated Determination of Nonsignificance, dated October 28, 2010, including the following:
 - a. All stormwater facilities will be designed and constructed in accordance with the Department of Ecology’s Stormwater Management Manual for Eastern Washington.
 - b. Energy-efficient and “green” building practices will be encouraged for future residences.
 - c. Construction will be limited to 7am-6pm during the summer, and 8am-6pm during the winter.
 - d. Future CC&Rs should encourage the use of natural building materials and natural or earth-tone colors.
 - e. If ground disturbance or other activities related to the proposed development should result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact made with the Washington State DAHP, SHPO and/or affected tribes. Work shall remain suspended until the find is assessed and appropriate consultation is conducted.
 - f. The applicant may construct a trail that will provide opportunities for active and passive recreation.
44. The following mitigation conditions from the SEPA Mitigated Determination of Non-Significance shall be noted on the face of the final plat and included in the Covenants, Conditions, and Restrictions (CC&Rs) document recorded with the final plat:
 - a. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

NOTICE OF DECISION SEPA ACTION AND PUBLIC HEARING

To: Interested County Departments & Agencies with jurisdiction
Adjacent Property Owners
Applicant

From: Dan Valoff, Staff Planner

Date: October 28, 2010

Subject: Vista West Performance Based Cluster Plat (File No.: CL-09-00001)

Please find the attached Mitigated Determination of Nonsignificance (MDNS) for the above referenced project. A Notice of Application for the submitted application was mailed on March 25, 2010.

NOTICE IS HEREBY given that pursuant to 43.21(C) RCW, Kittitas County Community Development Services did on October 28, 2010 make a Mitigated Determination of Non-Significance (MDNS) for David Blanchard, authorized agent for Fortune Creek, LLC, landowner, to subdivide approximately 21.09 acres into a 10-lot performance based cluster plat. Water and wastewater treatment would be provided via onsite Group B wells and onsite individual septic systems. The subject property is zoned Rural-3. Final plat approval and building permits will be required. The subject property is located southwest of the City of Cle Elum accessed off of Storie Lane via Nelson Siding Road, Cle Elum. The property is located in a portion of the North ½ of Section 33, T20N R14E WM in Kittitas County. Map number 20-14-33000-0007. The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926. Staff Planner: Dan Valoff.

Any action to set aside, enjoin, review, or otherwise challenge such administrative SEPA action on the grounds of noncompliance with the provisions of chapter 43.21RCW shall be commenced on or before November 12, 2010 at 5:00 p.m. to the Kittitas County Board of Commissioners, Rm. 108, County Courthouse, Ellensburg, WA 98926. Appeals of SEPA threshold determinations shall be consolidated with appeals of final permit approval, according to 15A.04.020, Chapter [43.21C RCW](#) and Chapter [15.04 KCC](#) (such as a decision to require particular mitigation measures or to deny a proposal). A single simultaneous hearing before one hearing body will consider the agency decision on a proposal and any environmental determinations made, with the exception of the appeal, if any, of a threshold determination of significance.

NOTICE IS HEREBY given that a hearing on said application before the Kittitas County Hearing Examiner has been scheduled for **December 9, 2010 at 6:00 p.m.** in the Kittitas County Courthouse Auditorium, Ellensburg, WA. 98926. Anyone with an interest in this matter is urged to attend said hearing where testimony will be taken. Written comments will be received and documents may be viewed at the above address prior to the hearing. Interested persons are encouraged to verify prior to attending.

DAILY RECORD
AD AUTHORIZATION
(CONTINUED)

Salesperson: KATHY ADAMS

Printed at 10/26/10 14:49 by \$LOGIN

Acct#: 84329

Ad#: 331252 Status: N

**Notice of SEPA Action
and Public Hearing
Vista West Performance
Based Cluster Plat
(CL-09-00001)**

NOTICE IS HEREBY given that pursuant to 43.21(C) RCW, Kittitas County Community Development Services did on October 28, 2010 make a Mitigated Determination of Non-Significance (MDNS) for David Blanchard, authorized agent for Fortune Creek, LLC landowner to subdivide approximately 21.09 acres into a 10-lot performance based cluster plat. Water and wastewater treatment would be provided via onsite Group B wells and onsite individual septic systems. The subject property is zoned Rural-3. Final plat approval and building permits will be required. The subject property is located southwest of the City of Cle Elum accessed off of Storie Lane via Nelson Siding Road Cle Elum. The property is located in a portion of the North 1/2 of Section 33, T20N R14E WM in Kittitas County. Map number 20-14-33000-0007. The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926. Staff Planner Dan Valoff.

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Date: October 25, 2010
Publish: October 28, &
November 4, 2010

**Notice of SEPA Action and Public Hearing
Vista West Performance Based Cluster Plat
(CL-09-00001)**

NOTICE IS HEREBY given that pursuant to 43.21(C) RCW, Kittitas County Community Development Services did on October 28, 2010 make a Mitigated Determination of Non-Significance (MDNS) for David Blanchard, authorized agent for Fortune Creek, LLC, landowner, to subdivide approximately 21.09 acres into a 10-lot performance based cluster plat. Water and wastewater treatment would be provided via onsite Group B wells and onsite individual septic systems. The subject property is zoned Rural-3. Final plat approval and building permits will be required. The subject property is located southwest of the City of Cle Elum accessed off of Storie Lane via Nelson Siding Road, Cle Elum. The property is located in a portion of the North ½ of Section 33, T20N R14E WM in Kittitas County. Map number 20-14-33000-0007. The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926. Staff Planner: Dan Valoff.

Any action to set aside, enjoin, review, or otherwise challenge such administrative SEPA action on the grounds of noncompliance with the provisions of chapter 43.21RCW shall be commenced on or before November 12, 2010 at 5:00 p.m. to the Kittitas County Board of Commissioners, Rm. 108, County Courthouse, Ellensburg, WA 98926. Appeals of SEPA threshold determinations shall be consolidated with appeals of final permit approval, according to 15A.04.020, Chapter [43.21C RCW](#) and Chapter [15.04 KCC](#) (such as a decision to require particular mitigation measures or to deny a proposal). A single simultaneous hearing before one hearing body will consider the agency decision on a proposal and any environmental determinations made, with the exception of the appeal, if any, of a threshold determination of significance.

NOTICE IS HEREBY given that a hearing on said application before the Kittitas County Hearing Examiner has been scheduled for **December 9, 2010 at 6:00 p.m.** in the Kittitas County Courthouse Auditorium, Ellensburg, WA. 98926. Anyone with an interest in this matter is urged to attend said hearing where testimony will be taken. Written comments will be received and documents may be viewed at the above address prior to the hearing. Interested persons are encouraged to verify prior to attending.

Date: October 25, 2010

Publish: October 28th & November 4, 2010



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

State Environmental Policy Act MITIGATED DETERMINATION OF NONSIGNIFICANCE

- Description:** David Blanchard, authorized agent for landowner Fortune Creek, LLC, requests preliminary plat approval for a 10-lot performance based cluster plan on approximately 21.09 acres of land that is zoned Rural-3. Water and wastewater treatment would be provided onsite via Group B wells and onsite individual septic systems. Approximately 11.45 acres of the site will be retained as open space.
- Proponent:** Fortune Creek, LLC
- Location:** The proposed project is located southwest of the City of Cle Elum, accessed off Storie Lane via Nelson Siding Road, Cle Elum, Washington. The property is located in a portion of the North ½ of Section 33, T20N, R14E, WM in Kittitas County. Map number: 20-14-33000-0007.
- Lead Agency:** Kittitas County Community Development Services

The lead agency for this proposal has determined that the proposal will not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (c) and WAC 197-11. This decision was made after review of a SEPA environmental checklist and other information on file with the lead agency, after considering voluntary mitigation measures which the lead agency or the applicant will implement as part of the proposal, and after considering mitigation measures required by existing laws and regulations that will be implemented by the applicant as part of the Kittitas County permit process. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal. This information is available to the public on request.

Based on the project specific analysis, the lead agency for this proposal has also determined that certain mitigation measures are necessary in order to issue a Determination of Non-Significance for this proposal. Failure to comply with the mitigation measures identified hereafter will result in the issuance of a Determination of Significance (DS) for this project. The mitigation measures are listed below. Also note the following:

- A. This finding is based on review of the Long Plat Application submitted December 16, 2009. The application includes a SEPA Environmental Checklist dated December 15, 2009 and the following reports or studies: *Soil Logs Report* (December 30, 2009); *Custom Soil Resources Report* (December 9, 2009); and a title report dated December 10, 2009.
- B. Issuance of this threshold determination does not constitute approval of the proposal for construction. This proposal will require review and approval by Kittitas County (Building Permit and associated permits/approvals) and will be reviewed for compliance with all applicable Kittitas County codes which regulate development activities, including but not limited to the Zoning Code, Uniform Fire and Building Codes, Road Standards, Surface Water Design Manual, and the Sensitive Areas Regulations. This proposal will also require approvals by other agencies as described in the SEPA Environmental Checklist. These approvals and requirements are not inclusive, as some approvals and code requirements can only be confirmed and/or reviewed upon submittal of construction permits.

- C. Voluntary mitigation measures which the applicant will implement as part of the proposal are listed in the SEPA Environmental Checklist. These mitigation measures are in addition to requirements that will be implemented through Kittitas County code compliance permit review. Prior to construction permit issuance, these voluntary mitigation measures will be incorporated as conditions of development.

Voluntary Mitigation Measures:

- a. All stormwater facilities will be designed and constructed in accordance with the Department of Ecology's Stormwater Management Manual for Eastern Washington.
- b. Energy-efficient and "green" building practices will be encouraged for future residences.
- c. Construction will be limited to 7am-6pm during the summer, and 8am-6pm during the winter.
- d. Future CC&Rs should encourage the use of natural building materials and natural or earth-tone colors.
- e. If ground disturbance or other activities related to the proposed development should result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact made with the Washington State DAHP, SHPO and/or affected tribes. Work shall remain suspended until the find is assessed and appropriate consultation is conducted.
- f. The applicant may construct a trail that will provide opportunities for active and passive recreation.

The following SEPA mitigation conditions shall also apply based on the project specific analysis:

Light Impacts

- 1. The following note shall be placed on the face of the final plat:
All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.

**Responsible
Official:**


Dan Valoff

Title:

Staff Planner

Address:

Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7506 Fax: (509) 962-7682

Date:

October 28 2010

This Mitigated DNS is issued under WAC 197-11-355 and WAC 197-11-390; the lead agency will not act on this proposal for 10 working days. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action's procedural compliance with the provisions of Chapter 197-11 WAC shall be commenced on or before 5:00 pm, November 12, 2010.

Pursuant to Chapter 15A.04.020 KCC, this MDNS may be appealed by submitting specific factual objections in writing with a fee of \$500.00 to the Kittitas County Board of Commissioners, Kittitas County Courthouse Room 110, Ellensburg, WA 98926. Timely appeals must be received within 10 working days, or no later than 5:00 PM, November 12, 2010. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.

Dan Valoff

From: Linda Hutchison [linda@modularhomedesigner.com] on behalf of 'Linda Hutchison' [plhutch2@cablespeed.com]
Sent: Monday, April 05, 2010 2:30 PM
To: Dan Valoff
Subject: FW: notice sent to Kirk Holmes regarding Sapphire Skies - Visata West Performance Based Cluster Friday March 26th 2010
Attachments: 05-00281-9 05-2-00581-8 001.bmp; 05-00281-9 05-2-00581-8 002.bmp; 05-00281-9 05-2-00581-8 003.bmp; 05-00281-9 05-2-00581-8 004.bmp; 05-00281-9 05-2-00581-8 005.bmp

To: 'prosecutor@co.kittitas.wa.us'
Cc: 'James.Hurson@co.kittitas.wa.us'
Subject: notice sent to Kirk Holmes regarding Sapphire Skies - Visata West Performance Based Cluster Friday March 26th 2010

To Whom It May Concern:

This company was in court 2005 with the county regarding this bridge too stop them for using the bridge and access through Storie Lane the County prevailed

Case # 05-00281-9 & 05-200581-8

Why are they being allowed to do this – through the back door?

[Fortune Creek is Sapphire Skies](#)

To Whom It May Concern:

March 23rd 2010

Kirk Holmes

Thank you for the opportunity to address this issue of access through Storie Lane (Notice of Application Vista West Performance Based Cluster – Sapphire Skies: Access Bridge through Storie Lane)

We the residents – home owners of Store Lane, believe the request should be denied. This issue of access through Store Lane was addressed in court and the issue was resolved (Sapphire Skies –Vista West Performance) is well aware: The judge ruled in favorer of the county and the residencies of Store Lane. (Case # 05-00281-9 and 05-2-00581-8

The original request for access was based on another access route entirely; we protest that as before this is bait and switch by the applicant to the county.

An estimated ADT of 1200 plus moves this to high category road that should require road improvements to include widening ; this road was originally designed and built to function as residential dead end not as major collector.

All of the properties that this new road – bridge would access where originally created under exempt segregation where no access was guaranteed, in any cases the legal access granted to these properties was

identified as forest service road not Store Lane. The entire Short Plates that were created showed the forest service road or private easements to forest service road as legal access.

What is happening now is they are finding improvements of the forest service road too expensive or that the standards are too high for them to meet. They are looking for less expensive way to gain access to their lots.

They are essentially trying to force the property owners of Storie Lane to deal with the mitigation requirements for them to develop their property. It's as the developer saying to us: we can't afford the cost to meet the road improvement requirements of the forest service road so we will force the property owners and residents of Storie Lane to suffer the burden of mitigation requirements.

Thus they don't have to use the forest service road that is the legal access. Thus allowing them to bypass all the expense – spend less to improve roads.

Increase the value of their lots –shorter access: by decreasing the Storie Lane home owner's home values in what is already depressed home market. This will put negative impact on Storie Lane significantly increasing traffic from areas the currently do not have legal access to this road.

The BOCC has stated that it is not the right for developments to be approved by the imposition of mitigation on others,

To Whom It May Concern:

Thank you,
The residents – home owners of Storie Lane

Please Note:

Memorandum Decision dated December 1, 2005

The Decision of the court rejected Cle Elum Sapphire Skies argument that Storie Road can simply be extended to serve properties outside of Little Creek Ranches. The matter has now been finally been determined and Cle Elum – Sapphire Skies did not prevail on the argument

Regards,
Linda Hutchison
509-656-0187

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Hon. Michael E. Cooper

SUPERIOR COURT OF WASHINGTON FOR KITTITAS COUNTY

CLE ELUM'S SAPPHIRE SKIES, LLC,
TALMADGE GLEN, LLC, and NELSON
DEVELOPMENT GROUP,

Petitioners,

v.

KITTITAS COUNTY,

Respondent.

No. 05-2-00281-9

Consolidated with
No. 05-2-00581-8

CLE ELUM'S SAPPHIRE SKIES, LLC,
TALMADGE GLEN, LLC, and NELSON
DEVELOPMENT GROUP,

Petitioners,

v.

KITTITAS COUNTY, CHARLES E. JENKS and
JANE DOE JENKS; EUGENE IKOLA and
JANE DOE IKOLA; STANLEY B.
WOODWORTH and JANE DOE
WOODWORTH; LARRY D. SPENCE and
JANE DOE SPENCE; JOSEPH and LINDA
TURNER; PAUL R. HUTCHISON and JANE
DOE HUTCHISON; and ANTHONY and
DELORES M. CALVISKY,

Respondents.

STIPULATION AND ORDER

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STIPULATION

1. Kittitas County Cause No. 05-2-00281-9, a Land Use Petition Act ("LUPA") proceeding ("Matter 1"), was commenced on May 9, 2005.

2. On September 10, 2005 the Kittitas County Board of County Commissioners denied Petitioners' request for a plat amendment to the Little Creek Ranch's plat, which action was appealed under Kittitas County Cause No. 05-2-00581-8 (hereinafter "Matter 2").

3. By Order entered on November 21, 2005 the Court consolidated for scheduling and other purposes Matter 1 and Matter 2.

4. By memorandum decision dated December 1, 2005, the Court denied Petitioners' Motion for Summary Judgment on certain legal issues raised in Matter 1.

5. Both LUPA Matters involve complex land use issues related to a variety of County planning and road development policies and may affect a variety of properties owned by different entities.

6. Petitioners and Kittitas County have been working since December, 2005 to develop a comprehensive plan and strategy to address the various land use issues underlying the consolidated Matters, and have achieved some progress toward developing long term solutions to the underlying land use and road access issues.

7. Petitioners and the County desire to stay the consolidated Matters so that they may continue working toward a comprehensive resolution of the outstanding issues without prejudice to their respective legal rights in the consolidated Matters.

8. Certain issues have arisen recently regarding what activities are allowed and/or permitted on Storie Lane, the access easement over lots 6 and 7 of Little Creek Ranches Plat, and the bridge constructed south of Storie Lane over the KRD Canal. The parties wish to settle certain misunderstandings and clarify what activities are allowed and/or permitted on Storie Lane during the pendency of the appeals to avoid further misunderstandings and/or disputes while this matter is

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stayed.

9. Petitioner's successors: Northland Resources, LLC, Cooper Pass, LLC, Saddle Ridge, LLC, Fortune Creek, LLC, Back Country, LLC and Cool Water, LLC (collectively "Petitioners") and Kittitas County, further stipulate as follows:

(a) The above-captioned consolidated actions should be stayed pending further order of this Court or notice from Petitioners or the County that all efforts to resolve the underlying land use issues have been exhausted and that Petitioners and/or the County desire to proceed with the pending appeals.

(b) Neither Storie Lane, the easements over Lots 6 and 7 of the Little Creek Ranches Plat nor the bridge over the KRD Canal south of Storie Lane may be used for access to the Lots located in Section 33, Township 20 North, Range 14, East W.M. pending further order of this court or other court of competent jurisdiction, or other action by the County to allow such access.

(c) Neither Storie Lane, the easements over Lots 6 and 7 of the Little Creek Ranches Plat nor the bridge over the KRD Canal south of Storie Lane may be used for any construction activities in Section 33, Township 20 North, Range 14, East W.M. pending further order of this court or other court of competent jurisdiction, or other action by the County to allow such access.

(d) The bridge over the KRD Canal south of Storie Lane may be used only in accordance with Kittitas County Permit No. 05-0088 dated March 18, 2005, and for emergency vehicle access to Section 33 or areas beyond Section 33 for fire or life safety emergencies (upon notice to the County Public Works Department) pending further order of this court or other court of competent jurisdiction, or other action by the County to allow greater or different access. The Petitioners and the County agree to cooperate to establish a system to monitor and report use by emergency responders and/or establish a barrier at or near the bridge to limit access in accordance with this Stipulation and Order.

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proceedings, have no knowledge of the other issues presented herein, and sign this stipulation with respect to the stay issue only.

11. Based on the foregoing, the undersigned parties, through their counsel, stipulate to entry of the subjoined order.

IT IS SO STIPULATED.

DATED this __ day of September, 2007.
GROFF MURPHY, PLLC

DATED this __ day of September, 2007.
KITITITAS COUNTY PROSECUTOR

Michael J. Murphy, WSBA # 11132
Attorney for Petitioners

Don L. Anderson, WSBA #12445
Attorney for Respondent Kittitas County

DATED 9/11/07

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2. Neither Storie Lane, the easements over Lots 6 and 7 of the Little Creek Ranches Plat nor the bridge over the KRD Canal south of Storie Lane may be used for access to the Lots located in Section 33, Township 20 North, Range 14, East W.M. pending further order of this court or other court of competent jurisdiction, or other action by the County to allow such access.

3. Neither Storie Lane, the easements over Lots 6 and 7 of the Little Creek Ranches Plat nor the bridge over the KRD Canal south of Storie Lane may be used for any construction activities in Section 33, Township 20 North, Range 14, East W.M. pending further order of this court or other court of competent jurisdiction, or other action by the County to allow such access.

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DONE IN OPEN COURT this ____ day of _____, 2007.

Honorable Michael E. Cooper

Presented by:

KITITITAS COUNTY PROSECUTOR

Don L. Anderson, WSBA #12445

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Attorney for Respondent Kittitas County

Approved As to Form; Notice of Presentation
Waived:

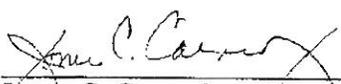
GROFF MURPHY, PLLC

Michael J. Murphy, WSBA # 11132
Attorney for Petitioners

LAW OFFICE

Peter P. Perron, WSBA #26062
Attorney for Respondents Ikola

VELIKANJE HALVERSON, P.S.



James C. Carmody, WSBA # 05205
*Attorney for Respondents Woodworth,
Hutchison and Calvisky,*

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SUPERIOR COURT OF WASHINGTON FOR KITTITAS COUNTY

CLE ELUM SAPPHIRE SKIES LLC,
TALMADGE GLEN, LLC and
NELSON DEVELOPMENT GROUP,

Petitioners,

vs.

KITTITAS COUNTY,

Respondent.

No. 05-2-00281-9

Consolidated with
No. 05-2-00581-8

CLE ELUM SAPPHIRE SKIES LL.,
TALMADGE GLEN, LLC and
NELSON DEVELOPMENT GROUP,

Petitioners,

vs.

KITTITAS COUNTY, CHARLES E.
JENKS and JANE DOE JENKS, EUGENE
IKOLA and JANE DOE IKOLA,
STANLEY B. WOODWORTH and JANE
DOE WOODWORTH, LARRY D.
SPENCE and JANE DOE SPENCE,
JOSEPH and LINDA TURNER, PAUL R.
HUTCHISON and JANE DOE
HUTCHISON, and ANTHONY and
DELORES M. CALVINSKY,

Respondents.

DECLARATION OF RUSSEL LIBBY
IN SUPPORT OF KITITAS COUNTY'S
MOTION FOR PRELIMINARY
INJUNCTION

1 I, Russel Libby, am over the age of eighteen years and competent to testify as a witness
2 in these proceedings. I make the following declaration based upon my own personal
3 knowledge, observations and perceptions.

4 My wife, Linda, and I own the property at 350 Storie Lane, which is otherwise known as
5 Lot 3 of Ed Bogachus Acres. We purchased the property on April 1, 200. We have another
6 residence in Kirkland, Washington, but I live full-time at our cabin on Storie Lane from May
7 through October each year.

8 Our property is located on Storie Lane about half-way between Nelson Siding Road and
9 Lots 6 and 7 of Little Ranch Creek Ranches Plat. Put differently, Storie Lane is a dead-end
10 road that runs a half-mile from Nelson Siding Road to its terminus at Lots 6 and 7. So we are
11 about a quarter mile from those lots and slightly farther from the bridge that Wayne Nelson
12 and Sean Northrup built across the Kittitas Reclamation District irrigation ditch.

13 I have kept a dairy about the construction activities and my associated thoughts and
14 actions in connection with that bridge and the private access road that was built over Lot 7
15 between the bridge and Storie Lane. The entries in the diary were made between June 25,
16 2007 and August 21, 2007 contemporaneously with the activities they describe. I have typed
17 up the contents of the diary for the sole reason to make it easier to read. Attached hereto as set
18 though forth in its entirety immediately hereafter is a true and correct copy of that diary.

19 I have also taken a number of photographs of the construction work that took place
20 between Story Lane and the bridge from June 25, 2007 to August 21, 2007. True and correct
21 copies of those photographs are attached hereto as though set forth in their entirety
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1 immediately hereafter. The copies that are attached hereto adequately and correctly reflect the
2 conditions as they existed on the dates I took the photos.

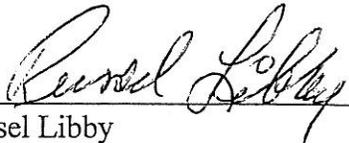
3 In addition to the foregoing, I was present at a meeting that took place at the Sunset Café
4 in Cle Elum, Washington in September 2006. Wayne Nelson invited me and several other
5 property owners along Storie Lane in an effort to, as he put it, "clear the air." At the meeting,
6 Mr. Nelson asked, "What can we do to satisfy you people and make this fly?" What he meant,
7 and what all of the neighbors in attendance understood him to mean, was how could Nelson
8 and his developer colleagues get us to keep quiet and knuckle under to their plans to use Storie
9 Lane to access their properties on the opposite side of the KRD irrigation ditch. Among other
10 things, he offered to provide us horse trails and other outdoor amenities in exchange for our
11 assent to use Storie Lane as the access to their properties outside the subdivisions served by
12 the cul de sac. I kind of felt sorry for Mr. Nelson, because his offers fell on deaf ears. Our
13 response was that there was nothing he could offer us to make us change our minds about
14 letting him use Storie Lane. We actually told him, "We don't want you here, go someplace
15 else."
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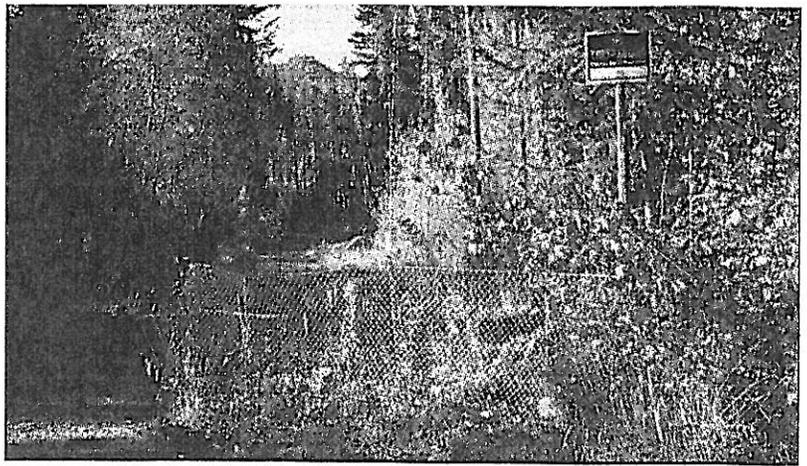
20 I was present at the public hearings the Board of County Commissioners held in
21 connection with the Storie Lane access permit and the denial of the Petitioners' request to
22 amend the Little Ranches Creek Plat. I was also present at the Superior Court hearing when
23 the Petitioners' motion for summary judgment was denied. It appears to me that
24 notwithstanding the results of those hearings, the Petitioners have gone ahead and built a 30-
25 foot wide paved road between Storie Lane and the bridge they previously built across the
26 KRD ditch. They seem determined to use Storie Lane to access properties outside the
27
28

1 subdivision regardless of who orders them not to. They recently (after finishing their road
2 project) have cabled off the bridge access, but what is to stop them from opening the access in
3 the future? It seems like the only way to prevent that from happening is by the Court issuing
4 an injunction.

5
6 I certify under penalty of perjury pursuant to the laws of the State of Washington that the
7 foregoing is true and correct to the best of my knowledge.

8
9 Dated this 10TH day of September, 2007, at Ellensburg, Washington.

10
11 
12 _____
13 Russel Libby
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THIS DEAD END CUL-DE-SAC at the end of Storie Lane is the subject of a land use battle between homeowners and Sapphire Skies. Valerie Chapman photo

Sapphire Skies Files Suit Against Kittitas County, Area Landowners

By Valerie Chapman

After exhausting appeals to Kittitas County Board of Commissioners to obtain an access permit for land on Storie Lane, off of West Nelson Siding Road in Upper Kittitas County, Sapphire Skies LLC, Talmadge Glen, LLC and Nelson Development group filed suit against the county and area landowners.

According to Sean Northrup of Sapphire Skies, the suit is merely a way for the company to continue to receive due process under the law.

The suit revolves around two plats of property in the Little Creek Ranches Plat situated at the end of Storie Lane, a public road currently designated as a dead-end road.

Sapphire Skies acquired the plats in order to build a road to access 210 acres of property it owns behind the Little Creek Ranches Plat. According to Northrup, there are other property owners in that area that would also gain access to their property via the proposed road.

"We feel we were denied access erroneously and filing suit is part of the legal process under the Land Use Petition Act that allows us to retain our rights," said Northrup. "We aren't out to sue anyone."

According to Paul Hutchison, one of the neighbors named in the suit, the roads in the area aren't equipped to handle the traffic that Storie Lane revisions would create. Sapphire Skies has sought to change the plat size on their property from 20 acre parcels to 3-acre parcels.

Hutchison's wife, Linda, said

phire Skies has been going on for about a year and a half.

"One morning, I saw that people were clearing the property next to mine, so I asked them for their permits," she related. "The workers said that 'permits weren't their problem'.

"The County then issued a stop-work order.

"Sapphire Skies then got a permit to gravel the road and sought a permit to build a bridge over the Kittitas Rural Development canal.

"The County issued a *conditional* permit, with the understanding that they [Sapphire Skies] might not ever be granted permission to finish the roads."

According to the Hutchisons, Sapphire Skies bought a landlocked property and when they submitted their plat divisions to the county, they only referenced Forest Service Road 4517 as their access to their property. Storie Lane was not named.

In order to handle the legal matters, the Hutchisons have contacted more than 22 attorneys from Ellensburg to Cle Elum. In each case, attorneys have declined the case based either on conflict of interest or a disinclination to take on the tactics of Sapphire Skies legal counsel.

"We had to hire an attorney from outside the area."

In addition to the Hutchisons, six other families as well as Kittitas County are named in the lawsuit. At press time, neither the Kittitas County Commissioners nor the County attorney were available for comment. The October 6 edition of the *Tribune*

FILED

SEP 26 2007

JOYCE L. BRUD, CLERK
KITITAS COUNTY, WASHINGTON

Hon. Michael R. Cooper

SUPERIOR COURT OF WASHINGTON FOR KITITAS COUNTY

CLE BLUM'S SAPPHIRE SKINS, LLC,
TALMADGE GLEN, LLC, and NELSON
DEVELOPMENT GROUP,

Petitioners,

v.

KITITAS COUNTY,

Respondent.

No. 05-2-00281-0

Consolidated with
No. 05-2-00581-8

CLE BLUM'S SAPPHIRE SKINS, LLC,
TALMADGE GLEN, LLC, and NELSON
DEVELOPMENT GROUP,

Petitioners,

v.

KITITAS COUNTY, CHARLES E. JENKS and
JANE DOE JENKS; EUGENE IKOLA and
JANE DOE IKOLA; STANLEY B.
WOODWORTH and JANE DOE
WOODWORTH; LARRY D. SPENCE and
JANE DOE SPENCE; JOSEPH and LINDA
TURNER; PAUL R. HUTCHISON and JANE
DOE HUTCHISON; and ANTHONY and
DELORES M. CALVISKY,

Respondents.

STIPULATION AND ORDER

STIPULATION AND ORDER - Page 1

REBECCA J. HENNING, F.L.C.
300 East Main
Spokane, Washington 99201
(509) 325-3300
FACSIMILE: (509) 828-9908

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STIPULATION

1. Kittitas County Cause No. 05-2-00281-9, a Land Use Petition Act ("LUPA") proceeding ("Matter 1"), was commenced on May 9, 2005.

2. On September 10, 2005 the Kittitas County Board of County Commissioners denied Petitioners' request for a plat amendment to the Little Creek Ranch's plat, which action was appealed under Kittitas County Cause No. 05-2-00581-8 (hereinafter "Matter 2").

3. By Order entered on November 21, 2005 the Court consolidated for scheduling and other purposes Matter 1 and Matter 2.

4. By memorandum decision dated December 1, 2005, the Court denied Petitioners' Motion for Summary Judgment on certain legal issues raised in Matter 1.

5. Both LUPA Matters involve complex land use issues related to a variety of County planning and road development policies and may affect a variety of properties owned by different entities.

6. Petitioners and Kittitas County have been working since December, 2005 to develop a comprehensive plan and strategy to address the various land use issues underlying the consolidated Matters, and have achieved some progress toward developing long term solutions to the underlying land use and road access issues.

7. Petitioners and the County desire to stay the consolidated Matters so that they may continue working toward a comprehensive resolution of the outstanding issues without prejudice to their respective legal rights in the consolidated Matters.

8. Certain issues have arisen recently regarding what activities are allowed and/or permitted on Storie Lane, the access easement over lots 6 and 7 of Little Creek Ranches Plat, and the bridge constructed south of Storie Lane over the KRD Canal. The parties wish to settle certain misunderstandings and clarify what activities are allowed and/or permitted on Storie Lane during the pendency of the appeals to avoid further misunderstandings and/or disputes while this matter is

1 stayed.

2 9. Petitioner's successors: Northland Resources, LLC, Cooper Pass, LLC, Saddle Ridge,
3 LLC, Fortune Creek, LLC, Back Country, LLC and Cool Water, LLC (collectively "Petitioners") and
4 Kittitas County, further stipulate as follows:

5 (a) The above-captioned consolidated actions should be stayed pending further
6 order of this Court or notice from Petitioners or the County that all efforts to resolve the underlying
7 land use issues have been exhausted and that Petitioners and/or the County desire to proceed with the
8 pending appeals.

9 (b) Neither Storie Lane, the easements over Lots 6 and 7 of the Little Creek
10 Ranches Plat nor the bridge over the KRD Canal south of Storie Lane may be used for access to the
11 Lots located in Section 33, Township 20 North, Range 14, East W.M. pending further order of this
12 court or other court of competent jurisdiction, or other action by the County to allow such access.

13 (c) Neither Storie Lane, the easements over Lots 6 and 7 of the Little Creek
14 Ranches Plat nor the bridge over the KRD Canal south of Storie Lane may be used for any
15 construction activities in Section 33, Township 20 North, Range 14, East W.M. pending further order
16 of this court or other court of competent jurisdiction, or other action by the County to allow such
17 access.

18 (d) The bridge over the KRD Canal south of Storie Lane may be used only in
19 accordance with Kittitas County Permit No. 05-0088 dated March 18, 2005, and for emergency
20 vehicle access to Section 33 or areas beyond Section 33 for fire or life safety emergencies (upon
21 notice to the County Public Works Department) pending further order of this court or other court of
22 competent jurisdiction, or other action by the County to allow greater or different access. The
23 Petitioners and the County agree to cooperate to establish a system to monitor and report use by
emergency responders and/or establish a barrier at or near the bridge to limit access in accordance
with this Stipulation and Order.

10. Respondents Ikola, Woodworth, Hurchison and Calvisky consent to a stay of

1 proceedings, have no knowledge of the other issues presented herein, and sign this stipulation with
2 respect to the stay issue only.

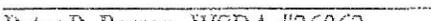
3 11. Based on the foregoing, the undersigned parties, through their counsel, stipulate to
4 entry of the subjoined order.

5 IT IS SO STIPULATED.

6 DATED this 1st day of September, 2007.
7 GROFF MURPHY, PLLC

8 
9 Michael J. Murphy, WSBA # 11132
10 Attorney for Petitioners

11 DATED this __ day of September, 2007.
12 LAW OFFICE

13 
14 Peter P. Perron, WSBA #26062
15 Attorney for Respondents Ikola

16 DATED this 1st day of September, 2007.
17 KITTITAS COUNTY PROSECUTOR

18 
19 Don L. Anderson, WSBA #12445
20 Attorney for Respondent Kittitas County

21 DATED this __ day of September, 2007.
22 VELIKANJE HALVERSON, P.S.

23 
James C. Carmody, WSBA # 05205
Attorney for Respondents Woodworth,
Hutchison and Calvisky

ORDER

Based on the foregoing stipulation,

IT IS HEREBY ORDERED as follows:

1. The above-captioned consolidated actions are hereby stayed pending further order of this Court or notice to the Court and all other parties from Petitioners or the County that the efforts to resolve the underlying land use issues have been exhausted and that Petitioners and/or the County desire to proceed with the pending appeals.

1 proceedings, have no knowledge of the other issues presented herein, and sign this stipulation with
2 respect to the stay issue only.

3 11. Based on the foregoing, the undersigned parties, through their counsel, stipulate to
4 entry of the subjoined order.

5 IT IS SO STIPULATED.

6 DATED this __ day of September, 2007.
GROFF MURPHY, PLLC

DATED this __ day of September, 2007.
KITITAS COUNTY PROSECUTOR

8 Michael J. Murphy, WSBA # 11132
9 *Attorney for Petitioners*

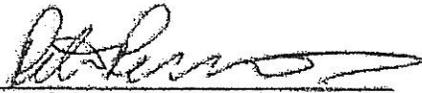
Don L. Anderson, WSBA #12445
Attorney for Respondent Kittitas County

10 DATED this __ day of September, 2007.

DATED this __ day of September, 2007.

11 LAW OFFICE

VELIKANJE HALVERSON, P.S.

12 
13 Peter P. Perron, WSBA #26062
Attorney for Respondents Ikola

James C. Carmody, WSBA # 05205
*Attorney for Respondents Woodworth,
Hutchison and Calvisky*

16 ORDER

17 Based on the foregoing stipulation,

18 IT IS HEREBY ORDERED as follows:

19 1. The above-captioned consolidated actions are hereby stayed pending further order of
20 this Court or notice to the Court and all other parties from Petitioners or the County that the efforts to
21 resolve the underlying land use issues have been exhausted and that Petitioners and/or the County
22 desire to proceed with the pending appeals.
23

1 proceedings, have no knowledge of the other issues presented herein, and sign this stipulation with
2 respect to the stay issue only.

3 11. Based on the foregoing, the undersigned parties, through their counsel, stipulate in
4 entry of the subpoenaed order.

5 IT IS SO STIPULATED.

6 DATED this __ day of September, 2007.
GEORGE MURPHY, PLLC

DATED this __ day of September, 2007.
KITTITAS COUNTY PROSECUTOR

7
8 Michael J. Murphy, WSEA # 11132
9 *Attorney for Petitioners*

Don J. Anderson, WSEA #12445
Attorney for Respondent Kittitas County

10 DATED this __ day of September, 2007.

DATED this __ day of September, 2007.

11 LAW OFFICE

VELUKANIE HALVERSON, P.S.

12
13 Peter P. Pearson, WSEA #26062
Attorney for Respondents Holm


Charles C. Carmody, WSEA # 05215
*Attorney for Respondents Woodworth,
Buckhiser and Calvisky*

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16 ORDER

17 Based on the foregoing stipulation,

18 IT IS HEREBY ORDERED as follows:

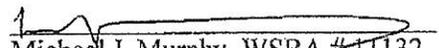
19 1. The above-captioned consolidated actions are hereby stayed pending further order of
20 this Court or notice to the Court and all other parties from Petitioners or the County that the efforts to
21 resolve the underlying land use issues have been exhausted and that Petitioners and/or the County
22 desire to proceed with the pending appeals.
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Attorney for Respondent Kittitas County

Approved As to Form; Notice of Presentation
Waived:

GROFF MURPHY, PLLC


Michael J. Murphy, WSBA #11132
Attorney for Petitioners

LAW OFFICE

Peter P. Perron, WSBA #26062
Attorney for Respondents Ikola

VELIKANJE HALVERSON, P.S.

James C. Carmody, WSBA # 05205
*Attorney for Respondents Woodworth,
Hutchison and Calvisky,*

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Attorney for Respondent Kittitas County

Approved As to Form; Notice of Presentation
Waived;

GROFF MURPHY, PLLC

Michael J. Murphy, WSBA # 11132
Attorney for Petitioners

LAW OFFICE


Peter P. Perron, WSBA #26062
Attorney for Respondents Ikoia

VELIKANJE HALVERSON, P.S.

James C. Carmody, WSBA # 05205
*Attorney for Respondents Woodworth,
Hutchison and Calvisky,*

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Attorney for Respondent Kittitas County

Approved As to Form; Notice of Presentation
Waived:

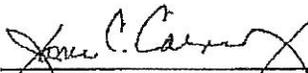
GROFF MURPHY, PLLC

Michael J. Murphy, WSBA # 11132
Attorney for Petitioners

LAW OFFICE

Peter P. Perron, WSBA #26062
Attorney for Respondents Ikola

VELIKANJE HALVERSON, P.S.



James C. Carmody, WSBA # 05205
*Attorney for Respondents Woodworth,
Hutchison and Calvisky,*

FILED

SEP 26 2007

JOYCE L. JULSRUD, CLERK
KITITAS COUNTY, WASHINGTON

SUPERIOR COURT OF WASHINGTON FOR KITITAS COUNTY

CLE ELUM'S SAPPHIRE SKIES LLC,
TALMADGE GLEN, LLC and
NELSEN DEVELOPMENT GROUP,

Petitioners,

vs.

KITITAS COUNTY,

Respondent.

No. 05-2-00281-9

Consolidated with
No. 05-2-00581-8

CLE ELUM SAPPHIRE SKIES LLC,
TALMADGE GLEN, LLC and
NELSEN DEVELOPMENT GROUP,

Petitioners,

vs.

KITITAS COUNTY, CHARLES E.
JENKS and JANE DOE JENKS, EUGENE
IKOLA and JANE DOE IKOLA,
STANLEY B. WOODWORTH and JANE
DOE WOODWORTH, LARRY D.
SPENCE and JANE DOE SPENCE,
JOSEPH and LINDA TURNER, PAUL R.
HUTCHISON and JANE DOE
HUTCHISON, and ANTHONY and
DELORES M. CALVINSKY,

Respondents.

ORDER DENYING PETITIONERS'
MOTION FOR SUMMARY JUDGMENT

THIS MATTER having come before the Court on Petitioners' motion for summary judgment, Petitioners appearing by and through their attorney, Michael J. Murphy and William Order Denying Petitioners' Motion for Summary Judgment - 1

GREGORY L. ZEMPEL
KITITAS COUNTY PROSECUTOR
KITITAS COUNTY COURTHOUSE
ELLENSBURG, WA 98926
TELEPHONE: 509-962-7520

1 J. Crittenden, of GROFF MURPHY TRACHTENBERG & EVERARD PLLC, and
2 Respondent, Kittitas County, being represented by GREGORY L. ZEMPEL, Kittitas County
3 Prosecuting Attorney, by and through his Deputy, James E. Hurson, and the Court having
4 reviewed the files and records herein, and having heard the arguments of counsel, and having
5 considered the following:

- 6 1. Petitioners' Motion for Summary Judgment;
- 7 2. Declaration of Michael J. Murphy; and
- 8 3. The County Response to Motion for Summary Judgment:

9 and the Court being otherwise fully advised in the premises, it is hereby
10

11 ORDERED that Petitioners' Motion for Summary Judgment is denied.

12 Dated this 20th day of September, 2007.

13
14 MICHAEL E. COOPER

15 MICHAEL E. COOPER
16 Superior Court Judge

17 Presented by:

18 GREGORY L. ZEMPEL
19 Kittitas County Prosecuting Attorney

20 
21 Don L. Anderson, WSBA #12445
22 Attorneys for Respondent, Kittitas County

23 Approved as to Form;
24 Notice of Presentment Waived, by:

25 GROFF MURPHY TRACHTENBERG
26 & EVERARD PLLC

27 Approved by email: 9/26/07

28 Michael J. Murphy, WSBA #11132
29 William J. Crittenden, WSBA #22033
Attorneys for Petitioners

Order Denying Petitioners' Motion
for Summary Judgment - 2

GREGORY L. ZEMPEL
KITTITAS COUNTY PROSECUTOR
KITTITAS COUNTY COURTHOUSE
ELLENSBURG, WA 98926
TELEPHONE: 509-962-7520

Don Anderson

From: Mike Murphy [mmurphy@groffmurphy.com]
Sent: Wednesday, September 26, 2007 12:19 PM
To: Don Anderson
Subject: RE: Cle Elum's Sapphire Skies et al. v. Kittitas Co.

You have my authority to sign on the form of order previously sent to me.

-----Original Message-----

From: Don Anderson [mailto:don.anderson@co.kittitas.wa.us]
Sent: Wednesday, September 26, 2007 11:59 AM
To: Mike Murphy
Subject: Cle Elum's Sapphire Skies et al. v. Kittitas Co.

Mike:

As I was preparing to take the Stipulation and Order up to Judge Cooper for signature and entry, I realized that I didn't have a signature from you on the Order Denying Petitioners' Motion for Summary Judgment that was served on your office at the same time as my first set of paperwork for the preliminary injunction. Is there some reason why you couldn't provide an electronic signature or a telephonic approval, so that can be entered at the same time? (As you recall, no formal order was entered memorializing Judge Cooper's December 1, 2005 Memorandum Decision denying your clients' SJ motion.)

Thanks,
Don

*Don L. Anderson
Civil DPA
Kittitas County Prosecuting Attorney
205 W. 5th, Room 213
Ellensburg, WA 98926*

509-962-7661
509-962-7022 (Fax)

don.anderson@co.kittitas.wa.us

This email message is privileged and confidential and is intended solely for the use of the individual named above. If you are not the intended recipient, or the person responsible for delivering it to the intended recipient, you are hereby advised that any dissemination, distribution or copying of this communication is prohibited. If you have received this email in error, please immediately notify the sender by telephone and return the original email by US mail.

Dan Valoff

From: Chad Soma [chadsoma1@msn.com]
Sent: Friday, April 02, 2010 8:16 PM
To: Dan Valoff
Subject: Storey Lane Bridge

Dan,
I am a resident of kittitas County for 13 year, currently at 2160 Nelson Siding. I am strongly against Sapphire Skies opening the bridge at the end of Storie Lane. I would like to know how they constructed the bridge without a permit? Why have they been allowed to keep the bridge in? The only way they can access the properties is by entering through Fowler Creek. I don't want the traffic it will create.

Thank You,
Chad Soma.

The New Busy is not the too busy. Combine all your e-mail accounts with Hotmail. [Get busy.](#)

April 6, 2010



Dan Valoff
Staff Planner
Kittitas County Community Development Services
411 N. Ruby, Suite 2
Ellensburg, WA 98926

RE: Notice of Application of Vista West Cluster Plat LP-09-00001

As a home owner on Storie Lane, I am concerned about the opening of the bridge at the end of Storie Lane for the private use of Vista LLC, Fortune Creek LLC and Sapphire Skies.

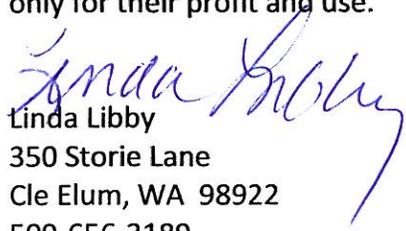
To my knowledge

There is no access permit to the bridge from Storie Lane
Court case 05-2-00281-9 and 05-2-00581-8 stated the only access to this property (Vista West) is thru Forest Service Road 4517
The court case has not been overturned
The bridge has never had a final inspection and some say no building permit

In the building permit of Little Creek Ranches, Storie Lane was built as a designated dead end road (File No P-82-03 July 16, 1985) – not to be used for the 1200 cars that Mr. Northrop of Sapphire Skies quoted in 2007.

I feel Sapphire Skies, Vista West LLC and Fortune Creek LLC have gone way beyond and pushed the laws of Kittitas County to benefit them only. They present plans with no law or rule following.

The opening of the road and bridge is not benefiting me or the public in any way. It is only for their profit and use.


Linda Libby
350 Storie Lane
Cle Elum, WA 98922
509-656-3189
russcocacola@q.com

April, 2010

Dan Valoff
Staff Planner
Kittitas County Community Development Services
411 N. Ruby, Suite 2
Ellensburg, WA 98926



Re: Notice of Application Vista West Performance Based Cluster Plat LP-09-00001

Dan,

I/we are concerned about some aspects of the above mentioned Application per below:

1. The Application indicates the only access for this 10 Cluster Lot Plat is to be Storie Lane. The application states by allowing access to this Plat via Storie Lane that the traffic on Storie Lane would only be increased by residents of these 10 lots. However, this Cluster Plat is part of the original larger Plat called Little Creek (located in Section 33, Township 20 North, Range 14, East W.M.) developed by Sapphire Skies prior to 2005. ALL of this larger development was platted with only one access, which is via Forest Service Road 4517. Per the SEPA for the entire larger development, this Plat could include as many as 130 lots with an estimated 1,200 vehicle trips per day occurring on Storie Lane if access to Storie Lane was to be granted.
2. February of 2005, Sapphire Skies filed an application for Access Permit to provide an easement over Little Creek Ranches lots 6 & 7, owned then by Sapphire Skies, to connect Storie Lane to the larger Little Creek development. The County denied the Access Permit WITHOUT an amendment to the Little Creek Ranches Plat, and the court decision of December 1, 2005, up held the County's decision. To my/our knowledge, Sapphire Skies has NEVER applied for an amendment to the Little Creek Ranches Plat.
3. In 2007 Sapphire Skies proceeded to install a road on Little Creek Ranches lots 6 & 7 from the Storie Lane cul-de-sac to the KRD canal, built a bridge across the canal (with Building Permit for the foundation but none for the bridge), and built a road up to what is now being called Misty Mountain Way. When this work was brought to their attention, the County physically denied access from Storie Lane and stopped the building. Per the Superior Court of Washington for Kittitas County ruling of Sept, 2007, it was Ordered that:
"Neither Storie Lane, the easements over Lots 6 and 7 of the Little Creek Ranches Plat nor the bridge over the KRD Canal south of Storie Lane may be used for access to the Lots located in Section 33, Township 20 North, Range 14, East W.M. pending further order of this court or other court of competent jurisdiction, or other action by the County to allow such access."
4. The current Application is attempting to have the County decision and the Sept. 2007 Court Order overturned by asking that the road and bridge to this Cluster Plat (and the larger Little Creek Plat) be given ACCESS via Storie Lane.
5. I encourage the County to be consistent to their (and the Court's) previous position and not issue an Access Permit to Sapphire Skies WITHOUT their going thru the entire process and successfully amending the Little Creek Ranches Plat. This process requires agreement of the amendment by those Little Creek Ranches Plat property owners.

Thank you for this opportunity to express our concerns.

Respectfully submitted,

Owners to property at
561 Storie Ln
Clifton, WA 98922

NOTE: This developer is making a
mockery of county rules and regulations
set in place to protect everyone. Thank-you
for your consideration to our concerns.

15

If possible please notify us by e-mail to any actions taken on this application -
jctco@cabiespeed.com

Sapphire Skies, Vista West, & Fortune Creek LLC, are again trying to open the bridge at the end of Storie Lane. This is to develop up to 5 cluster plats, south of the KRD canal. Again this is for their benefit. It will greatly increase traffic on Nelson Siding road, as well as Storie Lane.

Your opinion on the opening of the bridge is VERY important to the county staff planner. We need to be heard.

Please write or Email, Dan Valoff, staff planner at;

CDS, 411 N. Ruby, Suite 2, Ellensburg, WA 98926 or

Email dan.valoff@co.kittitas.wa.us



A6 - THURSDAY, MARCH 25, 2010 + NKC TRIBUNE

**NOTICE OF APPLICATION
VISTA WEST PERFORMANCE
BASED CLUSTER PLAT
(LP-09-00001)**

Applicant: Dave Blanchard, authorized agent for Fortune Creek LLC., landowner

Location: Southwest of the City of Cle Elum, accessed off of Storie Lane via Nelson Siding Road, Cle Elum, WA. The property is located in a portion of the North 1/2 of Section 33, T20N R14E WM. in Kittitas County. Map number: 20-14-33000-0007.

Proposed Project: The applicant requests preliminary plat approval for an 10-lot performance based cluster plat on approximately 21.09 acres of land that is zoned Rural-3. Water and wastewater treatment would be provided onsite via Group B wells and onsite individual septic systems.

Materials Available for Review: The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926, or on the CDS website at <http://www.co.kittitas.wa.us/cds/current/>. Phone: (509) 962-7506

Written Comments on this proposal can be submitted to CDS any time prior to 5:00 p.m. on April 9, 2010. Any person has the right to comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made. Appeal procedures

can vary according to the type of decision being appealed, and are described in Kittitas County Code, Title 15A.

Environmental Review (SEPA): The County expects to issue a Determination of Non-Significance (DNS) for this proposal, and will use the optional DNS process, meaning this may be the only opportunity for the public to comment on the environmental impacts of the proposal. Mitigation measures may be required under applicable codes, such as Title 17 Zoning, Title 16 Subdivisions, and the Fire Code, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the threshold determination may be obtained from the County.

Public Hearing: An open record hearing will be scheduled before the Kittitas County Hearing Examiner after the SEPA environmental threshold determination has been issued. A Public Hearing Notice will be issued establishing the date, time and location of this hearing.

Staff contact: Dan Valoff, Staff Planner; (509) 962-7637; email at dan.valoff@co.kittitas.wa.us

Notice of Application:
March 25, 2010

Application Received:
December 16, 2009

Application Complete:
January 13, 2010

(Published in the N.K.C. TRIBUNE, March 25, 2010.)



On February 11, 2005 permit 2005-031 was denied for the following reasons

- A. Lack of easement on Little Creek Plat for ingress/egress
- B. A plat amended is required
- C. A building permit is required for the construction of a bridge

This will be a new road, or road extension, in the Little Creek Ranches Plat. The Little Creek Ranches Plat does not show prior approval for extension of Storie Lane over a dedicated County right of way. A plat amendment would be necessary.

Nelson Development was denied a permit application per letter dated February 11, 2005. This letter identifies RCW 58.17.215 requiring a plat amendment for a ingress/egress easement to be reflected on the Little Creek Plat.

Additional research failed to establish any recorded easement for ingress/egress on either side. Public works will not issue a access permit without a recorded legal access.

The applicant subsequently submitted a building permit application for the construction of a bridge over the KRD Canal. Kittitas County did grant the applicant a "foundation only" permit to construct the footing. This permit was granted under the condition that the bridge could not be completed until the access issue is resolved. If the access is approved, the applicant will be able to complete the structure in a timely manner. If the access is denied, the foundation can be left in place, removed or buried.

February 11, 2005 letter to Nelson Group – Sapphire Skies

Little Creek Ranches Plat does not show prior approval for the extension of Storie Lane over dedicated County right of way or a private 60-foot ingress/egress easement. A plat amendment would be necessary

Little Creek Rezone was approved June 2004. The record does not indicate any attempt to correct this interpretation or add there was the possibility of access via another location, such as Storie Lane. A

review of the SEPA checklist clearly indicated access would be via the forest road and there was an acknowledgement in the SEPA checklist that the Forest Road would need to be improved. No written record or oral testimony reflects a possibility that Storie Lane is a possible access location.

RCW 58.17.215

Alteration of any subdivision or the altering of portion thereof, that person shall submit an application to request the alteration. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites or divisions in the subject subdivision or portion to be altered.

October 4, 2005 Denied an application 2005-128

The Board of County Commissioners finds that the Little Creek Ranches subdivision (File No. P-82-03) was given final approval on July 16, 1985 and that the Storie Lane access was delineated to be a dead end road ending in a cul-de-sac with no access being provided to property south of the subdivision.

The Board of County Commissioners finds that past plat alterations have required the majority approval and signature of those persons having an ownership interest of lots, tracts, parcels, sites or divisions in the subject subdivisions and that this proposed plat alteration provided approval and signature only for the portion to be altered.

There was no indication in the proposed rezone application and from the applicant that any other accesses were being considered.

Testimony was received from the public indicating that since Storie Lane wasn't mentioned in the rezone and the impact of the rezone wouldn't affect Storie Lane. The lack of addressing Storie Lane, as a possible access for the rezone therefore wasn't fully considered for the best interest of the public and substantial relation to the public health, safety or welfare.

The proposal would simply create a potential for private access from a public road to an undetermined number of lots over an

undetermined route. It is not in the public interest to allow s plat alteration with such lack of detail.

RCW 36.75.130 No person shall be permitted to build or construct any approach to a county road without obtaining permission of property owners.

RCW 58.17.215 Signatures and Covenant codes are needed to alter subdivisions.

8/2/05 SEPA 131 lots with 1254 daily trips on Storie Lane and Nelson Siding

10/4/05 Denial - Lacks public benefit.


350 - STORIE LN.
CLE ELUM, 98922
russcoca@q.com


509-656-3189



April 02, 2010

Dan Valoff

Kittitas County Community Development Services

411 N. Ruby, Suite 2

Ellensburg, WA 9892

Subject: Notice of Application Vista West Performance

Based Cluster Plat

The proposed access off of Storie Lane is under two court orders No. 05-2-00281-9 and 05-2-00581-8 of the Superior Court of Washington for Kittitas County. The use of the bridge over KRD Canal south of Storie Lane may be used only in accordance with Kittitas County Permit No. 05-0088 dated March 18, 2005, and for emergency vehicle access for fire or life emergencies only.

Kittitas County granted a "foundation only" permit to construct the footing. This permit was granted under the condition that the bridge could not be completed until the access issue is resolved. Was there ever a permit issued to complete the bridge crossing of the KRD Canal and if there was did it get a final inspection?

I, as one of the property owners on Storie Lane am totally against the proposal to access Vista West Plat off Storie Lane.

Russel Libby

350 Storie Lane

Cle Elum, WA 98922



New Homes By

ARTZ Construction, Inc.

4807 51st St. Ct. E, Tacoma, WA 98443 • DAVIDAC162BU
(253) 896-0838 phone • (253) 896-0837 fax



April 6, 2010

Mr. Dan Valoff
Staff Planner
Kittitas county Community Development Services
411 N. Ruby, Suite 2
Ellensburg Wa. 98926

Re: 630 Storie Lane Cle Elum Wa.

Dear Mr. Valoff

This letter is to voice our concern about the proposed cluster platting that has been applied for by, Fortune Creek LLC.

The access for this development should have been at the other entrance but the developer wanted it on Storie Lane. All of this for his benefit. He has never obtained the correct permits and has gone 'rough shod' ahead.

Now they are changing in midstream and attempting to obtain the County blessing for some type of higher density cluster development. We do not yet understand all the ramifications to this proposal.

At the least the impact on our road will be large.

Please do not allow access from Storie Lane.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Artz".

David Artz

April 5, 2010

Dan Valoff
Staff Planner
Kittitas County Community Development Services
411 N. Ruby, Suite 2
Ellensburg, WA 98926



Re: Notice of Application Vista West Performance Based Cluster Plat LP-09-00001

Dan,

Our residence is located on Storie Lane, off of Nelson Siding, Upper County. We are concerned about some aspects of the above mentioned Application. Please see our issues:

1. The referenced Long Plat Application contains statements (see attached portions of said Application) regarding "access" to this development. I notice also that this is but one of five plats that appear to be part of the larger plat which Sapphire Skies platted some time ago and called, Little Creek (located in Section 33, Township 20 North, Range 14, East W.M.) which is not the same as Little Creek Ranches. ALL of this larger development was platted with only one access and that is via Forest Service Road 4517. The "access" for this Vista West Cluster Plan says nothing about the approved larger plat's access of FS RD 4517 BUT instead indicates that access is to be ONLY via Storie Lane. The application also mentions that by allowing access to this plat via Storie Lane that the traffic would only be increased by these 10 lots. However, there appear to be somewhere in the neighborhood of an additional 23 lots in the additional (yet to be developed) 4 plats in this same area which will impact traffic on Storie Lane. These four plats are: Beaver Creek Short Plat (3 lots), Aspen Grove Plat (7 lots), Talmadge East Plat (7 lots), and Tamarack Valley Plat (6 lots). Likewise, assuming that if all of the remaining Little Creek Development were to be platted and developed, that Storie Lane would need to support potentially 100-150 lots. And it has been suggested that Sapphire Skies' long range plan is to connect a number of their developments scattered down the south side of the valley, back to Storie Lane as access and any others they may be able/have been able to build. This may only be rumor but on October 5, 2006, Wayne A. Nelsen (then an employee of the developer) spoke to a number of Storie Lane residents and I believe he indicated that ultimately, Storie Lane could expect up to 1,200 vehicles per day.
2. If I understand correctly, in February of 2005, Sapphire Skies filed an application for Access Permit. The modification proposed by Sapphire Skies was to provide an easement over Little Creek Ranches lots 6 & 7 owned at that time by Sapphire Skies, to provide access to the south to the KRd canal. Apparently the County denied the application for the access permit without an amendment to the Little Creek Ranches Plat. Sapphire Skies in August of 2005 filed two separate lawsuits against Kittitas County. Per the court decision of December 1, 2005, the court held that any modification of the road system within the Little Creek Ranches plat must be subjected to the plat alteration requirements of RCW 58.17.010.
3. Not sure how the developer managed it, but in 2007 they proceeded to install a road on Little Creek Ranches lots 6 & 7 from the Storie Lane culdesac to the KRd canal, build a bridge across the canal, and build a road up to what is now being called Misty Mountain Way. The County denied access from Storie Lane and stopped the building. Per the Superior Court of Washington for Kittitas County ruling of Sept, 2007 Stipulation and Order (to No. 05-02-00281-9 consolidated with No. 05-2-00581-8) per Order item 2. states:
"Neither Storie Lane, the easements over Lots 6 and 7 of the Little Creek Ranches Plat nor the bridge over the KRd Canal south of Storie Lane may be used for access to the Lots located in Section 33, Township 20 North, Range 14, East W.M. pending further

order of this court or other court of competent jurisdiction, or other action by the County to allow such access.”

And Order 3. states the same thing ...” for any construction activities”...

There is much more to this order but this is the primary drift. I request that this order be included in your processing of this application.

4. It appears that the current Application is attempting to ADDRESS the Sept. 26, 2007 Court Order statement ...”pending ... other action by the County to allow such access.”. We encourage the County to be consistent to their previous position and not issue an access permit WITHOUT the amending of the Little Creek Ranches Plat. It also appears that the Court Order above supports this requirement.

Basically, we do not wish to stifle well-planned development. We do wish for all parties to comply with the processes, rules, regulations, and procedures just as we did when we developed our home on our property.

Re: The Cluster portion of this Plat:

- A. The large Little Creek Plat was originally platted with about 20 lots sized at 21 acres each. I believe that this plat was part of the group of Upper County developments that have been rezoned to permit Ag-3. This would potentially increase the number of lots from 20 to as many as 140 lots (7-3 acre lots per 1-21 acre lot times 20).
- B. Not only is this a significantly larger load on the access road FS RD 4517 BUT especially a larger load on the number of wells required to service this larger Plat.
- C. Now, one of these 21-acre lots is being Cluster Platted at 10 lots. Yet an even greater load on infrastructure which I find concerning.

I suggest Sapphire Skies:

- a. understand that they have successfully alienated most residents on Storie Lane by not following the rules,
- b. comply with the County decision and the supporting Court rulings, and
- c. develop the FS RD 4517 as the ONLY access to this plat and any and all others they plan to develop in the Little Creek Development.

Then they might be more inclined to comply with the requirements in the same manner all good citizens must do.

Thank you for this opportunity to express ourselves. Peace....

Respectfully submitted,



Bill Doyle
450 Storie Lane
Cle Elum, WA 98922

RECEIVED
APR 09 2010
KITTTAS COUNTY
CDS



KITTTAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTTAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships - Building Communities"

Long Plat application

(To divide lot into 5 or more lots)

CL-09-00001

KITTTAS COUNTY ENCOURAGES THE USE OF PRE-APPLICATION MEETINGS. PLEASE CONTACT COMMUNITY DEVELOPMENT SERVICES TO SET UP A PRE-APPLICATION MEETING TO DISCUSS A PROPOSED PROJECT.

9. What County maintained road(s) will the development be accessing from? STORIE LANE

Access

Access to the site is proposed from Storie Lane via an existing bridge over the KRD canal and connecting to existing private roadways. Currently, this route provides access to 15 existing lots of record lying east of Little Creek, plus an additional six lots pending final plat approval. The proposed development would create an additional nine lots, for a total of 30 lots served. A second access route is not proposed or should be required at this time (see KCC 12.01.095(2)).



April 5, 2010

Dan Valoff
Staff Planner
Kittitas County Community Development Services
411 N. Ruby, Suite 2
Ellensburg, WA 98926

Re: Notice of Application Vista West Performance Based Cluster Plat LP-09-00001

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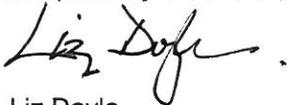
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Liz Doyle
450 Storie Lane
Cle Elum, WA 98922

RECEIVED

APR 09 2010

KITTITAS COUNTY
CDS



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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CL-09-00001

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

April 9, 2010

Dan Valoff
Kittitas County Community Development
411 N. Ruby St., Suite 2
Ellensburg, WA 98926

Re: CL-09-00001

Dear Mr. Valoff:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the Vista West performance-based cluster plat, proposed by Dave Blanchard for Fortune Creek, LLC. We have reviewed the documents and have the following comments.

WATER RESOURCES

Water Use Addressed in the Checklist - *Groundwater for Group B Water System*

In ENVIRONMENTAL ELEMENTS, 3. Water, b. Ground: the applicant states that "Groundwater will be withdrawn to serve the proposed Group B Water System. Each single-family residence will likely require approximately 250 gpd." According to Ecology records a groundwater right application is appurtenant to the subject property (G4-35249). No other water rights or claims appear to be appurtenant to the subject lands. Application G4-35249 requests 250 gpm and 12.5 ac-ft/yr for the purpose of continuous domestic supply of 40 units. It does not appear that CL-09-00001 intends to pursue a water right for this project, but rather utilize a groundwater exemption under RCW 90.44.050. However, WAC 173-539A, known as the Upper Kittitas Emergency Ground Water Rule, restricts all new appropriations of groundwater within the upper Kittitas. This project lies within the affected area. The rule does allow for new uses of groundwater if:

- a building permit has been granted and vested prior to July 16, 2009.
- a qualifying 'group use' under WAC 173-539A was established prior to July 16, 2009.
- The project is determined by Ecology to be 'water budget neutral'.

Mr. Valoff
April 9, 2010
Page 2

From the information provided, it does not appear that any of the listed exceptions to the rule apply.

As a result, the proponent shall apply to Ecology for a permit to appropriate public groundwater or, if seeking to use the groundwater exemption, shall submit to Ecology a request for determination that the proposed exempt use would be water budget neutral. No new exempt uses under RCW 90.44.050 may commence unless Ecology has approved a request for determination that the proposed exempt use would be water budget neutral.

Water Use Not Addressed in the Checklist - *Water for Construction and Dust Suppression*

Water use for road construction and dust suppression will likely be necessary given that new roads and grading are planned. Water use for construction and dust suppression are not listed uses eligible for appropriation under RCW 90.44.050. Therefore, a water right will be required for water used for short term and long term construction and dust suppression needs. Temporary permits may be obtainable in a short time-period. The concern of Water Resources is for existing water rights. In some instances water may need to be obtained from a different area and hauled in or from an existing water right holder.

Unaddressed Impacts to the Water Resources

The checklist does not address impacts to water supplies or to Little Creek which runs through the site. There are approximately 5.3 cfs of confirmed water rights from Little Creek immediately downstream from the project. Little Creek has limited water supplies and there is not a consistent supply of water to satisfy the existing confirmed rights. The location, construction, and use of the project's well(s) will have an affect on the ability of the Little Creek water right holders to exercise their rights. The timing and magnitude of impact to the Little Creek water right holders is not addressed in any of the documents provided. When the Little Creek water right holders are not satisfied, any additional impact results in the impairment of these rights (Supreme Court of WA *Postema v PCHB No. 67549-0*). In Washington State, the statute does not allow for de minimis impairment of an existing right. Therefore, groundwater may not be consistently legally available to this project.

ALL consumptive water use must be adequately mitigated for prior to use pursuant to WAC 173-539A. ALL unmitigated new consumptive uses will result in negative environmental impacts and be in violation of State law (WAC 173-539A). The subject property lies within one of the state's most water-short areas. Unmitigated use of water by the project will have a direct impact

Mr. Valoff
April 9, 2010
Page 3

on senior water rights. When senior water rights are not met, each new unmitigated groundwater use, small as it may be, will result in the impairment of senior water rights.

If mitigation is offered, all commenting agencies and persons should have an opportunity to address any potential concerns with or the adequacy of the mitigation offered.

If you have any questions concerning the Water Resources comments, please contact Kurt Walker at (509) 454-4237.

WATER QUALITY

Project Greater-Than 1 Acre with Potential to Discharge Off-Site

The NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required if there is a potential for stormwater discharge from a construction site with more than one acre of disturbed ground. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit is a minimum of a 38 day process and may take up to 60 days if the original SEPA does not disclose all proposed activities.

The permit requires that Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading or construction.

More information on the stormwater program may be found on Ecology's stormwater website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> . Please submit an application or contact Lynda Jamison at the Dept. of Ecology, (509) 575-2434, with questions about this permit.

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent soil from being carried into surface water by storm water runoff. Sand, silt, and soil will damage aquatic habitat and are considered pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Mr. Valoff
April 9, 2010
Page 4

Best management practices must be used to prevent any sediment, oil, gas or other pollutants from entering surface or ground water.

If you have any questions concerning the Water Quality comments, please contact Lynda Jamison at (509) 575-2434.

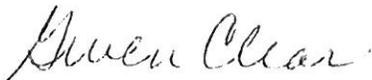
AIR QUALITY

Due to the dry conditions of our region, we are reminding people that extra efforts are needed to control blowing dust and dirt. The proponent should create a site-specific Fugitive Dust Control Plan (FDCP) before starting this project, and then follow the plan for construction of the project and duration of activity on property. The FDCP should include, but is not limited to, the following components:

- Identify all potential fugitive dust emission points.
- Assign dust control methods.
- Determine the frequency of application
- Record all dust control activities.
- Train personnel in the FDCP.
- Shut down during windy conditions.
- Follow the FDCP and monitor dust control efforts.

Washington Administrative Code (WAC) 173-400-040 requires that reasonable precautions be taken to prevent dust from leaving the site. Also, dust is prohibited from interfering unreasonably with the use and enjoyment of property, causing health impacts, or damaging property or business.

Sincerely,



Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509) 575-2012



KITTITAS COUNTY FIRE MARSHAL'S OFFICE

411 N. Ruby St., Suite 2, Ellensburg, WA 98926
Office (509) 962-7657 Fax (509) 962-7682

October 13, 2010

Dan Valoff
Staff Planner II
Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

Re: AMENDED COMMENTS for Vista West Performance Based Cluster Plat (LP-09-00001)

Dear Mr. Valoff:

Upon review of the above mentioned land use action and further discussion with the applicant, I have the following comments/requirements;

- Approved water storage with a private fire hydrant system shall be installed. The hydrant system shall be subject to plan review through the Fire Marshal's Office and shall be subject to an annual Operational Permit.
- Water storage and hydrant spacing shall comply with the International Fire Code.
- The minimum fire flow requirements for the residential structures shall be no less than 1,000 gpm for a duration of no less than 30 minutes. A reduction in fire flow of 50% is allowed when buildings are provided with an automatic sprinkler system.
- No fire apparatus access lane shall have a slope greater than 12%. A Variance Permit will be required for any slopes or grades greater than allowed by County Code.
- "No Parking-Fire Lane" signs must be posted per Fire Marshal requirements on all cul-de-sacs.
- Secondary access is required, or each residence accessed off of the single access road shall be required to have sprinkler protection as required by the County Fire Marshal's Office, with all associated permits issued. The sprinkler requirement shall be noted as a plat note on the final plat.
- All bridges shall be required to be certified.
- All development, design and construction shall comply with Kittitas County Code, Kittitas County Zoning and the 2006 International Fire and Building Codes.
- A separate permit is required for any private water storage or hydrant system.
- Review of the final project submittals may include further requirements.

Any questions or concerns regarding fire service features may be directed to the Kittitas County Fire Marshal's Office at (509) 962-7000.

Sincerely,

Brenda Larsen
Fire Marshal



KITTITAS COUNTY FIRE MARSHAL'S OFFICE

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

Office (509) 962-7657 Fax (509) 962-7682

April 19, 2010

Dan Valoff
Staff Planner II
Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

Re: Vista West Performance Based Cluster Plat (LP-09-00001)

Dear Mr. Valoff:

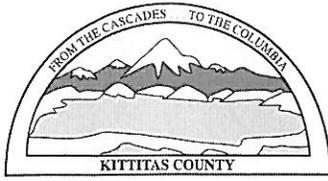
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- Approved water storage with a private fire hydrant system shall be installed. The hydrant system shall be subject to plan review through the Fire Marshal's Office and shall be subject to an annual Operational Permit.
- Water storage and hydrant spacing shall comply with the International Fire Code.
- The minimum fire flow requirements for the residential structures shall be no less than 1,000 gpm for a duration of no less than 30 minutes. A reduction in fire flow of 50% is allowed when buildings are provided with an automatic sprinkler system.
- No fire apparatus access lane shall have a slope greater than 12%. A Variance Permit will be required for any slopes or grades greater than allowed by County Code.
- "No Parking-Fire Lane" signs must be posted per Fire Marshal requirements on all cul-de-sacs.
- Secondary access is required.
- All bridges shall be required to be certified.
- All development, design and construction shall comply with Kittitas County Code, Kittitas County Zoning and the 2006 International Fire and Building Codes.
- A separate permit is required for any private water storage or hydrant system.
- Review of the final project submittals may include further requirements.

Any questions or concerns regarding fire service features may be directed to the Kittitas County Fire Marshal's Office at (509) 962-7000.

Sincerely,

Brenda Larsen
Fire Marshal



KITTITAS COUNTY

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

TO: Dan Valoff, Community Development Services

FROM: Christina Wollman, Planner II *CW*

DATE: October 4, 2010

SUBJECT: Vista West Performance Based Cluster Plat CL-09-00001

The following shall be conditions of preliminary approval:

1. Timing of Improvements: This application is subject to the latest revision of the Kittitas County Road Standards, dated 9/6/05. The following conditions apply and must be completed prior to the issuance of a building permit for any of the structures within this plat. A Performance Bond or acceptable financial guarantee may be used, in lieu of the required improvements, per the conditions outlined in the current Kittitas County Road Standards.
2. Private Road Certification: Private roads serving any of the lots within this development shall be inspected and certified by a licensed professional engineer for conformance with current Kittitas County Road Standards, 9/6/05 edition. Kittitas County Public Works shall require this road certification to be completed or the road construction bonded prior to the issuance of a building permit for any of the structures within the proposed plat.

The private road certification shall also include compaction testing results by a method approved by KCC 12.09.040 and the WSDOT Standard Specifications 2-03.3(14), and address roadside safety.

3. Road Names: All roads shall be labeled on the plat.
4. Private Road Improvements: Access from the end of the County road to the cul-de-sac within the plat shall be constructed to meet or exceed the conditions of a High-Density Private Road that serves 15-40 tax parcels. See current Kittitas County Road Standards, 9/6/05 edition.
 - a. Access easements shall be a minimum of 60' wide. The roadway shall have a minimum width of 22', with 1' shoulders, for a total width of 24'.
 - b. Minimum centerline radius shall be 60'.
 - c. Surface requirement BST/ACP.
 - d. Maximum grade is 12%.
 - e. Stopping site distance, reference AASHTO.
 - f. Entering site distance, reference AASHTO.

Page 1 of 2

- g. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
 - h. Any further subdivision or lots to be served by proposed access may result in further access requirements.
 - i. All roads located within this development or roads that provide access to this development shall be constructed to current county road standards unless any other maintenance agreements, forest service road easements or state easements require higher road standards. The higher of the road standards shall apply.
 - j. All easements shall provide for AASHTO radius at the intersection with a county road.
 - k. A paved apron shall be constructed at the intersection of the proposed private intersection and the county road right-of-way.
5. Cul-de-Sac: A cul-de-sac turn-around having an outside right-of-way or easement diameter of at least 110 feet shall be constructed at the closed end of all dead-end roads serving 3 or more lots. The driving surface shall be at least 96 feet in diameter. Cul-de-sacs must also conform to the requirements specified by the 2009 International Fire Code. Contact the Fire Marshal regarding any additional cul-de-sac requirements.
6. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
7. Lot Closure: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
8. Access Permit: An approved access permit shall be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right of way.
9. Addressing: Contact the Kittitas County Rural Addressing Coordinator at (509) 962-7523 to obtain addresses prior to obtaining a building permit. A parcel cannot receive a building permit or utilities until such parcel is identified with a 911 address.
10. Fire Protection: Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.
11. Mailbox Placement: The U.S. Postal Service requires that private roads with 6 or more residences install USPS approved Cluster Box Units (CBUs) at a safe location at the mouth of the private road. Contact your local Post Office for location and additional design requirements before beginning construction.



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

September 30th 2010

Katie Cote, Staff Planner
Community Development Services
411 N Ruby Street, Suite 2
Ellensburg, WA 98926

RE: Vista West Performance Based Cluster Plat CL-09-00001

Dear Ms. Cote,

Thank you for the opportunity to comment on the Vista West Performance Based Cluster Plat, CL-09-00001.

Plat Note Statement:

The final plat notes shall include the following statement:

"The approval of this division of land includes no guarantee that there is a legal right to withdraw groundwater within the land division. The approval of this division of land provides no guarantee that use of water under the ground water exemption (RCW 90.44.050) for this plat or any portion thereof will not be subject to curtailment by the Department of Ecology or a court of law. "

AND in Upper Kittitas County Only (as defined in 173-539A WAC):

"Metering will be required on all new residential well connections and metering results shall be recorded in a manner consistent with Kittitas County and Washington State Department of Ecology requirements."

Adequate Potable Water Supply Statement:

The Public Health Department's recommendation shall state that final approval be conditioned upon the developer/owner of the plat providing proof of potable water. Proof of potable water can be provided through several different ways depending on the source of water proposed as described and outlined in the Board of County Commissioners Resolution 2010-082.

For preliminary plat approval, applicants for subdivisions (short plats and long plats) in Kittitas County shall include the type of water system proposed in order to acquire preliminary approval.

Final approval will be conditioned upon the type of water system proposed.

- **If application states that residences will utilize Individual Wells/2-party Shared Well:**

Applicants shall submit a well log(s) from a well located within the subdivision of land. If a well log does not exist, a four (4) hour well draw down test shall be provided prior to recommendation by KCPHD for final plat approval. If shared wells are proposed, a recorded shared well user's agreement is required for

Kittitas County
Public Health Department
507 N. Nanum Street, Suite 102
Ellensburg, WA 98926
T: 509.962.7515
F: 509.962.7581



www.co.kittitas.wa.us/health/

Environmental
Health Services
507 N. Nanum Street, Suite 102
Ellensburg, WA 98926
T: 509.962.7515
F: 509.962.7581

7

each proposed parcel. If the proposed subdivision does not have an existing well within the boundaries, a hydrogeological report with documentation/evidence to support a claim regarding adequate availability of groundwater for the proposed number of potable water wells must be submitted prior to recommendation for final plat approval. This report shall be submitted by a Professional Engineer who practices in the field of hydrology or by a licensed hydrogeologist.

- **If application states that residences will utilize a Group B Public Water System:**

Applicants shall have a well site inspection performed by KCPHD staff; complete and submit a Group B Public Water System Workbook to either KCPHD for water systems with 3-9 connections or Washington State Department of Health (DOH) for water systems with 10-14 connections or as amended by DOH; have the well(s) drilled; and submit a copy of an agreement with an approved Kittitas County Satellite Management Agency. All infrastructure for the Group B Water System including the well/pump house and storage tanks must be completed or the developer/owner can bond or completion. Final approval of the Group B Public Water System including issuance of the public water system ID number from DOH is required prior to recommendation by KCPHD for final approval. If a bond is in place, final approval will still be recommended but all infrastructure must be completed before issuance of the first building permit within the subdivision.

- **If application states that residences will utilize a Group A Public Water System:**

Applicants shall submit a signed letter of agreement between the public water system purveyor or official and the land developer/owner granting delivery of potable water for the entire development. If the public water system is being developed specifically for the subdivision/plat, the water system must be approved by Washington State Department of Health (DOH), including issuance of a public water system ID number, prior to recommendation by KCPHD for final plat approval.

Septic Availability Statement:

The Public Health Department's recommendation shall state that preliminary approval be conditioned upon the developer/owner of the plat providing satisfactory sewage disposal. Satisfactory sewage disposal can be provided through several different ways depending on the source of disposal proposed.

If application states that residences will be connected to public sewer system:

In order to recommend approval, The Public Health Department will need a signed letter from the sewer district stating that the proposed project's connection will be allowed.

If on-site sewage systems are proposed for the plat and minimum lot sizes are satisfied:

Soil logs must be preformed prior to the Public Health Department recommending preliminary approval of the plat application. Once the soil logs are conducted and approved by the Public Health Department, the requirement for septic availability will have been satisfied.

Review of the Application File:

At this point in time this application does not contain sufficient information to make a determination that: 1) there is an adequate potable water supply available and 2) that the land area is suitable for onsite sewage systems. The above mentioned requirements need to be satisfied and the appropriate documentation needs to

be submitted to the Public Health Department for review and approval in order for the plat application to be recommended for final approval.

If you should have any questions or comments, please feel free to contact me at (509) 962-7515.

Sincerely,

James Rivard

Digitally signed by James Rivard
DN: cn=James Rivard, o=Kittitas County
Public Health, ou=Environmental Health,
email=james.rivard@co.kittitas.wa.us, c=US
Date: 2010.09.30 15:03:56 -0700

James Rivard,
Environmental Health Supervisor,
Interim Co-Administrator Kittitas County Public Health



United States
Department of
Agriculture

Forest
Service

Okanogan -Wenatchee
National Forest
Cle Elum Ranger District

803 West Second Street
Cle Elum, WA 98922
(509) 852-1100



File Code: 1500/7730

Date: December 16, 2009

Dan Valoff
Planner
Kittitas County Community Development Services
411 N Ruby, Suite 2
Ellensburg, WA 98926

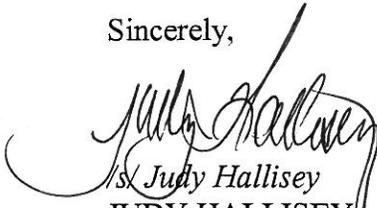
Dear Dan:

I recently discussed proposed development and access issues with Ms. Allison Kimball of Brookside Consulting regarding alternate access to Section 33, Twp 20 North, Rge 14 East.

As I understand the application, the proposal is a plat alteration to provide ingress and egress across lands or easements not owned or controlled by the United States Department of Agriculture Forest Service.

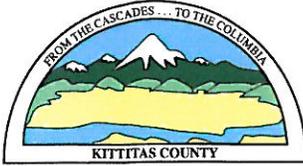
The Forest Service supports alternate access into Section 33 rather than previous proposals to use Forest Service road 4517.

Sincerely,


/s/ Judy Hallisey
JUDY HALLISEY
District Ranger

Cc: A Kimball





KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

Affidavit of Mailing & Publication

PROPOSAL NAME: Vista West Performance Based Cluster Plat (CL-09-00001)

NOTIFICATION OF: Notice of Application

NOTIFICATION MAIL DATE: March 25, 2010

I certify that the following documentation:

- Notice of Application for the Vista West Performance Based Cluster Plat (CL-09-00001)

has been mailed to the attached list of persons and participants, and that proper notification (as attached) has been published in the Legal Newspaper(s) of Record for Kittitas County.



Signature

Dan Valoff
County of Kittitas
State of Washington

Subscribed and sworn to before me this 24 day of March, 2009





Kelly J. Carlson
Notary Public for the State of Washington residing
in Ellensburg.

My appointment expires: July 9th, 2010

TEANAWAY RIDGE LLC
PO BOX 808
CLE ELUM WA 98922-

HENKES, STEVE ETUX
5521 157 DR NE
REDMOND WA 98052-

FORTUNE CREEK LLC
206 W 1ST ST
CLE ELUM WA 98922-

NOVY, STEVEN D
4812 FIELD LN NW
OLYMPIA WA 98502

CHEHALIS VALLEY TIMBER
PO BOX 261
MONTESANO WA 98563

NIETSCH, WILLIAM L ETUX &
TRUAX, JOHN A ETUX
12540 SW TREMONT
PORTLAND OR 97225

SADDLE RIDGE LLC
206 W 1ST
CLE ELUM WA 98922-

KLUTH, JEFFREY A ETUX
TRUSTEES
7395 126TH PLACE SE
NEWCASTLE WA 98056-

Kenneth E. Gamble
16501 SE 254th Place
Kent, WA 98042

Back Country Resources LLC
206 W. 1st St.
Cle Elum, WA 98922

Harley Sheffield
781 Goat Peak Ranch Rd.
Cle Elum, WA 98922

Cool Water LLC
206 W. 1st St.
Cle Elum, WA 98922

Donald Cook
3349 – 263rd Ave. SE
Sammamish, WA 98075-9111

Bill Doyle
450 Storie Lane
Cle Elum, WA 98922

Russel Libby
350 Storie Lane
Cle Elum, 98922

Julie Crest
640 Storie Ln.
Cle Elum, WA 98922

Kittitas County Fire Marshal

Kittitas County Sheriffs Dept.

Kittitas County Board of County
Commissioners

Kittitas County Code Enforcement

Kittitas County Environmental Health

Kittitas County Solid Waste Programs

Kittitas County Public Works

Forest Service
803 West Second Street
Cle Elum, WA 98922

Fire District #7
Attn: Fire Chief
PO Box 777
South Cle Elum, WA 98943

Cle Elum- Roslyn School District 404
Administrative Office
2690 SR 903
Cle Elum, WA 98922

SEPA Unit
Department of Ecology
P.O. Box 47703
Olympia, WA 98504-7703

Liz Bryson
Daily Record
401 N Main
Ellensburg, WA 98926

WA Dept. Fish and Wildlife
Brent Renfrow/ Mark Teske
201 N. Pearl
Ellensburg, WA 98926

Yakama Nation
P.O. Box 151
Toppenish, WA 98948

James E Brooks Library
Documents Dept.
400 E. University Way
Ellensburg, WA 98926 MS-7548

Washington Dept. of Ecology
Regional Director
15 W. Yakima Ave. Ste. 200
Yakima, WA 98902-3401

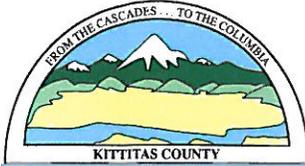
DNR
External SEPA Coordinator
P.O. Box 47015
Olympia, WA 98504-7015

WA Dept. of Natural Resources
713 E. Bowers Rd.
Ellensburg, WA 98926

Tom Justus
WA State Department of Health
Eastern Regional Office
16201
East Indiana Ave. Suite 1500
Spokane Valley, Washington 99216

John Marvin
Habitat Biologist
Yakima-Klickitat Fisheries Project
771 Pence Rd.
Yakima, WA, 98908

Washington State Department of Archaeology
& Historic Preservation
1063 S. Capitol Way, Suite 106
Olympia, WA 98501



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

NOTICE OF APPLICATION Vista West Performance Based Cluster Plat March 25, 2010

Application Received: December 16, 2009
Application Complete: January 13, 2010

Project Name: Vista West Performance Based Cluster Plat (LP-09-00001).

Applicant: Dave Blanchard, authorized agent for Fortune Creek LLC., landowner.

Location: Southwest of the City of Cle Elum, accessed off of Storie Lane via Nelson Siding Road, Cle Elum, WA. The property is located in a portion of the North ½ of Section 33, T20N R14E WM. in Kittitas County. Map number: 20-14-33000-0007.

Proposed Project: The applicant requests preliminary plat approval for an 10-lot performance based cluster plat on approximately 21.09 acres of land that is zoned Rural-3. Water and wastewater treatment would be provided onsite via Group B wells and onsite individual septic systems.

Materials Available for Review: The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926, or on the CDS website at <http://www.co.kittitas.wa.us/cds/current/>. Phone: (509) 962-7506.

Written Comments on this proposal can be submitted to CDS any time prior to 5:00 p.m. on April 9, 2010. Any person has the right to comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made. Appeal procedures can vary according to the type of decision being appealed, and are described in Kittitas County Code, Title 15A.

Environmental Review (SEPA): The County expects to issue a Determination of Non-Significance (DNS) for this proposal, and will use the optional DNS process, meaning this may be the only opportunity for the public to comment on the environmental impacts of the proposal. Mitigation measures may be required under applicable codes, such as Title 17 Zoning, Title 16 Subdivisions, and the Fire Code, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the threshold determination may be obtained from the County.

Public Hearing: An open record hearing will be scheduled before the Kittitas County Hearing Examiner after the SEPA environmental threshold determination has been issued. A Public Hearing Notice will be issued establishing the date, time and location of this hearing.

Staff contact: Dan Valoff, Staff Planner; (509) 962-7637; email at dan.valoff@co.kittitas.wa.us

NOTICE OF APPLICATION

Project Name: Vista West Performance Based Cluster Plat (LP-09-00001)

Applicant: Dave Blanchard, authorized agent for Fortune Creek LLC., landowner

Location: Southwest of the City of Cle Elum, accessed off of Storie Lane via Nelson Siding Road, Cle Elum, WA. The property is located in a portion of the North ½ of Section 33, T20N R14E WM. in Kittitas County. Map number: 20-14-33000-0007.

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Staff contact: Dan Valoff, Staff Planner; (509) 962-7637; email at dan.valoff@co.kittitas.wa.us

Notice of Application:	March 25, 2010
Application Received:	December 16, 2009
Application Complete:	January 13, 2010
Publish:	March 25, 2010

DAILY RECORD
AD AUTHORIZATION
(CONTINUED)

Salesperson: KATHY ADAMS

Printed at 03/22/10 17:23 by \$LOGIN

Acct#: 84329

Ad#: 176016 Status: N

**NOTICE OF
APPLICATION**

Project Name: Vista West
Performance Based Cluster
Plat (LP-09-00001)

Applicant: Dave Blanchard
authorized agent for Fortune
Creek LLC. landowner

Location: Southwest of the
City of Cle Elum, accessed off
of Stone Lane via Nelson
Siding Road, Cle Elum, WA
The property is located in a
portion of the North 1/2 of
Section 33, T20N R14E WM
in Kittitas County Map
number 20-14-33000-0007

Proposed Project: The appli-
cant requests preliminary plat
approval for an 10-lot perfor-
mance based cluster plat on
approximately 21.09 acres of
land that is zoned Rural-3
Water and wastewater treat-
ment would be provided onsite
via Group B wells and onsite
individual septic systems

**Materials Available for
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application and related filed
documents may be examined
by the public at the Kittitas
County Community Develop-
ment Services (CDS) office at
411 N Ruby, Suite 2, Ellens-
burg, Washington, 98926 or
on the CDS website at
<http://www.co.kittitas.wa.us/cds/current/> Phone:
(509) 962-7506

Written Comments on this
proposal can be submitted to
CDS any time prior to 5:00
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uled before the Kittitas County
Hearing Examiner after the
SEPA environmental threshold
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issued. A Public Hearing
Notice will be issued establish-
ing the date, time and location
of this hearing.

Staff contact: Dan Valoff, Staff
Planner, (509) 962-7637,
email at dan_valoff@co.kittitas.wa.us

Notice of Application:
March 25, 2010
Application Received
December 16, 2009
Application Complete:
January 13, 2010

Publish: March 25, 2010



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926
CDS @ CO.KITTITAS.WA.US
Office (509) 962-7506
Fax (509) 962-7682

"Building Partnerships - Building Communities"

AFFIDAVIT OF POSTING

Effective July 19, 2007, Kittitas County Code requires all project actions that are not processed administratively to have a notice posted at the site of the project. Per KCC 15A.03.110 the following applies:

1. The applicant shall post the subject property with signs as required by Community Development Services.
2. Signs shall be posted on each road frontage on the subject property and shall be clearly visible and accessible.
3. Signs shall be posted and on-site prior to the issuance of a Notice of Application.
4. The sign shall be posted in a sturdy manner to remain on-site until fifteen days after the expiration of the Notice of Decision appeal period. It shall be the responsibility of the applicant to properly dispose of the sign.
5. At the time of development application, Community Development Services will identify the number of signs needed and the general location of each sign on the subject property.
6. It shall be the responsibility of the applicant to place the structure on which the sign will be posted on site. At such time the structure and sign is in place, the applicant shall contact Community Development Services.

DATE:	PLANNER: Dan Valoff
PROJECT NAME: Vista West PBCP	FILE NUMBER: CL-09-00001

PLEASE COMPLETE THE FOLLOWING:

I, Jennifer Ewart, certify that I am the landowner and or authorized agent responsible for the posting of this land use project site and further certify that the site has been posted as required by Kittitas County Code. I understand that the required posting period begins immediately and ends 15 days after the ending of the appeal period on the Notice of Decision and the sign(s) will be posted at the site until this time. **Failure to post the site and return this form to Community Development Services in a timely manner will result in a delay of the application review for the project.**

Jennifer Ewart
Signature

1-26-10
Date

Please return the above certification to CDS; Fax at 509-962-7682; or mail to; Community Development Services, 411 North Ruby Street, Suite 2, Ellensburg, WA 98926.

For Staff Use Only:
Received _____

LAND USE ACTION
Project: VISTA WEST P&P (01-09-04)
Description: (CMA) Herbaceous/Forest Cluster Plot
(509) 962-7506

LAND USE ACTION

Project: VISTA WEST PBCP (CL-09-01)
Description: 10-lot Performance Based Cluster Plat

Interested parties may obtain project information from Community Development Services, 411 N. Center St., P.O. Box 100, Kititas, WI 54881 or at www.ci.kittitas.wi.us
KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES
(509) 962-7506



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"

April 15, 2010

Allison Kimball
Brookside Consulting
PO Box 1036
Cle Elum, WA 98922

Subject: Determination of Complete Application
Little Creek Ranches Plat Alteration (LP-10-00001)

Dear Allison:

Your application for the Little Creek Ranches Plat Alteration was received on March 18, 2010, and has been determined complete on the date of this letter.

Your application meets the requirements of KCC 16.12.010 for a complete application. The County may request additional information during review of you application. Continued processing of your application will include, but not limited to the following actions:

1. According to KCC 15A.030.060 a Notice of Application will be sent to the public (adjacent landowners), Kittitas County departments, and non-County governmental agencies inviting written comments on this proposal. **Note: Please contact Community Development Services for instructions for posting notice signs at the site as outlined in KCC 15A.03.110.**
2. Requests for clarification, amendments, or additional information will be sent to you following the public comment period.
3. The consideration of written comments from adjacent property owners and public agencies will be incorporated in the staff report.
4. As requested by the County, additional materials and/or revised preliminary plat drawings may be required before this matter is brought before the Board of County Commissioners.
5. An open-record hearing will be scheduled before the Kittitas County Board of Commissioners where final decision will be given.

If you have any questions regarding this matter, please contact me at (509) 962-7637, or by e-mail at dan.valoff@co.kittitas.wa.us.

Sincerely,

Dan Valoff
Staff Planner



KITTTAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTTAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

Long Plat application (To divide lot into 5 or more lots)

CL-09-00001

KITTTAS COUNTY ENCOURAGES THE USE OF PRE-APPLICATION MEETINGS. PLEASE CONTACT COMMUNITY DEVELOPMENT SERVICES TO SET UP A PRE-APPLICATION MEETING TO DISCUSS A PROPOSED PROJECT.

PLEASE TYPE OR PRINT CLEARLY IN INK. ATTACH ADDITIONAL SHEETS AS NECESSARY. PURSUANT TO KCC 15A.03.030, A COMPLETE APPLICATION IS DETERMINED WITHIN 28 DAYS OF RECEIPT OF THE APPLICATION SUBMITTAL PACKET AND FEE. THE FOLLOWING ITEMS MUST BE ATTACHED TO THE APPLICATION PACKET:

REQUIRED ATTACHMENTS

- Ten large copies of plat with all preliminary drawing requirements complete (reference KCC Title 16 Subdivision Code for plat drawing requirements) and one small 8.5" x 11" copy
- Address list of all landowners within 500 feet of the subject parcel(s). If adjoining parcels are owned by the applicant, then the 500 foot area shall extend from the farthest parcel. If the parcel is within a subdivision with a Homeowners' or Road Association, then please include the mailing address of the association.
- SEPA Checklist (Only required if your subdivision consists of 9 lots or more.
Please pick up a copy of the Checklist if required)

OPTIONAL ATTACHMENTS

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

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

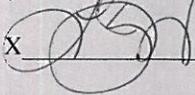


FEES:

\$200 plus \$10 per lot for Public Works Department;
 \$625 plus \$75 per hour over 12.5 hours for Environmental Health Department;
 \$3305 for Community Development Services Department, PLUS \$470 if SEPA Checklist is required
 \$195 for Fire Marshal
 *One check made payable to KCCDS

FOR STAFF USE ONLY

APPLICATION RECEIVED BY:
(CDS STAFF SIGNATURE)

X 

DATE:

12-16-09

RECEIPT #

6681



NOTES:

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

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

Name: FORTUNE CREEK LLC
Mailing Address: 206 W 1ST STREET
City/State/ZIP: CLE ELUM WA 98922
Day Time Phone: _____
Email Address: _____

2. **Name, mailing address and day phone of authorized agent** (if different from land owner of record):

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

Agent Name: DAVE BLANCHARD (Fortune Creek LLC officer)
Mailing Address: 206 WEST 1ST STREET
City/State/ZIP: CLE ELUM WA 98922
Day Time Phone: (509) 674-6828
Email Address: dblanchard@sapphireskies.net

3. **Street address of property:**

Address: NO SITUS PER ASSESSOR'S RECORDS
City/State/ZIP: _____

4. **Legal description of property:**

LOT 7 OF SURVEY BOOK 29, PAGES 187-188; A PORTION OF THE NORTH HALF OF SECTION 33, TOWNSHIP 20 NORTH, RANGE 14 EAST, W.M.

5. **Tax parcel number(s):** 20-14-33000-0007 (11901)

6. **Property size:** 21.09 (acres)

7. **Narrative project description:** Please include 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 (be specific, attach additional sheets as necessary):

10 LOT PERFORMANCE BASED CLUSTER PLAT WITH 2 OPEN SPACE TRACTS
WATER: CLASS B SYSTEM
SEWER: INDIVIDUAL SEPTIC AND DRAINFIELD
ZONE: RURAL 3 (R-3)

8. Are Forest Service roads/easements involved with accessing your development? Yes No (Circle)
If yes, explain: _____

9. What County maintained road(s) will the development be accessing from? STORIE LANE

10. 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 mailed to the Land Owner of Record and copies sent to the authorized agent.

Signature of Authorized Agent:

Date:

(REQUIRED if indicated on application)

X *Forrest Cretz, LLC*
Forrest Cretz

12/15/05

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

Date:

X *[Signature]*

12/15/05

Vista West Performance Based Cluster Plat

Project Description

The proposed development includes a subdivision of approximately 21.0 acres into 10 single-family residential lots pursuant to Chapter 16.09 KCC. Lot sizes will range from approximately 0.92 acre to 1.15 acres and will be developed as a single phase with construction to occur within five years of preliminary approval. Approximately 11.45 acres of total open space will be included, of which approximately 2.40 acres includes critical areas, resulting in approximately 9.05 acres (43%) of net open space area.

Access

Access to the site is proposed from Storie Lane via an existing bridge over the KRD canal and connecting to existing private roadways. Currently, this route provides access to 15 existing lots of record lying east of Little Creek, plus an additional six lots pending final plat approval. The proposed development would create an additional nine lots, for a total of 30 lots served. A second access route is not proposed or should be required at this time (see KCC 12.01.095(2)).

Utilities

Power: Puget Sound Energy

Telephone: Qwest

Sanitary Sewage Disposal: Individual on-site septic

Potable Water Supply: Group B Water System

Public Benefit

Open Space: 9.05 acres or 43% of site in open space for perpetuity – Rural Points = 43.

Health and Safety: Connection to a Group B water system – Rural Points = 25.

Vista West
Performance Based Cluster Plat – Narrative

The proposed development includes a subdivision of approximately 21.0 acres into 10 single-family residential lots pursuant to Chapter 16.09 KCC. Lot sizes will range from approximately 0.92 acre to 1.15 acres and will be developed as a single phase with construction anticipated occurring in 2010 or later.

Public Benefit

The subject property is zoned Rural – 3, which requires a minimum of 9.0 acres for open space allocation and a maximum density bonus of 100%. The proposed development includes approximately 11.45 acres of total open space, of which approximately 2.40 acres includes critical areas, resulting in approximately 9.05 acres (43%) of net open space area.

Rural Points = 43

A Group B water system is proposed to serve the development, which will require approval by Washington State Dept. of Health.

Rural Points = 25

Lot Yield Calculation (*Total Rural Points = 68*):

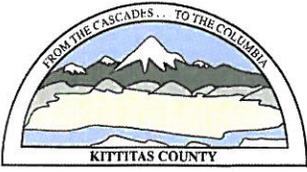
- 1) 21 acres divided by 3 acres min. lot size = 7 whole lots
- 2) 7 lots times 43% (within the 68% earned and 100% max.) = 3 whole lots
- 3) Total lot yield proposed = 10 whole lots

Please refer to the attached Public Benefit Ratings System Chart for additional detail.

VISTA WEST - PUBLIC BENEFIT RATINGS SYSTEMS CHART

Base Acreage:	21	Open Space Required:	9 ac.
Base Lot Yield:	7	Net Open Space Provided (43%):	9.05 ac.
Max. Bonus Lots:	7	Water Supply:	Group B
Max. Lot Yield:	14	Sanitary Sewer:	Individual Septic Systems
Proposed Lot Yield:	10	Zoning:	Rural-3

Element	Points Available	Points Awarded	Comments
Transportation			
Additional ROW Width	0	0	Not applicable for Rural lands
Connectivity	25	0	Connectivity of easements is pre-existing
Multi-Modal Access	25	0	Site is not adjacent to public recreation lands
Streetscape Design Standards	0	0	Not applicable for Rural lands
Open Space			
50% of site for 25 years	0	0	Not applicable for Rural lands
40% - 80% in perpetuity	40-80	43	11.45 ac. total open space (less 2.4 ac. in critical areas)
Wildlife Habitat			
Connectivity to Wildlife Corridors	15	0	Site is not adjacent to existing corridors
Critical Areas Enhancement	10	0	Site constraints limit the availability of additional buffers
Health and Safety			
Connection to Municipal Water	0	0	Not applicable for Rural lands
Connection to Group A	50	0	The lots are to be served as part of a Group B System
Connection to Group B	25	25	
Connection to Sewage System	0	0	Not applicable for Rural lands
Community Septic System	10	0	Site constraints limit the available area
Reclaimed Water System	50	0	Not feasible for a development of this size
Recreation			
Passive (private or public)	5 or 10	0	No Passive Recreation provisions are proposed
Active (private or public)	10 or 20	0	No Active Recreation provisions are proposed
Formal (private or public)	10 or 25	0	Not feasible for a development of this size
TOTAL		68	Of 68 total points scored, only 43 will be applied to the bonus.



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

SEPA ENVIRONMENTAL CHECKLIST FEE \$470.00

PURPOSE OF CHECKLIST:

The State Environmental Protection Act (SEPA), chapter 43.21C RCW. Requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

INSTRUCTIONS FOR APPLICANTS:

This environmental checklist asks you to describe some basic information about your proposals. Governmental agencies use this checklist to determine whether the environmental impacts or your proposal are significant, requiring preparation if an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "don not know" or "does not apply" Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

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

USE OF CHECKLIST FOR NONPROJECT PROPOSALS:

Complete this checklist for non-project proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS.

For non-project actions, the references in the checklist to the words "project," "applicant" and "property or site" should be read as "proposal," "proposer" and "affected geographic are" respectively.

TO BE COMPLETED BY APPLICANT

FOR STAFF USE

A. BACKGROUND

1. Name of proposed project, if applicable:

Vista West Performance Based Cluster Plat

2. Name of applicant:

Fortune Creek, LLC

3. Address and phone number of applicant and contact person:

*Sean Northrop
206 West 1st Street
Cle Elum, WA 98922
(509) 674-6828*



KIRK HOLMES, INTERIM DIRECTOR

JAN OLLIVIER, TRANSPORTATION MANAGER

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

4. Date checklist prepared:

December 9, 2009

5. Agency requesting checklist:

Kittitas County Community Development Services

6. Proposed timing or schedule (including phasing, if applicable):

Preliminary approval is anticipated within 120 days and construction will occur in summer of 2010 or later

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

None proposed at this time.

8. List any environmental information you know about that had been prepared, or will be prepared, directly related to this proposal.

A Custom Soil Resource Report was prepared by USDA NRCS.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None known.

10. List any government approvals or permits that will be needed for your proposal, if known.

Preliminary and final plat approval by Kittitas County Community Development Services; Right-of-Way Use permit for access to Storie Lane by Kittitas County Dept. of Public Works; Construction Stormwater General Permit by Washington State Dept. of Ecology; and, Group B Water System Plan approval by Washington State Dept. of Health.

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

The proposed project consists of a Performance Based Cluster Subdivision, pursuant to Chapter 16.09 KCC, of approximately 21 acres into 10 single-family residential lots. The subdivision will be completed in one phase and constructed during the summer of 2010 or later. The site is accessed from existing private roadways via Storie Lane (county road) and a new private roadway will be constructed for internal lot access. A Group B Community Water System is proposed for potable water supply and on-site septic systems will provide sanitary sewage disposal. A total of approximately 11.45 acres of open space is proposed, including approximately 2.40 acres located within critical areas.

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

The subject property is located within the North-half of Section 33, T. 20N., R. 14E., W.M., within Kittitas County and is accessed from the end of Storie Lane. Please refer to the attached preliminary plat for additional information.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one): flat, rolling, hilly, steep slopes, mountainous, other.

Hilly- 5 to 30 percent slopes.

b. What is the steepest slope on the site (approximate percent slope)?

Thirty percent.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

According to the NRCS Custom Soil Resource Report, the site largely consists of Volperie very paragravelly ashy sandy loam, 5 to 30 percent slopes.

d. Are there surface indications or history of unstable soils in the immediate vicinity?

None known or observed during the November 25, 2009 site visit.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

Approximately 1,250 lineal feet of roadway and underground utilities will be constructed. It is estimated that approximately 4,000 cubic yards of grading and road material will be required. The source of fill and/or road materials is unknown at this time, but will meet or exceed WSDOT specifications.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Erosion could occur as a result of clearing and grading if disturbed soils are left exposed during the wet season and/or during storm events without proper stormwater treatment measures.

g. About what percentage of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Less than 15% of the site will be covered with impervious surfaces after project construction.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

A SWPPP will be prepared prior to any ground disturbing activities and a Construction Stormwater General Permit obtained. BMP's will be employed prior, during and after construction activities until such time that the site has been stabilized.

2. AIR

- a. What types of emissions to the air would result from the proposal (i.e. dust, automobiles, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Normal emissions from construction equipment will occur during construction activities. Post-construction emissions will likely include wood smoke from chimneys and automobile emissions commonly associated with residential traffic.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None known.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

All vehicles and equipment will be properly fitted with emissions devices in compliance with Washington State emissions and/or air quality standards.

3. WATER

- a. Surface

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what streams or river it flows into.

Little Creek and associated wetlands are located on the western boundary of the subject property.

- 2) Will the project require any work over, in or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Little Creek and associated wetlands will be placed in an Open Space Tract and no work is proposed within approximately 700 feet.

- 3) Estimate the fill and dredge material that would be placed in or removed from surface water or wetlands, and indicate the area of the site that would be affected. Indicate the source of fill material.

None proposed.

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

None proposed.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Approximately 200 feet of the western portion of the subject property is located within the 100-year floodplain of Little Creek. However, this area is to be placed within an Open Space Tract and no work is proposed within approximately 700 feet.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

None proposed.

b. Ground

1) Will groundwater be withdrawn, or will water be discharged to surface waters? If so, give general description, purpose, and approximate quantities if known.

Groundwater will be withdrawn to serve the proposed Group B Water System. Each single-family residence will likely require approximately 250 gpd.

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

Individual on-site septic systems are proposed for each of the 10 lots.

c. Water Runoff (including storm water):

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

Stormwater will be generated from the proposed roadway and future impervious surfaces, such as driveways and rooftops. Runoff will be collected and treated in a stormwater detention system prior to release into the existing drainage courses. All stormwater facilities will be designed and constructed in accordance with DOE's Stormwater Management Manual for Eastern Washington.

2) Could waste materials enter ground or surface waters? If so, generally describe.

None known or anticipated.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

Runoff will be collected and treated in a stormwater detention system prior to release into the existing drainage courses. All stormwater facilities will be designed and constructed in accordance with DOE's Stormwater Management Manual for Eastern Washington.

4. PLANTS

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattails, buttercup, bulrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation: _____

b. What kind and amount of vegetation will be removed or altered?

Existing trees and understory will be removed to facilitate road construction and underground utilities. Construction of the proposed roadway should disturb less than one acre.

c. List threatened or endangered species known to be on or near the site.

None known or identified.

d. Proposed landscaping use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Approximately 11.45 acres of the site will be retained as open space.

5. ANIMALS

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

- birds: hawk, heron, eagle, songbirds, other:
- mammals: deer, bear, elk, beavers, other:
- fish: bass, salmon, trout, herring, shellfish, other: _____

b. List any threatened or endangered species known to be on or near the site.

None known or identified.

c. Is the site part of a migration route? If so, explain.

None known.

d. Proposed measures to preserve or enhance wildlife, if any.

Approximately 11.45 acres of the site will be retained as open space.

6. ENERGY AND NATURAL RESOURCES

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

Energy sources for future residences will likely include electricity and wood stoves. The use of solar and/or other alternative energy sources will be encouraged.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, describe.

None known.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

Energy-efficient and "green" building practices will be encouraged for future residences.

7. ENVIRONMENTAL HEALTH

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

None known.

1) Describe special emergency services that might be required.

None known.

2) Proposed measures to reduce or control environmental health hazards, if any.

None proposed or necessary.

b. Noise

1) What types of noise exist in the area which may affect your project (for example, traffic, equipment, operation, other)?

None known.

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

Construction noise will occur during normal daytime hours.

3) Proposed measures to reduce or control noise impacts, if any.

Construction hours will be limited to normal daytime hours, 7:00 a.m. – 6:00 p.m.

8. LAND AND SHORELINE USE

a. What is the current use of the site and adjacent properties?

The subject property and adjacent properties are currently vacant and zoned for residential development. The site is located within an area characteristic of rural residential development.

b. Has the site been used for agriculture? If so, describe.

None known.

c. Describe any structures on the site.

None.

d. Will any structures be demolished? If so, what?

None.

e. What is the current zoning classification of the site?

Rural – 3

f. What is the current comprehensive plan designation of the site?

Rural

g. If applicable, what is the current shoreline master program designation of the site?

Conservancy

h. Has any part of the site been classified as an environmentally sensitive area?

None known.

i. Approximately how many people would the completed project displace?

None.

j. Approximately how many people would reside or work in the completed project?

Based upon 2.3 persons per household, approximately 23 people would reside in the subdivision at full build-out.

k. Proposed measures to avoid or reduce displacement impacts, if any.

None proposed or necessary.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.

The proposed development is consistent with the Comprehensive Plan designation (Rural), is in compliance with the underlying zoning (Rural – 3) and all applicable development regulations and is compatible with the existing neighborhood. No additional measures are proposed or necessary.

9. HOUSING

a. Approximately how many units would be provided, if any? Indicate whether high, middle or low-income housing.

No units are proposed at this time, but at full build-out, the subdivision will provide for 10 residences. The residences will likely be middle to high-income.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle or low-income housing.

None.

c. Proposed measures to reduce or control housing impacts, if any.

None proposed or necessary.

10. AESTHETICS

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

Future residences likely will not exceed 35 feet in height.

b. What views in the immediate vicinity would be altered or obstructed?

Portions of the proposed subdivision and future residences will be visible from adjacent properties.

c. Proposed measures to reduce or control aesthetic impacts, if any.

Future CC&R's should encourage the use of natural building materials and natural or earth-tone colors.

11. LIGHT AND GLARE

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Light and glare commonly associated with residential development will likely occur during daytime and nighttime hours.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

No significant hazards or interference with views is anticipated.

c. What existing off-site sources of light or glare may affect your proposal?

None known.

d. Proposed measures to reduce or control light and glare impacts, if any.

Exterior lighting should be shielded and hooded and directed downward.

12. RECREATION

a. What designated and informal recreational opportunities are in the immediate vicinity?

The site is located in upper Kittitas County, which hosts a variety of wintertime and summertime recreational activities, including snow skiing, snowmobiling, hiking, camping, hunting, boating, fishing and other similar outdoor activities.

b. Would the proposed project displace any existing recreational uses? If so, describe.

None known.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None proposed or necessary.

13. HISTORIC AND CULTURAL PRESERVATION

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

None known or identified.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

None known or identified.

- c. Proposed measures to reduce or control impacts, if any.

If ground disturbance or other activities related to the proposed development should result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact made with the Washington State DAHP, SHPO and/or affected tribes. Work shall remain suspended until the find is assessed and appropriate consultation is conducted.

14. TRANSPORTATION

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

Proposed access to the development is from Storie Lane.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

None known.

- c. How many parking spaces would the completed project have? How many would the project eliminate?

No on-street parking is proposed and no parking spaces would be eliminated.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No physical improvements to Storie Lane or the existing private roads should be necessary. The proposed internal private roadway will be constructed in full compliance with all applicable Kittitas County Private Road Standards.

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

None known.

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

According to the Institute of Transportation Engineers, the finished project would generate approximately 100 trips per day. Peak volumes would likely occur during weekend and holiday traffic.

g. Proposed measures to reduce or control transportation impacts, if any.

All necessary road improvements will be constructed in full compliance with all applicable Kittitas County Road Standards.

15. PUBLIC SERVICE

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

An incremental increase in public services would be generated at the time of residential construction and occupancy.

b. Proposed measures to reduce or control direct impacts on public services, if any.

No significant direct impacts are anticipated and no special measures to reduce or control direct impacts on public services are proposed.

16. UTILITIES

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse services, telephone, sanitary sewer, septic system, other.

b. Describe the utilities that are proposed for the project, the utility providing the services, and the general construction activities on the site or in the immediate vicinity which might be needed.

The development will be served by a Group B Water System and individual on-site septic systems and PSE will provide electric service to the site. All utilities will be constructed underground and in compliance with all applicable standards.

C. SIGNATURE

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

Signature: _____

Date: 12/15/05

Print Name: SEBASTIAN A. KOPPEL

USDA United States
Department of
Agriculture



Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for Kittitas County Area, Washington

Vista West Performance Based Cluster Plat



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://soils.usda.gov/sqi/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<http://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://soils.usda.gov/contact/state_offices/).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Soil Data Mart Web site or the NRCS Web Soil Survey. The Soil Data Mart is the data storage site for the official soil survey information.

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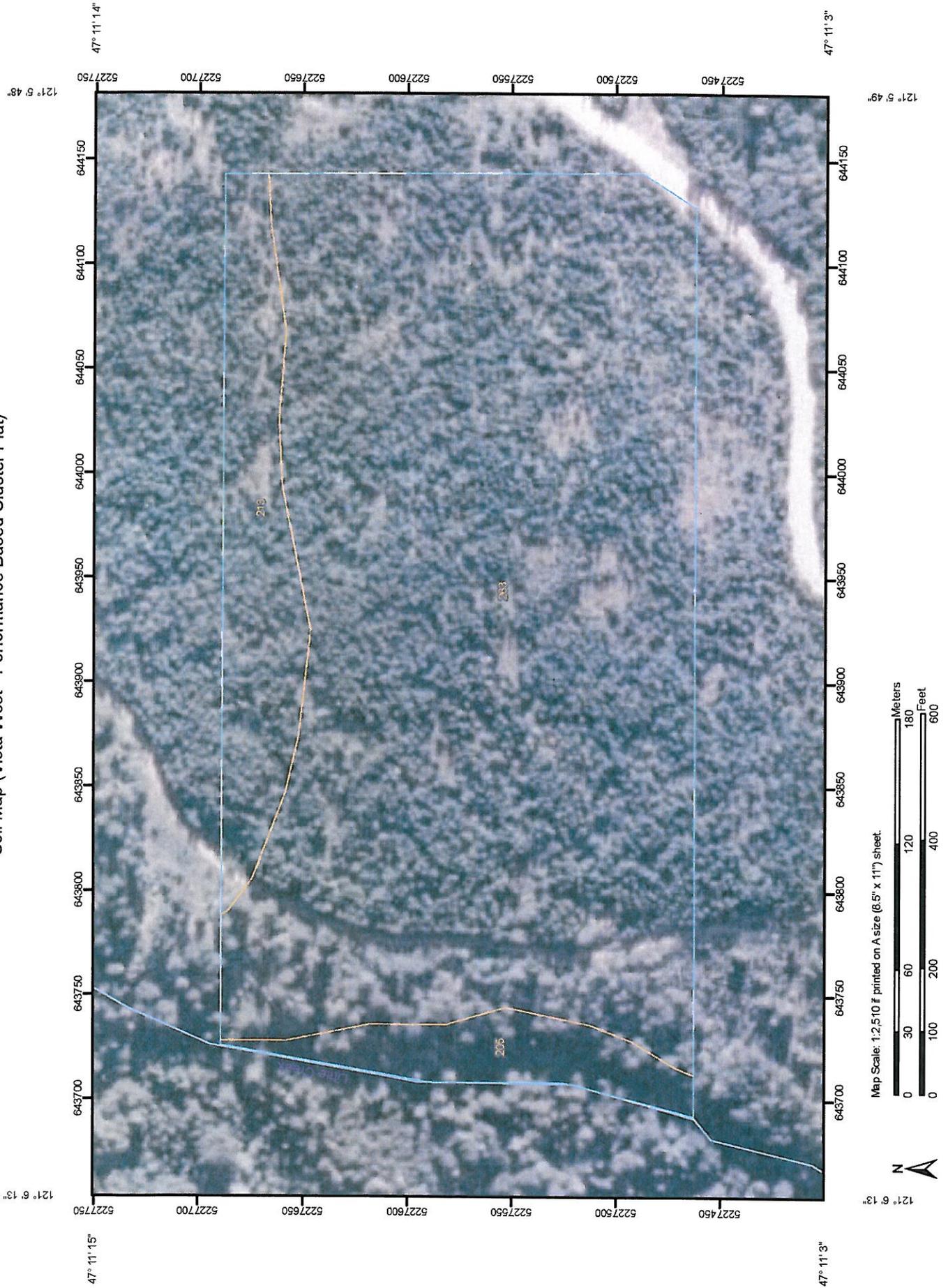
Contents

Preface	2
Soil Map	5
Soil Map (Vista West - Performance Based Cluster Plat).....	6
Legend.....	7
Map Unit Legend (Vista West - Performance Based Cluster Plat).....	8
Map Unit Descriptions (Vista West - Performance Based Cluster Plat).....	8
Kittitas County Area, Washington.....	10
205—Xerofluvents, 0 to 5 percent slopes.....	10
213—Roslyn ashy sandy loam, moist, 3 to 25 percent slopes.....	11
263—Volperie very paragravelly ashy sandy loam, 5 to 30 percent slopes.....	12

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report
Soil Map (Vista West - Performance Based Cluster Plat)



MAP LEGEND

	Area of Interest (AOI)		Very Stony Spot
	Area of Interest (AOI)		Wet Spot
	Soils		Other
	Soil Map Units	Special Line Features	
	Blowout		Gully
	Borrow Pit		Short Steep Slope
	Clay Spot		Other
	Closed Depression	Political Features	
	Gravel Pit		Cities
	Gravelly Spot	Water Features	
	Landfill		Oceans
	Lava Flow		Streams and Canals
	Marsh or swamp	Transportation	
	Mine or Quarry		Rails
	Miscellaneous Water		Interstate Highways
	Perennial Water		US Routes
	Rock Outcrop		Major Roads
	Saline Spot		Local Roads
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		
	Spoil Area		
	Stony Spot		

MAP INFORMATION

Map Scale: 1:2,510 if printed on A size (8.5" x 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
 Coordinate System: UTM Zone 10N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Kittitas County Area, Washington
 Survey Area Data: Version 3, Jun 15, 2009

Date(s) aerial images were photographed: 7/27/2006

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend (Vista West - Performance Based Cluster Plat)

Kittitas County Area, Washington (WA637)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
205	Xerofluvents, 0 to 5 percent slopes	1.3	5.3%
213	Roslyn ashy sandy loam, moist, 3 to 25 percent slopes	2.6	10.5%
263	Volperie very paragravelly ashy sandy loam, 5 to 30 percent slopes	20.4	84.1%
Totals for Area of Interest		24.2	100.0%

Map Unit Descriptions (Vista West - Performance Based Cluster Plat)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic

Custom Soil Resource Report

classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Kittitas County Area, Washington

205—Xerofluvents, 0 to 5 percent slopes

Map Unit Setting

Elevation: 500 to 2,500 feet

Mean annual precipitation: 7 to 50 inches

Mean annual air temperature: 43 to 50 degrees F

Frost-free period: 110 to 180 days

Map Unit Composition

Xerofluvents and similar soils: 85 percent

Minor components: 15 percent

Description of Xerofluvents

Setting

Landform: Flood plains, stream terraces

Down-slope shape: Concave

Across-slope shape: Concave

Parent material: Alluvium

Properties and qualities

Slope: 0 to 5 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Somewhat excessively drained

Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)

Depth to water table: About 36 inches

Frequency of flooding: Frequent

Frequency of ponding: None

Available water capacity: Low (about 4.4 inches)

Interpretive groups

Land capability (nonirrigated): 4s

Other vegetative classification: Douglas-fir/elk sedge (CDG132)

Typical profile

0 to 2 inches: Moderately decomposed plant material

2 to 20 inches: Sandy loam

20 to 23 inches: Loamy sand

23 to 60 inches: Extremely cobbly sand

Minor Components

Racker

Percent of map unit: 10 percent

Aquolls

Percent of map unit: 5 percent

Landform: Flood plains

Ecological site: WET ALKALI MEADOW 6-9 PZ (R007XY603WA)

213—Roslyn ashy sandy loam, moist, 3 to 25 percent slopes

Map Unit Setting

Elevation: 1,900 to 2,400 feet
Mean annual precipitation: 30 to 40 inches
Mean annual air temperature: 43 to 45 degrees F
Frost-free period: 85 to 115 days

Map Unit Composition

Roslyn, moist, and similar soils: 85 percent
Minor components: 15 percent

Description of Roslyn, Moist

Setting

Landform: Kame terraces, terraces, valley sides
Down-slope shape: Concave, linear
Across-slope shape: Concave, convex
Parent material: Glacial drift with a mantle of loess and volcanic ash

Properties and qualities

Slope: 3 to 25 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water capacity: Moderate (about 8.5 inches)

Interpretive groups

Land capability (nonirrigated): 4e
Other vegetative classification: grand fir/vine maple (CWS551)

Typical profile

0 to 1 inches: Moderately decomposed plant material
1 to 8 inches: Ashy sandy loam
8 to 15 inches: Ashy sandy loam
15 to 37 inches: Loam
37 to 60 inches: Gravelly loam

Minor Components

Quicksell

Percent of map unit: 5 percent

Bertolotti

Percent of map unit: 5 percent

Custom Soil Resource Report

Nard

Percent of map unit: 5 percent

263—Volperie very paragravelly ashy sandy loam, 5 to 30 percent slopes

Map Unit Setting

Elevation: 2,200 to 2,700 feet

Mean annual precipitation: 30 to 50 inches

Mean annual air temperature: 43 to 45 degrees F

Frost-free period: 80 to 110 days

Map Unit Composition

Volperie and similar soils: 80 percent

Minor components: 20 percent

Description of Volperie

Setting

Landform: Mountain slopes

Landform position (two-dimensional): Summit, shoulder, backslope

Down-slope shape: Linear

Across-slope shape: Convex

Parent material: Residuum from phyllite and schist with a mantle of volcanic ash

Properties and qualities

Slope: 5 to 30 percent

Depth to restrictive feature: 30 to 40 inches to paralithic bedrock

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Available water capacity: Low (about 3.8 inches)

Interpretive groups

Land capability (nonirrigated): 4e

Other vegetative classification: grand fir/pinegrass (CWG124)

Typical profile

0 to 1 inches: Slightly decomposed plant material

1 to 8 inches: Very paragravelly ashy sandy loam

8 to 16 inches: Very paragravelly loam

16 to 38 inches: Gravelly loam

38 to 48 inches: Weathered bedrock

Minor Components

Nard

Percent of map unit: 5 percent

Custom Soil Resource Report

Roslyn

Percent of map unit: 5 percent

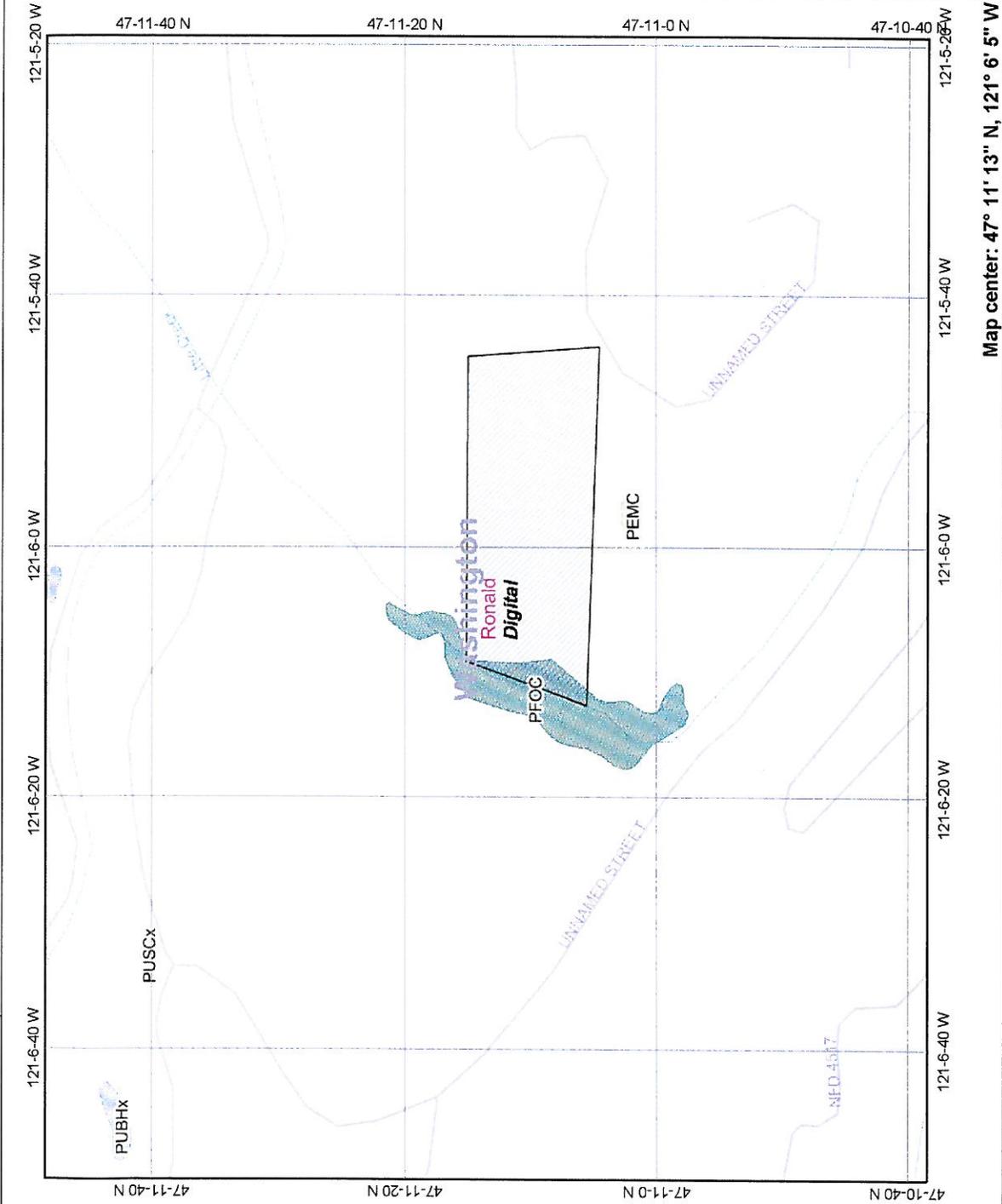
Kladnick

Percent of map unit: 5 percent

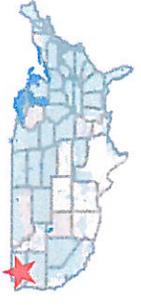
Bertolotti

Percent of map unit: 5 percent

Vista West Performance Based Cluster Plat



Map center: 47° 11' 13" N, 121° 6' 5" W



Legend

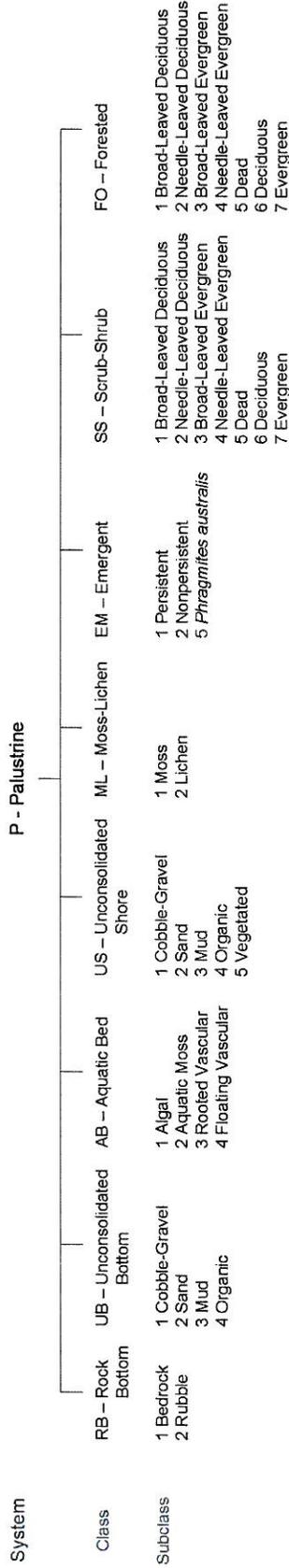
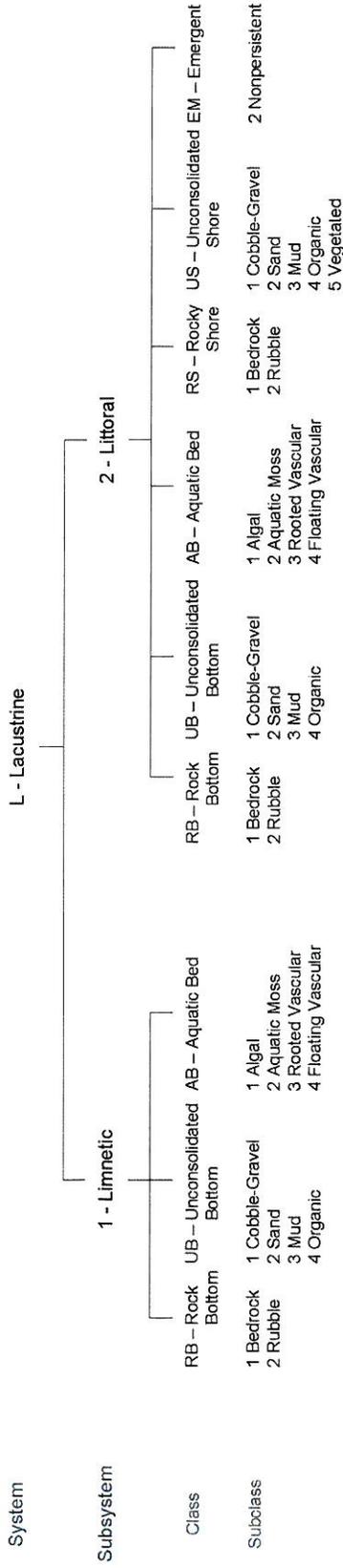
- Ohio_wet_scan
 - 0
 - 1
 - Out of range
- Interstate
- Major Roads
- Other Road
- Interstate
- State highway
- US highway
- Roads
- Cities
- USGS Quad Index 24K
- Lower 48 Wetland Polygons
 - Estuarine and Marine Deepwater
 - Estuarine and Marine Wetland
 - Freshwater Emergent Wetland
 - Freshwater Forested/Shrub Wetland
 - Freshwater Pond
 - Lake
 - Other
 - Riverine
- Lower 48 Available Wetland Data
 - Non-Digital
 - Digital
 - No Data
 - Scan
- NHD Streams
- Counties 100K
- States 100K
- South America
- North America



Scale: 1:15,144

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

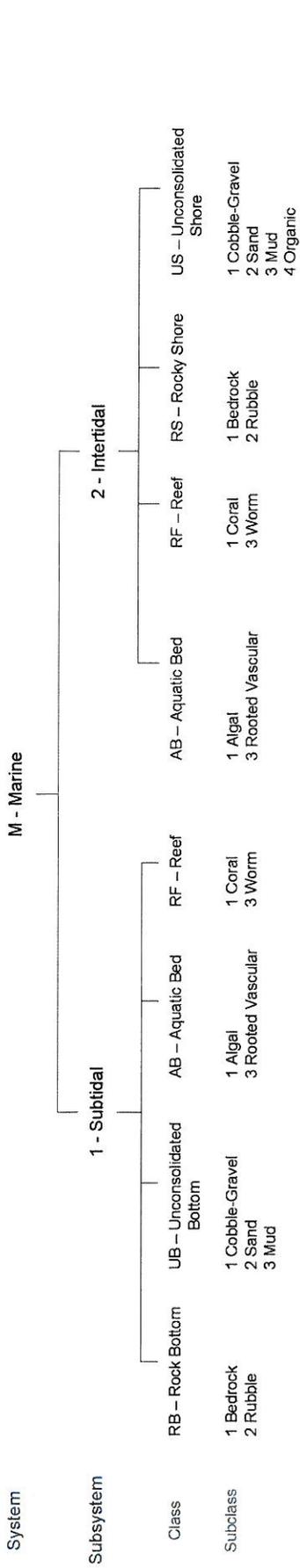
WETLANDS AND DEEPWATER HABITATS CLASSIFICATION



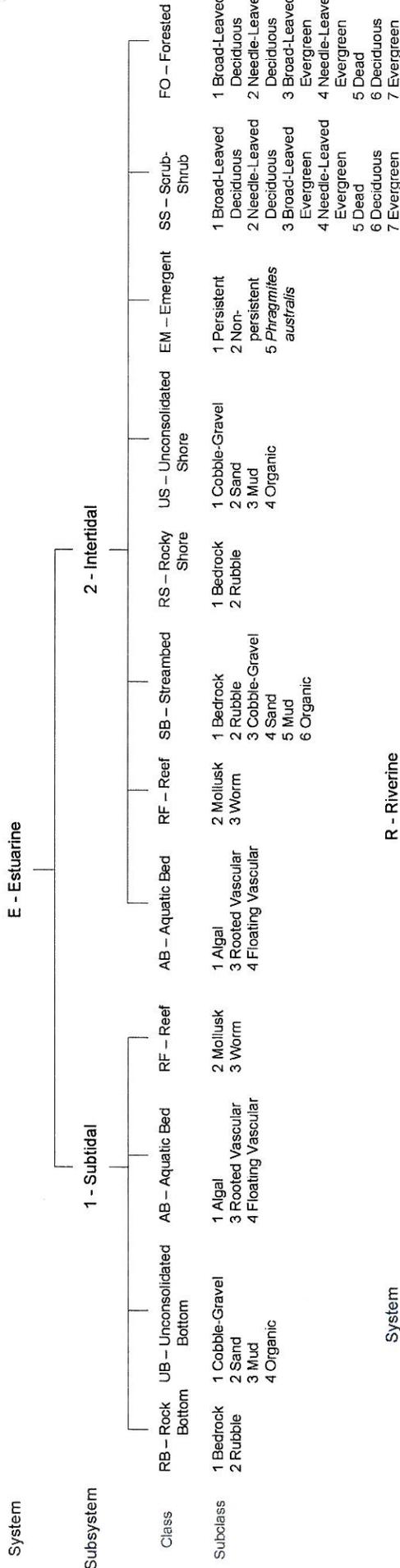
		Water Regime		Special Modifiers		Water Chemistry		Soil
		Saltwater Tidal	Freshwater Tidal			Coastal Halinity	Inland Salinity	
A	Temporarily Flooded	L Subtidal	S Temporarily Flooded-Tidal	b Beaver	1 Hyperhaline	7 Hypersaline	a Acid	g Organic
B	Saturated	M Irregularly Exposed	R Seasonally Flooded-Tidal	d Partly Drained/Ditched	2 Euhaline	8 Eusaline	t Circumneutral	n Mineral
C	Seasonally Flooded	N Regularly Flooded	T Semipermanently Flooded-Tidal	f Farmed	3 Mixohaline (Brackish)	9 Mixosaline	l Alkaline	
E	Seasonally Flooded/Saturated	P Irregularly Flooded	V Permanently Flooded-Tidal	h Diked/Impounded	4 Polyhaline	0 Fresh		
F	Semipermanently Flooded			r Artificial	5 Mesohaline			
G	Intermittently Exposed			s Spoil	6 Oligohaline			
H	Permanently Flooded			x Excavated	0 Fresh			
J	Intermittently Flooded							
KA	Artificially Flooded							

In order to more adequately describe the wetland and deepwater habitats, one or more of the water regime, water chemistry, soil, or special modifiers may be applied at the class or lower level in the hierarchy. The farmed modifier may also be applied to the ecological system.

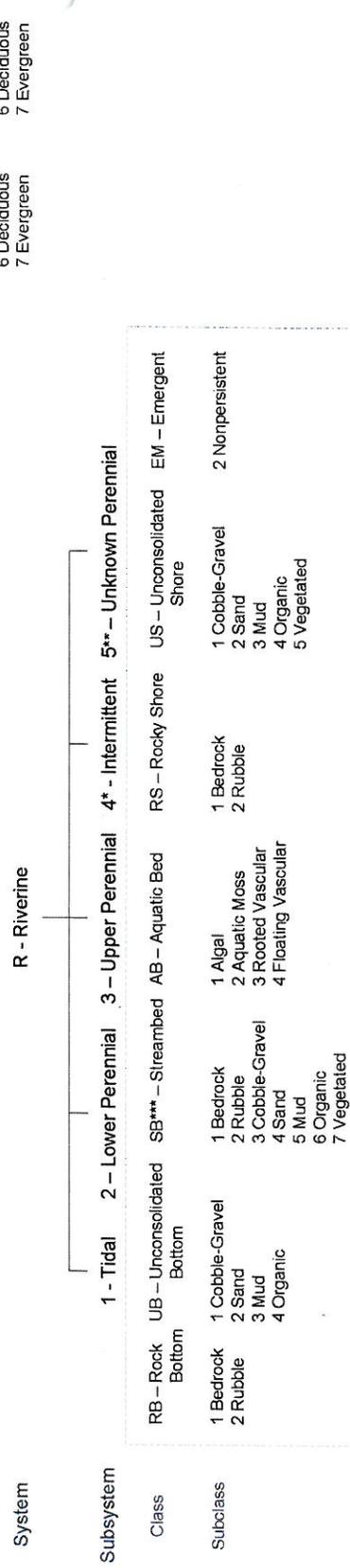
WETLANDS AND DEEPWATER HABITATS CLASSIFICATION



E - Estuarine

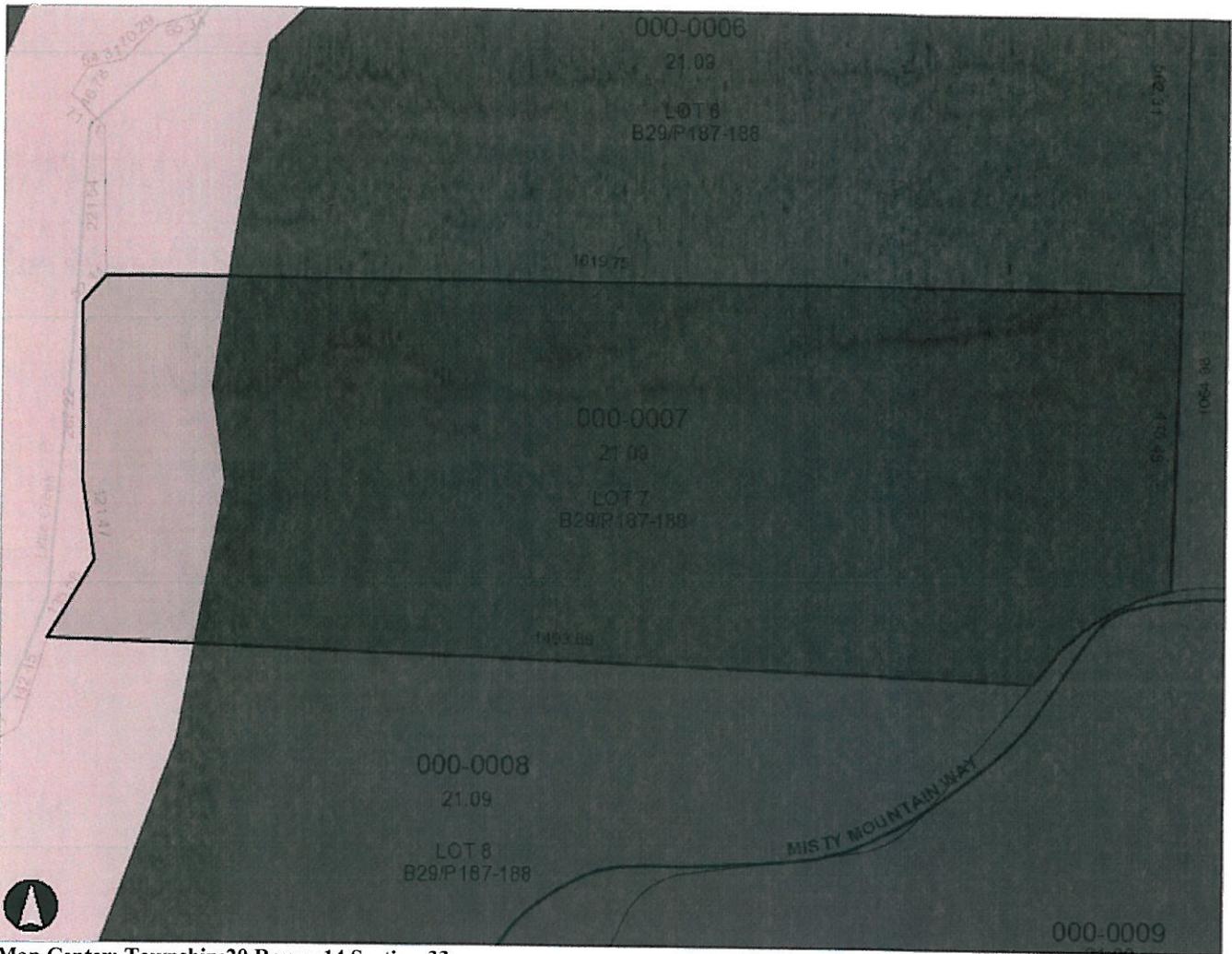


R - Riverine



* Intermittent is limited to the Streambed Class
 ** Unknown Perennial is limited to Unconsolidated Bottom
 *** Streambed is limited to Tidal and Intermittent Subsystems

Vista West - Floodway



Map Center: Township:20 Range:14 Section:33

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